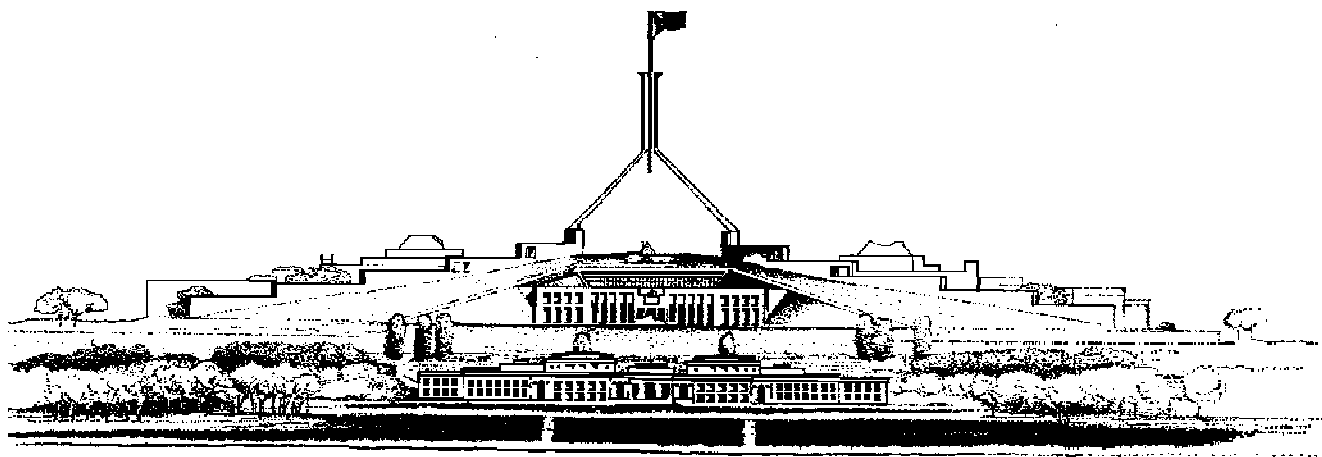




COMMONWEALTH OF AUSTRALIA
PARLIAMENTARY DEBATES



SENATE

Official Hansard

THURSDAY, 27 JUNE 1996

THIRTY-EIGHTH PARLIAMENT
FIRST SESSION—FIRST PERIOD

BY AUTHORITY OF THE SENATE
CANBERRA

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Thursday, 27 June 1996

The PRESIDENT (Senator the Hon. Michael Beahan) took the chair at 9.30 a.m., and read prayers.

PARLIAMENT HOUSE ART COLLECTION

The PRESIDENT—With the leave of the Senate, I wish to incorporate in *Hansard* a short statement which is in response to the comments made by Mr Ross Cameron, the new member for Parramatta, during the adjournment debate in the other place on Thursday, 20 June. I am sorry that my statement has been circulated fairly late. The honourable member's comments were highly critical of the Parliament House art collection and of my role in promoting its development. I have not got any other time to incorporate this statement, so I would like to do it now in the interests of the speed of business.

Leave granted.

The statement read as follows—

RESPONSE TO MR ROSS CAMERON MP

I rise to respond to the comments made by Mr Ross Cameron, the new member for Parramatta, during the adjournment debate in the other place on Thursday 20 June. His comments were highly critical of the Parliament House Art Collection and of my role in promoting its development.

Mr Cameron's dissatisfaction with the collection appears to stem from the art shown to him recently when he was selecting works for his office. He apparently feels, based on this viewing, that the art collection "systematically discriminates against anything vaguely traditional" which would not be included in the collection because they "would not conform to the strict, elitist and completely arbitrary criteria of those selecting the artworks of this parliament".

Unfortunately, the member for Parramatta's comments are not based on the overall balance of the collection. What he saw were the works of art remaining after all of the many, much more senior, Senators and Members before him had made their selections. Perhaps when he has been in Parliament a little longer he may find the selection available to him more to his liking. I am advised that the Member for Parramatta has now decorated his office with the portraits of former Governors-General.

As far as I can tell, Mr Cameron is worried that the collection contains many abstract works of art. In his comments Mr Cameron approvingly quoted from an earlier letter to me from Senator Woods who said that "we have a collection almost entirely devoted to the avant-garde". But this is mistaken. The avant-garde in any field refers to works that are in the vanguard of recent developments. Abstract art has been made for most of this century and is an established style, regarded as deadly conservative by the practitioners of the more radical forms of conceptual, installation and performance art, none of which are represented in Parliament House.

The member for Parramatta appears to be ignorant of the background to the collection so I will briefly outline it here. The Art Advisory Committee of the Parliament House Construction Authority was the only advisory committee set up by the Authority and included some of the most senior and expert members of the Australian visual arts community as well as parliamentarians. The Authority reported in detail to the Joint Standing Committee on the New parliament House which established a sub-committee to allow closer parliamentary scrutiny of the art program. The Joint Standing Committee approved not only the direction of the collection but also much of its detail. The original budget for works of art for the offices of Senators and Members was however much reduced as a result of budget cuts in 1986 and this resulted in a reduced collection which lacked some of the intended range and balance.

The collection was, and is, intended to complement and evolve organically from the building's form, function and symbolism, rather than being added as a decorative dressing. In the words of Aldo Giurgola, the Senior Design Architect for Parliament House:

Just as the building is intended to express strong convictions while remaining flexible as a workplace over the coming years, so also is the art program intentionally formulated to provide a clear sense of order and direction while nevertheless allowing for the varying points of view, styles, and accretion of works which will occur throughout the country's future

Mr Cameron also sought to articulate his position by quoting general comments by two arts writers. Neither of them discussed particular works of art to illustrate their cases. Had they done so Mr Cameron would have found that art critic Giles Auty approves of many artists in the collection which Mr Cameron would find 'beyond the pale', including Clifford Possum, Emily Kame Kngwarr-eye, Joy Hester, Godfrey Miller and Roger Kemp.

The second writer Mr Cameron quoted was Terence Maloon, senior education officer at the Art Gallery

of New South Wales and recently a member of the Visual Arts/Craft Board of the Australia Council. The article from which Mr Cameron quoted was actually written in defence of contemporary art. In the article he plays the devils' advocate, setting out the popular case against contemporary art (the parts quoted by Mr Cameron) and then providing a considered rebuttal.

Terence Maloon makes the obvious point that of the great variety of art being made, a considerable quantity will be of poor quality. The difficulty he sees for many people is that they are unable to separate the good from the bad and resent the idea that others can, preferring to dismiss the whole endeavour instead of learning to discriminate for themselves. Some people seem to believe that of all areas of human endeavour, only the products of visual artists must be accessible to all people without effort. It's like insisting that all English literature is rubbish because you can't read English.

As the member for Parramatta notes I reinstituted the acquisition program in early 1995. I did so because the 1986 cut had left the collection unbalanced and too small, but the responsibility for approving particular works rests with an art advisory committee to which a consultant curator recommends individual works. The advisory committee, which I Chair, is composed of the Presiding Officers and two members of the Joint House Committee. We provide parliamentary scrutiny and represent the collection's main client group as well as what might be called non-expert taste. Four other members of the Committee are expert members, including the senior curator of Australian art from the National Gallery; a senior member of the Visual Arts/Craft Board; the partner in Mitchell/Giurgola Thorp Architects who co-conceived of the collection and co-ordinated its development in the 1980s; and a younger practising artist.

The acquisitions policy is far from being strict, elitist or arbitrary. It is instead designed to be fairly open so as to encompass the best of the work being made at any time. In this way the recent acquisitions for the collection reflect the return of figuration as a dominant style after the predominance of abstraction during the 1980s. Some of our criteria are that works speak with a clear and fresh voice; are of high quality; represent the multiplicity of visions in Australia; and ensure an evolving contemporaneity in the collection. How effectively these criteria are being applied I leave to you all to decide when viewing the exhibition.

Obviously not all of the works acquired will be to the taste of individual Members and Senators, but even Mr Cameron conceded that "there are some works of obvious ability and interest" in the current exhibition of new acquisitions. I would be the first to agree. Indeed there is vigorous competition

among some members and senators to snap up the works in the exhibition. For example, the painting by Lin Onus he referred to in his comments usually hangs in the office of the Deputy Prime Minister; an individual who few of us would accuse of having radical or pretentious tastes.

The business of the parliament is to provide for the interests of all Australians in coming to terms with the challenges of contemporary life and to shape our common future. This is not a place for relaxation and basking in the reflected glory of past achievement. By trying to select the best work of the emerging and established artists of our time we are bring into this building their perspectives on Australian society. As in all endeavours, our success will be gauged by those generations who follow us. We are building a collection for the future not one that mimics the past.

PETITIONS

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

Landmines

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

The Petition of the undersigned shows that we citizens of Australia support a world-wide ban on the production, stockpiling and use of all forms of anti-personnel land mines.

Your Petitioners request that the Senate support our call for a world-wide ban on the production, stockpiling and use of all forms of anti-personnel land mines, give high priority to support for efforts to clear land mines in affected countries and use its influence to encourage other countries to financially support the clearance of land mines in poor countries.

by **Senator Lees** (from 32 citizens).

Logging and Woodchipping

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

We are dismayed at the continuing destruction of old growth and wilderness forests around Australia, despite the National Forest Policy Statement jointly signed by the Commonwealth and all States except Tasmania.

Intensive logging, most often to feed a voracious woodchip industry is underway or planned for many high conservation value forests. These forests should be protected by the commitments of the Commonwealth and State Governments under the NFPS.

These forests include:

Coolangubra Wilderness and other areas of the S.E. Forests of NSW along with rainforest and

other N.E. areas of NSW including Wingham, Mistake, Richmond Range, Chaelundi, North Washpool, Barrington and Dorriggo.

The Southern Highlands, Great Western Tiers and Tarkine Wilderness of Tasmania.

The Karri and Jarrah forests of S.W. Western Australia.

The Errinundra Plateau and other areas of the East Gippsland forests of Victoria.

The rainforests of the Proserpine region of Queensland.

We request that the Government act urgently to protect our precious forests by utilising the Commonwealth's legal and constitutional powers, including:

Refusal of export woodchip licences

Powers to control corporations

Protection of areas listed on the register of the National Estate

Protection and effective funding of areas identified for their World Heritage values.

Genuine and effective action by the Government to protect these and other old growth and wilderness forests is critical. A comprehensive plantation strategy rather than exploiting native forests is the way forward for a truly environmentally responsible timber industry. We further request that the Government take effective action without further delay.

by **Senator Lees** (from 491 citizens).

Freedom of Choice

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

The humble Petition of the Citizens of Australia, respectfully sheweth:

That we:

(1) Affirm the importance of quality education for all the children of this Commonwealth of Australia irrespective of their religion, nationality or sex;

(2) Support the rights of parents to have freedom of choice of the school for their child;

(3) Support the right of all non-government schools to maintain their distinctive moral values and foundational ethos;

(4) Support the freedom of choice in staffing of all Churches and religious organisations.

(5) Support freedom of religion and the right of all Churches and religious organisations to maintain their distinctive foundational ethos.

Your petitioners therefore humbly pray that the Senate oppose any attempts to introduce legislation that would jeopardise these freedoms and rights and

which would force Schools, Churches and religious institutions to compromise their distinctive moral values and foundational ethos.

And your petitioners, as in duty bound, will ever pray:

by **Senator Sandy Macdonald** (from 227 citizens).

Industrial Relations

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

We the undersigned citizens respectfully submit that any reform to Australia's system of industrial relations should recognise the special needs of employees to be protected from disadvantage, exploitation and discrimination in the workplace.

We the petitioners oppose the Coalition policies which represent a fundamentally anti-worker regime and we call upon the Senate to provide an effective check and balance to the Coalition's legislative program by rejecting such a program and ensuring that:

(1) The existing powers of the Australian Industrial Relations Commission (AIRC) be maintained to provide for an effective independent umpire overseeing awards and workplace bargaining processes.

(2) The proposed system of Australian Workplace Agreements (AWAs) should be subject to the same system of approval required for the approval of certified agreements (through enterprise bargaining). Specifically an AWA should not come into effect unless it is approved by the AIRC.

(3) The approval of agreements contained in the legislation should be public and open to scrutiny. There should be provision for the involvement of parties who have a material concern relating to the approval of an agreement, including unions seeking to maintain the no disadvantage guarantees.

(4) Paid rates awards be preserved and capable of adjustment, as is currently the case in the legislation.

(5) The AIRC's powers to arbitrate and make awards must be preserved in the existing form and not be restricted to a stripped back set of minimum or core conditions.

(6) The legislation should encourage the processes of collective bargaining and ensure that a certified agreement within its term of operation cannot be over-ridden by a subsequent AWA.

(7) The secondary boycott provisions should be preserved in their existing form.

(8) The powers and responsibility of the AIRC to ensure the principle of equal pay for work of equal value should be preserved in its existing form. We oppose any attempt by the Coalition to

restrict the AIRC from dealing with over-award gender based pay equity issues.

(9) A 'fair go all round' for unfair dismissal so that all workers currently able to access these remedies are able to do so in a fair manner, at no cost.

(10) Workers under State industrial regulations maintain their rights to access the federal awards system in its current form.

Your petitioners therefore urge the Senate to reject the above proposed reforms to the area of industrial relations.

by **Senator Forshaw** (from 14 citizens).

Gun Controls

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

The petition of the undersigned shows:

that the overwhelming majority of Australians support uniform, national gun laws and the associated compensation measures as agreed between the Prime Minister, State Premiers and the Chief Ministers of the ACT and NT.

Your petitioners ask that the Senate:

continue to demonstrate its firm support for these measures;

take all possible action to expedite their implementation; and

resist all calls for the control measures to be watered down or abandoned.

by **Senator Bell** (from 39 citizens) and

Senator Newman (from 513 citizens).

Mobile Phone Towers

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

The petition of the undersigned citizens respectfully shows that we, as members of the Australian community, urge the Government to:

(a) immediately commence a moratorium on the erection of mobile phone towers;

(b) institute, as a matter of urgency, a Senate inquiry into health and environmental risks that may be associated with mobile phone towers;

(c) enact, in liaison with State and Territory Governments, appropriate legislation that shall prevent the erection of any future mobile phone towers in the immediate vicinity of any school, kindergarten, child care centre, recreation centre or playground.

And your petitioners as in duty bound will ever pray.

by **Senator Chris Evans** (from 118 citizens).

Uranium Mining

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

The petition of the undersigned strongly oppose any uranium mining for the following reasons:

(1) There is no safe way to dispose of radioactive waste

(2) Uranium mining involves a disproportionate consumption of raw materials and production of waste products for the amount of oxide produced

(3) Uranium mining poses a health hazard to workers and communities living in the region

(4) Any mining in the World Heritage Kakadu region will have a detrimental impact on this fragile area

(5) Control of nuclear proliferation can only be achieved by halting supply

(6) Any nuclear power station, uranium mine or disposal site has the potential for unforeseen disasters.

The petitioners ask that the Senate block the passing of legislation which approves any mining of uranium in Australia.

by **Senator Lees** (from six citizens).

Recycled Paper: Sales Tax

To the Honourable the President and Members of the Senate in the Parliament assembled. The petition of the undersigned strongly opposes attempts by the Government to reintroduce sales tax of 22% on the following recycled paper products from 1 November 1995 to include:

writing, drawing or printing paper (including pads of writing, drawing or printing paper), paper of a kind ordinarily used in accounting ledgers or accounting journals and envelopes.

Your petitioners ask that the Senate take action to reject this proposed change.

by **Senator Bell** (from 37 citizens).

Logging and Woodchipping

To the Honourable President and Members of the Senate in Parliament assembled. The Petition of the undersigned shows:

Australia's old growth forest and wilderness areas are being diminished as a result of continued logging. The Federal Government has granted new woodchip export licences despite its agreement for a moratorium on logging in high conservation areas.

Your Petitioners ask that the Senate should:

apply conditions retrospectively to woodchip licences in order to meet Commonwealth obligations, and

exclude from licences, woodchip derived from old growth forests and wilderness areas.

by **Senator Bell** (from 12 citizens).

French Nuclear Testing

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

The petition of the undersigned shows that nuclear weapons testing is to resume in the Pacific. We protest.

Your petitioners request that the Senate should be more resolute in its opposition to President Chirac's decision to resume nuclear testing in the Pacific; by

(1) Supporting Greenpeace by sending a frigate to the area.

(2) Cancelling all military contracts with the French government.

(3) Stopping the sale of uranium to the French government.

(4) Encouraging links between the Australian and French anti-nuclear movements

by **Senator Sandy Macdonald** (from 361 citizens).

Higher Education Contribution Scheme

To the Honourable the President and Members of the Senate in Parliament assembled: The humble petition of the undersigned citizens of Australia respectfully sheweth:

That we are opposed to any moves to cut funding to universities. We believe that funding cuts to universities can only lead to a reduction in the quality of Australia's higher education system, damage to our research capacity and decreased access to education.

In particular we are opposed to any attempts to:

increase up-front fees or introduce up-front fees for courses for which HECS is currently available,

reduce funding for Australian Postgraduate Awards,

reduce research or research infrastructure funding to Universities,

cut funding on a per student basis, in particular operating grants; and

cut the number of Commonwealth places in the system or promised during the previous parliament.

Your petitioners therefore humbly pray that you will not cut recurrent or research funding to universities or increase the financial burden on current or future students. We call on the Parlia-

ment to at least maintain the current level of funding to higher education and research.

by **Senator Spindler** (from 808 citizens).

Television Cables and Electricity Lines

Senator CHRIS EVANS (Western Australia)—by leave—At the request of Senator Schacht, I present to the Senate the following petition, from 419 citizens, which is not in conformity with the standing orders as it is not in the correct form:

Prime Minister of Australia

Leader of the Federal Opposition

The Hon Bob Carr MP, Premier of NSW

The Hon Peter Collins MP, Leader of the NSW Opposition

Madam Unice Raymond, Mayor of Willoughby

Councillors Sue Randle, Pat Reilly and Judith Rutherford, Willoughby Council

Mr Hol Smith, Acting Chief Executive, Sydney Electricity

Mr Dave Hoare, Chairman, Telstra Corporation

Mr Geoff Cousins, Chairman Optus Vision

We the undersigned residents of Castlecrag NSW respectfully request that no above ground pay TV cables (Optus, Telstra or other) be deployed in Castlecrag. We feel that the historical, geographic, environmental and visual uniqueness of Castlecrag, with its Walter Burley Griffin architecture and being a distinct peninsula with significant harbour foreshore and native areas, would be significantly scarred by the introduction of above ground cabling.

We therefore request that any pay TV cables in Castlecrag are underground and that, in so doing pay TV providers work with Sydney Electricity to also achieve undergrounding of electricity lines.

Landmines

Senator DENMAN (Tasmania)—by leave—I present to the Senate the following petition, from 1,701 citizens, which is not in conformity with the standing orders as it is not in the correct form:

Total Ban of Anti-Personnel Land Mines

To the Honourable the Speaker and Members of the House of Representatives assembled in Parliament:

We the citizens of Australia call on the Federal Government to support the world-wide campaign to ban the production, stockpiling and use of anti-personnel land mines.

Furthermore, we urge the government to give a higher priority to mine clearance in affected

countries and to use its influence to encourage other countries to financially support the clearance of land mines in poor countries.

Industrial Relations

Senator PANIZZA (Western Australia)—by leave—I present to the Senate the following petition, from 12 citizens, which is not in conformity with the standing orders as it is not in the correct form:

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

We the undersigned citizens respectfully submit that any reform to Australia's system of industrial relations should recognise the special needs of employees to be protected from disadvantage, exploitation and discrimination in the workplace.

We the petitioners oppose the Coalition policies which represent a fundamentally anti-worker regime and we call upon the Senate to provide an effective check and balance to the Coalition's legislative program by rejecting such a program and ensuring that:

(1) The existing powers of the Australian Industrial Relations Commission (AIRC) be maintained to provide for an effective independent umpire overseeing awards and workplace bargaining processes.

(2) The proposed system of Australian Workplace Agreements (AWAs) should be subject to the same system of approval required for the approval of certified agreements (through enterprise bargaining). Specifically an AWA should not come into effect unless it is approved by the AIRC.

(3) The approval of agreements contained in the legislation should be public and open to scrutiny. There should be provision for the involvement of parties who have a material concern relating to the approval of an agreement, including unions seeking to maintain the no disadvantage guarantees.

(4) Paid rates awards be preserved and capable of adjustment, as is currently the case in the legislation.

(5) The AIRC's powers to arbitrate and make awards must be preserved in the existing form and not be restricted to a stripped back set of minimum or core conditions.

(6) The legislation should encourage the processes of collective bargaining and ensure that a certified agreement within its term of operation cannot be over-ridden by a subsequent AWA.

(7) The secondary boycott provisions should be preserved in their existing form.

(8) The powers and responsibility of the AIRC to ensure the principle of equal pay for work of equal value should be preserved in its existing

form. We oppose any attempt by the Coalition to restrict the AIRC from dealing with over-award gender based pay equity issues.

(9) A 'fair go all round' for unfair dismissal so that all workers currently able to access these remedies are able to do so in a fair manner, at no cost.

(10) Workers under State industrial regulations maintain their rights to access the federal awards system in its current form.

Your petitioners therefore urge the Senate to reject the above proposed reforms to the area of industrial relations.

Sudan

Senator CHAMARETTE (Western Australia)—by leave—I present to the Senate the following petition, from 92 citizens, which is not in conformity with the standing orders as it is not in the correct form:

Petition Against the War and Genocide in Southern Sudan

We the undersigned call upon the Australian Government to act now to protest the genocide against the peoples of the Southern Sudan.

This forgotten war by the military dictatorship of Sudan has now been joined by Iran and Iraq. Governments of the world so quick to act in the case of Iraq's attack on Kuwait should act promptly to stop aggression in Sudan. Hundreds of thousands of people have been killed and made homeless. The largely Christian Southern Sudanese people are having unconstitutional Fundamentalist Muslim law forced upon them. The Anti-Slavery Society of Britain has reported slavery of captured women and children in Omdurman, Sudan. We urge Australia to :

Call for immediate negotiations and peace

an end to this 20th century slave trade

the resumption and increase of Australian aid to the Southern Sudan, which has been curtailed due to the fighting.

Asylum Seekers

Senator CHAMARETTE (Western Australia)—by leave—I present to the Senate the following petition, from nine citizens, which is not in conformity with the standing orders as it is not in the correct form:

Petition Against Repatriation of Indo-Chinese Boat People

To the Honourable the Speaker and Members of the House of Representatives in Parliament assembled, the undersigned citizens humbly and earnestly pray,

that due to the uncertain situation existing in much of South East Asia including Cambodia and the need for a public review of Australia's procedures and criteria for granting asylum, it would be unjust and premature to repatriate those presently held in detention in Port Hedland and other places, who have been denied refugee status.

We ask that they be given the alternate status of 'Domestic Protection (Temporary) Entry Permit' on humanitarian grounds.

That those who are granted such a status be allowed to move freely about the Country, accept work and do skills training.

Your petitioners as in duty bound will ever pray.

Petitions received.

NOTICES OF MOTION

Regulations and Ordinances Committee

Senator O'CHEE (Queensland)—Pursuant to notice given on the last day of sitting and on behalf of the Standing Committee on Regulations and Ordinances, I now withdraw business of the Senate notice of motion No. 1 standing in my name for two sitting days after today, for the disallowance of the air navigation regulations amendment as contained in strategy rules No. 342 of 1995, and business of the Senate notice of motion No. 3 standing in my name for six sitting days after today, for the disallowance of the air navigation aircraft engine emissions regulations amendment as contained in statutory rules No. 277 for 1995. I seek leave to make a short statement on native title instruments.

Leave granted.

Senator O'CHEE—On Tuesday in the House of Representatives the Prime Minister (Mr Howard), in answer to a question, advised that an instrument made under the Native Title Act 1993 on 24 December 1993, which was the very day that the act received assent, was never tabled. The Prime Minister advised that the effect of the failure to table could well cast a legal doubt over a large number of acts affecting the Aboriginal community, the pastoral industry and the mining industry. The Prime Minister further advised that a fresh determination would be tabled later in the week. The states and other affected bodies would be consulted on remedial matters needed to, as the Prime Minister expressed it, patch up the legislation.

Both the original and the amending determinations are disallowable instruments for the purposes of section 46A of the Acts Interpretation Act 1901, which requires the determinations to be tabled in both houses within 15 sitting days of making, failing which they cease to have effect. This was the position with the original determination. Then, two years later, the original determination was amended. Although the amending determination was validly tabled, its practical effect would be little or none, because its only substantive provisions purport to amend the invalid earlier determination. It is ironic that the explanatory statement for the second determination advises that its purpose is to address what it terms 'problems', 'uncertainty', 'difficulties' and an 'unintentional result' in the original.

This omission was in fact first detected by the staff of the Standing Committee on Regulations and Ordinances who at once alerted the Department of the Prime Minister and Cabinet, who up until then were unaware of the failure to table.

Yesterday, 26 June 1996, a fresh determination was tabled with the object of correcting the situation. This determination was made, gazetted and tabled on the same day, which showed an alacrity not usually noticeable in the actions of the executive relating to delegated legislation. The committee will scrutinise this instrument in the usual way and take any appropriate action. In the meantime, however, it is disappointing that the explanatory statement for the new determination does not acknowledge the actions of the committee, without which this matter would never have come to light.

This example illustrates the need for administrators to be aware of, and to apply, the requirements relating to delegated legislation. In the present case this committee was able to detect the damage only after it had been done. In this context, agencies should familiarise themselves with the annual reports and special reports of the Standing Committee on Regulations and Ordinances, which should enable pitfalls such as the present one to be avoided. I thank the Senate.

Withdrawal

Senator KEMP (Victoria—Manager of Government Business in the Senate)—At the request of the respective senators, I withdraw the following general business notices of motion: Nos 9, 20, 25, 26, 56, 61, 67, 72, 80, 82, 87, 89, 93, 96, 105, 109.

Mr P.J. Keating: Piggery

Senator MICHAEL BAUME (New South Wales)—I give notice that, on the next day of sitting, I shall move:

That the Senate—

(a) notes:

- (i) the continual failure of companies in Mr Paul Keating's former piggery group to meet the requirements of the Corporations Law, both during his 3-year 50 per cent ownership and subsequently, which has resulted in successful prosecutions of Mr Keating's former piggery partner, Mr Achilles Constantinidis, and his solicitor, Mr Coudounaris, who is secretary of his family company,
 - (ii) that no annual returns have yet been filed for Parkville Pig Stud Pty Ltd since the year ended 30 June 1994, almost 2 years ago, in breach of Australian Security Commission (ASC) reporting requirements,
 - (iii) the last available annual return shows Mr Constantinidis and his family trustee companies as 100 per cent owners of this company which operates a piggery at Moonbi, near Tamworth, following the 'disposal' of Mr Keating's half-ownership of it in March 1994, and
 - (iv) Mr Constantinidis, who has held Mr Keating's power of attorney for some years, is also a director of other former Keating piggery companies in the Brown and Hatton group which still have substantial unpaid debts going back for years and which have not filed annual returns, as required by law, although they continued to trade during the 1994-95 financial year, for which annual returns are now 5 months overdue; and
- (b) calls on Mr Constantinidis, who has already been found guilty of offences under the Corporations Law, to cease his contemptuous disregard of the Corporations Law, and meet the requirements of the ASC to file annual returns.

Introduction of Legislation

Senator LEES (South Australia—Deputy Leader of the Australian Democrats)—I give notice that, on the next day of sitting, I shall move:

That the following bill be introduced: A Bill for an Act to prevent the export of woodchips from Australia's native forests. *Protection of Australia's Native Forests (Prevention of Export Woodchips) Bill 1996.*

Second Sydney Airport

Senator FORSHAW (New South Wales)—I give notice that, on the next day of sitting, I shall move:

That the Senate—

(a) notes that:

- (i) in 1985, and on other occasions, Holsworthy has been rejected as a possible site for Sydney's second airport,
 - (ii) the Select Committee on Aircraft Noise in Sydney again rejected Holsworthy as a possible site for an airport,
 - (iii) the committee also concluded that no further site evaluation should be undertaken at this site,
 - (iv) contrary to these findings, the Minister for Transport and Regional Development (Mr Sharp) has relisted Holsworthy as a potential site for an airport and has authorised an environmental impact assessment of the site, and
 - (v) an airport at Holsworthy would devastate the lives of hundreds of thousands of residents in the surrounding areas;
- (b) condemns the Prime Minister (Mr Howard) and the Minister for Transport and Regional Development for this disgraceful decision; and
- (c) calls on the Government to immediately abandon all plans or proposals for an environmental impact assessment and an airport at Holsworthy.

Introduction of Legislation

Senator KERNOT (Queensland—Leader of the Australian Democrats)—I give notice that, on the next day of sitting, I shall move:

That the following bill be introduced: A Bill for an Act to alter the Constitution by empowering the Parliament to make Laws in relation to firearms and ammunition. *Constitution Alteration (Firearms and Ammunition) Bill 1996.*

Economics References Committee

Senator LUNDY (Australian Capital Territory)—I give notice that, on the next day of sitting, I shall move:

That the following matter be referred to the Economics References Committee for inquiry and report by 28 October 1996:

- (a) the relationship between the health status of Australians generally and occupational illness and injury;
- (b) the resulting cost to the community in terms of lost productivity, compensation and rehabilitation; and
- (c) the relationship between the level of investment and allocation of Government resources, health and safety preventative strategies and the incidence of illness and injury in the workplace.

COMMITTEES

Selection of Bills Committee

Report

Senator PANIZZA (Western Australia)—I present the seventh report of 1996 of the Selection of Bills Committee. I seek leave to have that report incorporated in *Hansard*.

Leave granted.

The report read as follows—

SELECTION OF BILLS COMMITTEE REPORT NO. 7 OF 1996

1. The Committee met on 26 June 1996.
2. The Committee *deferred* consideration of the following bills to the next meeting:
(*deferred from meeting of 26 June 1996*)
 - . Aboriginal Land Rights (Northern Territory) Amendment Bill 1996
 - . Australian Animal Health Council (Live-stock Industries) Funding Bill 1996
 - . Australian Capital Territory Government Service (Consequential Provisions) Amendment Bill 1996
 - . Bankruptcy Legislation Amendment Bill 1996
 - . Cattle Export Charges Amendment (AAHC) Bill 1996
 - . Cattle Transaction Levy Amendment (AAHC) Bill 1996
 - . Commonwealth Electoral Amendment (16 and 17 Year Old Voluntary Enrolment) Bill 1996
 - . Constitution Alteration (President of the Commonwealth of Australia) Bill 1996
 - . Defence Legislation Amendment Bill (No. 1) 1996

- . Flags Amendment Bill 1996
- . Health and Other Services (Compensation) Amendment Bill 1996
- . Higher Education Funding Amendment Bill (No. 1) 1996
- . Industry Research and Development Amendment Bill 1996
- . Laying Chicken Levy Amendment (AAHC) Bill 1996
- . Legislative Instruments Bill 1996
- . Live-stock Export Charge Amendment (AAHC) Bill 1996
- . Live-stock Slaughter Levy Amendment (AAHC) Bill 1996
- . Meat Chicken Levy Amendment (AAHC) Bill 1996
- . Mutual Assistance in Criminal Matters Legislation Amendment Bill 1996
- . Pig Slaughter Levy Amendment (AAHC) Bill 1996.

(John Panizza)

Chair

27 June 1996

Ordered that the report be adopted.

SESSIONAL ORDERS

Motion (by **Senator Kemp**)—by leave—agreed to:

That the sessional orders in force on 30 November 1995 operate on Tuesday, 20 August, Wednesday, 21 August and Thursday, 22 August 1996.

ORDER OF BUSINESS

Rural and Regional Affairs and Transport References Committee

Senator WOODLEY (Queensland)—I move:

That general business notice of motion No. 2 standing in the name of Senator Woodley for today, relating to the reference of matters to the Rural and Regional Affairs and Transport References Committee, be postponed till 22 August 1996.

I seek leave to make a short statement.

Leave granted.

Senator WOODLEY—I just wanted to apologise to the Senate that that one got as far as it did. I meant to move that it be postponed so that the committee could look at the terms of reference and other matters.

NOTICES OF MOTION

Immigration Legislation

Senator CHAMARETTE (Western Australia)—I give notice that, on the next day of sitting, I shall move:

That the Senate condemns the Government for:

- (a) seeking to introduce the Migration Legislation Amendment Bill (No. 2) 1996, the aim of which is to pre-empt a matter before the courts; and
- (b) for allowing the Department of Immigration and Multicultural Affairs to consider itself above the law.

COMMITTEES

Employment, Education and Training References Committee

Reference

Senator CHRIS EVANS (Western Australia)—At the request of Senator Crowley, I ask that business of the Senate notice of motion No. 1 standing in her name for today, relating to the reference of a matter to the Employment, Education and Training References Committee, be taken as a formal motion.

Senator Kernot—I have an objection. I ask you to delay it for one day.

Senator CHRIS EVANS—As I understood it, it was agreed at the whips meeting last night. Perhaps Senator Kernot could explain her objection.

Senator Kernot—Could you give me five minutes, please?

Senator FAULKNER (New South Wales—Leader of the Opposition in the Senate)—by leave—As I understand the routine of business for tomorrow, a delay will mean, unless we specifically take account of a capacity to bring back this motion, effectively a delay till 20 August. That is the point I am addressing to Senator Kernot, but I suspect she—

Senator Kernot—I will explain.

Senator FAULKNER—Given that Senator Kernot has indicated she wants to advise the Senate in relation to this matter, I will concede to Senator Kernot.

Senator KERNOT (Queensland—Leader of the Australian Democrats)—by leave—I am happy to agree to formality on the understanding that I will see the revised terms of reference, which I understand incorporate the matter we discussed.

Senator CARR (Victoria)—by leave—If I could just explain that this was a reference which was developed by me and brought from the education committee. But, after representations from Senator Kernot on behalf of the Democrats, additional terms of reference were included in the terms of reference circulated by the committee. I believe they meet the criteria—

Senator Kernot—I have not seen them.

Senator CARR—That is quite true; Senator Kernot has not seen the revised terms of reference. I think it is a matter for the committee to make sure she does. I hope that is a satisfactory explanation.

Senator KEMP (Victoria—Manager of Government Business in the Senate)—by leave—I know this has been revised a number of times, and I want to check that we have the last revision of it. Senator Tierney might be able to assist.

Senator TIERNEY (New South Wales)—by leave—The Senate Employment, Education and Training References Committee considered a number of references to be put forward. It was agreed by all parties at that meeting that we would hold three inquiries. This is the third one that has come into the Senate. It was agreed by our side that this inquiry proceed.

Motion (by **Senator Chris Evans**, at the request of **Senator Crowley**) agreed to:

That the following matter be referred to the Employment, Education and Training References Committee for inquiry and report by the last sitting day of the autumn session 1997:

The status of teachers and the development of the teaching profession during the next 5 years, with particular reference to:

- (a) describing community attitudes towards teachers and the ways in which schools operate, including examination of:

- (i) the perceived relevance, to young people, of school and its links to vocational training and employment,
- (ii) what is expected of schools in relation to meeting the needs of young people without appropriate family or personal support, and
- (iii) any differences in the perceptions of urban and rural communities concerning schools;
- (b) examining the expectations of teachers regarding their careers and identifying those issues which bear most significantly on job satisfaction, stress and their ability to carry out their work efficiently and effectively, including:
 - (i) new patterns of work organisation and the relationships between teaching and non-teaching staff in schools,
 - (ii) the impact of communications technology on the role of the teacher and the management of schools,
 - (iii) changes to school funding practices, such as the emergence of private fundraising,
 - (iv) systems organisation and its impact on work practices and career development, and
 - (v) social factors influencing the expectations and attitudes of school students, and especially the impact on teachers of 'at risk' and violent behaviour from students;
- (c) developing a national profile of Australia's teachers according to age, gender, qualifications, experience, salary level and career history;
- (d) assessing the levels of supply and demand which should guide the workforce planning for teachers in the context of demographic and other changes affecting schools into the next century;
- (e) examining the tertiary entrance levels of teacher trainees and the research literature on the quality of Australian teacher education programs, and identifying those features which bear significantly upon the quality of classroom practice; and
- (f) describing best practice in the induction of newly-trained teachers into schools, and identifying any significant shortcomings in induction or on-going professional development which require urgent attention.

CONSIDERATION OF LEGISLATION

Senator KEMP (Victoria—Manager of Government Business in the Senate)—I ask that government business notice of motion

No. 1, relating to the exemption of the Migration Legislation Amendment Bill (No.2) 1996 from the order of the Senate concerning consideration of legislation, be taken as formal.

Leave not granted.

ADMINISTRATION OF DRUGS TO WOMEN IN PRISON

Motion (by **Senator Spindler**) agreed to:

That the Senate—

(a) notes that:

- (i) in Victoria, women, whilst in prison, are given drugs of dependency including tranquillisers, anti-depressants, benzodiazepams and other addictive medication,
- (ii) the women are not told what drugs are being administered to them and are denied their medical records on being released,
- (iii) the women, many of whom are not drug-addicted before entry into prison, become addicted in prison and leave with addictions,
- (iv) on one day in August 1995, 80 women in Fairlea Prison were administered with 365 doses of prescription drugs, tranquillisers and psychiatric drugs, and
- (v) between 1990 and 1995, at least 60 women died within weeks of leaving prison; and
- (b) calls on the Government to inquire into the medical administration of drugs in prisons and question whether these practices constitute a breach of ethical medical practices and a breach of duty of care on behalf of the prison operators.

NATIONAL COMMISSION OF AUDIT

Senator FAULKNER (New South Wales—Leader of the Opposition in the Senate)—I ask that general business notice of motion No. 142 standing in my name, relating to an order for the production of documents, be taken as formal.

Senator SHORT (Victoria—Assistant Treasurer)—by leave—The government will not be opposing this motion. In agreeing to its going forward, however, I want to make a few points. Firstly, I am well aware that even if the government did oppose the motion the opposition has the numbers to put it through.

Secondly, the government will do its best to comply with the undertaking to the maximum extent possible. However, thirdly, the extent to which the government will be able to do this is still under consideration. We will approach it in a good spirit; but, given particularly the amount of documentation and so on, the extent that we will be able to comply is still under consideration.

Senator FAULKNER (New South Wales—Leader of the Opposition in the Senate)—by leave—I appreciate the indication from Senator Short that the government will not oppose formality of this motion. I am concerned about the constraints that Senator Short apparently places on the return to order. The opposition does take the view—and I want to make this very clear—that the Senate does have a right to know what guidance and instructions members of the Commission of Audit were given by ministers or departments. That is why we are seeking, in the terms of this motion, copies of the correspondence and other directions.

We also believe that there is a genuine public interest in seeing these submissions, which were made to the commission and were listed in the report. I indicated yesterday in postponing this matter—because Senator Short indicated to me yesterday that he would not agree to formality and it may save the Senate time, which I believe my postponing this motion for one day of sitting has—that the opposition would not be resiling from its absolutely strong view that this return to order would be a matter for the government to comply fully to the letter with and that nothing less would be deemed satisfactory by the opposition.

I accept that the time frames are short. This is not a long period of time for ministers and departments to be able to comply with a return to order; but this of course is necessitated by the fact that we are at the conclusion of this sitting of the parliament. But I did make the point that at least a further 24 hours of notice of our intention to proceed would maximise the opportunity for the government to comply with this return to order and it is our expectation that it will be complied with in full by 5 o'clock tonight. I move:

That there be laid on the table, by no later than 5 pm on Thursday, 27 June 1996:

- (a) all correspondence between ministers and/or their departments and members of the National Commission of Audit and/or its secretariat; and
- (b) copies of the submissions to the National Commission of Audit which are listed in the commission's report.

Question resolved in the affirmative.

COMMITTEES

Rural and Regional Affairs and Transport References Committee

Report

Motion (by **Senator Woodley**) agreed to:

That the recommendations of the interim report of the Rural and Regional Affairs and Transport References Committee entitled *Landcare policies and programs in Australia*, tabled in the Senate on 30 April 1996, be adopted.

CHILD SUPPORT LEGISLATION AMENDMENT BILL (No. 1) 1996

HIGHER EDUCATION FUNDING AMENDMENT BILL (No. 2) 1996

EMPLOYMENT, EDUCATION AND TRAINING AMENDMENT BILL 1996

TRADE PRACTICES AMENDMENT (INDUSTRY ACCESS CODES) BILL 1996

First Reading

Motion (by **Senator Kemp**) agreed to:

That the following bills be introduced:

A Bill for an Act to amend the law relating to child support, and for related purposes.

A Bill for an Act to amend the Higher Education Funding Act 1988, and for related purposes.

A Bill for an Act to amend the Employment, Education and Training Act 1988, and for related purposes.

A Bill for an Act to amend the Trade Practices Act 1974, and for related purposes.

Motion (by **Senator Kemp**) agreed to:

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

Bills read a first time.

Second Reading

Senator KEMP (Victoria—Parliamentary Secretary to the Minister for Social Security) (9.59 a.m.)—I table the explanatory memorandum to the bills and move:

That these bills be now read a second time.

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

Leave granted.

The speech read as follows—

CHILD SUPPORT LEGISLATION AMENDMENT BILL (NO.1) 1996

The Child Support Legislation Amendment Bill (No.1) 1996 contains three changes which were announced by the previous Government in the 1995/96 Budget as a response to a small number of recommendations made by the Joint Select Committee on Certain Family Law Issues. The bill also includes consequential changes to child support legislation to reflect changes made in the Social Security Act 1991, the Family Law Act 1975 and the Income Tax Assessment Act 1936. The package of measures included in the Bill is aimed at increasing flexibility, reducing the level of intrusiveness, and improving certainty and clarity in the law.

USE OF ELECTION WHERE INCOME HAS CHANGED

Where a child support liability has been created by an administrative assessment, a parent is able to apply to have the Registrar vary the amount of their liability by lodging an income estimate election. An income estimate election often results in a paying parent being entitled to a refund of monies already paid to the person receiving child support. This causes significant inconvenience for persons receiving child support where the amount of child support has already been spent for the benefit of the children. It also means that the parent paying child support often has to repay most, if not all, of the amount refunded over the remainder of the year—at a time when they have less capacity to do so.

The bill will amend the effect of an income estimate election to make it less likely that a person receiving child support will be asked to repay amounts in the future and to make the effect of an income estimate election a more accurate reflection of a paying parent's capacity to pay.

The revised income estimate will be used to recalculate the amount of the child support properly payable for the year. However, amounts payable prior to the date of lodgment of an estimate will generally be left undisturbed and will be taken into

account in arriving at the future liabilities for the remaining period.

The only time that amounts payable prior to the lodgment of an estimate will be disturbed is where, after calculating the amount properly payable and the amounts charged to the date of the estimate, the parent has already been charged too much for the year.

This will remove a significant and frequent cause for complaint from persons receiving child support.

ELECTING FOR EMPLOYER WITHHOLDING NOT TO APPLY

The bill amends the Child Support (Registration and Collection) Act 1988 to allow a payer of child support to make payments directly to the Child Support Registrar where the Registrar is satisfied that a person will make timely payments. This measure will :

- Reduce the level of intrusiveness of the child support scheme for payers who can be relied upon to make their child support payments directly to the Registrar in a timely manner
- Provide greater flexibility to the Registrar in the way he administers the collection of child support and reduce overall administration costs
- Reduce the costs of compliance by employers in withholding child support by permitting more payers to pay directly where they can be relied on to make payments in a timely manner

If the Registrar refuses to accept an election to pay directly, the payer has the right to object to, and appeal against, this decision.

The Government is conscious that the implications may be severe for children where a payer defaults. The Registrar's primary responsibility will continue to be to ensure the collection of child support in a timely manner. In making the proposed change the Government will ensure that there are strict safeguards in the event of default.

In the event of default, the Registrar will be able to require that child support be withheld from a person's employer in the future and a payer will not be able to make another election until a period of 6 months has elapsed from the date the Registrar was required to make arrangements with a person's employer. In most cases, payers who default after choosing to pay directly to the Registrar, will have strictly limited future access to this provision.

CONSIDERATION OF CHILD SUPPORT LIABILITIES IN PROPERTY AND SPOUSAL MAINTENANCE PROCEEDINGS

The bill will amend the Family Law Act to enable a court to take into account the child support liability of a person in property and spousal maintenance proceedings, even where a child support assessment has not been issued.

Under the existing law, where a person is voluntarily paying child support without an assessment of his child support liability, the amounts paid or to be paid under such arrangements cannot be taken into account by the Court in making orders in either property or spousal maintenance proceedings. This may result in Courts making orders which do not adequately reflect the true circumstances of the party who is to pay child support. This also means that parties must apply for an assessment even where they wish to make private arrangements regarding child support for the Court to take into account these commitments when making orders regarding property or spousal maintenance.

This will ensure that separated parents with private arrangements for child support will be treated in the same way as parents who are paying child support under the Child Support (Assessment) Act 1989.

CONSEQUENTIAL AMENDMENTS

. Employer record keeping requirements

The bill amends the Child Support (Registration and Collection) Act 1988 to reduce the period an employer is required to retain child support records from 7 years to 5 years. This will bring the child support requirement into line with record keeping requirements under the Income Tax Assessment Act 1936.

This measure will make it easier for employers to voluntarily comply with their record keeping obligations by having one period for both taxation and child support purposes. It will also result in a slight reduction in the cost of compliance as the period of retention of records for child support purposes has been reduced.

. Family Law Act 1975 changes

The bill brings the child support presumptions of parentage into line with the amended provisions of the Family Law Act 1975.

. Updating references to the Social Security Act

The bill amends the provisions in the Child Support (Assessment) Act 1989 by substituting references to the Social Security Act 1947 with provisions and concepts in the Social Security Act 1991.

I commend the bill to honourable Senators.

HIGHER EDUCATION FUNDING AMENDMENT BILL (No 2) 1996

This bill gives effect to the government's policy of not supporting compulsory student unionism. The bill repeals sections 25A and 25B of the Higher Education Funding Act 1988, so that no further payments can be made for the 1997 or any other program year under the Student Organisation Support (SOS) program. The bill includes transitional provisions to enable the level of payments already made to be adjusted in accordance with final student numbers. The bill makes consequential

amendments to the States Grants (General Purposes) Act 1994 to repeal subsection 15(1) so that funds paid under the Student Organisation Support program can no longer be recovered by the Treasurer from state grants.

The SOS program was developed by the former government in response to action taken by the Western Australian, Victorian and Tasmanian governments towards voluntary student unionism. The legislation reflected the former government's support of compulsory student unionism.

The Student Organisation Support program legislation allowed the commonwealth to provide funds directly to student organisations and provided for the recovery of these funds at the discretion of the treasurer from the state's general revenue assistance grant. The former government wanted taxpayers to bear the cost of their policy of compulsory student unionism.

This government supports democratically elected student guilds and unions in their work of providing student services and amenities and representing the views of students in university matters.

This government does not support compulsory unionism.

It opposes students being forced to fund student union political activity as a pre-requisite for entry to university.

I commend the bill to the Senate.

EMPLOYMENT, EDUCATION AND TRAINING AMENDMENT BILL 1996

The Employment, Education and Training Act 1988 established the National Board of Employment, Education and Training (NBEET) to provide the then minister with independent advice on employment, education and training.

Currently, NBEET comprises the Australian Language and Literacy Council, the Australian Research Council, the Employment and Skills Council, the Higher Education Council and the Schools Council which all report to the minister through the National Board. The Board and Councils are supported by a series of committees including the Australian International Education Foundation Council.

In our policy statement on higher education Quality, diversity and choice we announced that we would abolish NBEET and establish independent Councils to advise on higher education and research. This bill is the first step in that process. It provides for the abolition of the National Board, the Australian Language and Literacy Council, the Employment and Skills Council and the Schools Council. The Higher Education Council and the Australian Research Council will continue as independent Councils with similar functions reporting directly to the minister. Following con-

sultation with the sector new legislation will be presented to establish the successors to the Higher Education Council and the Australian Research Council.

I move now to the major provisions of the bill.

The National Board, the Australian Language and Literacy Council, the Employment and Skills Council and the Schools Council will cease to exist when this legislation is proclaimed and appointments to those bodies will be terminated. The Higher Education Council and the Australian Research Council will continue with their membership unchanged. The remaining Councils will provide advice to the minister on matters already referred to them by the minister. Any committees currently established to serve the two Councils will continue with their existing membership.

Under the previous legislation each Council had specific functions and the Board had functions which included and extended the functions of the Councils. The general functions of the Board which related to the work of the Higher Education Council and the Australian Research Council are now functions of the respective Councils. The minister can create and abolish committees to assist the Councils to carry out their functions.

Previously advice and reports from the Councils were filtered through the National Board before going to the minister. In line with the government's intention to create more independent Councils, each Council will now provide advice and reports direct to the minister and will also take responsibility for promoting informed public debate and for granting financial assistance for innovative projects. There is also provision for Councils to co-operate to provide advice to the minister.

A final report on the work of the Board and all Councils will be prepared and tabled. Each remaining Council will report to the minister annually on their operations; these reports will be tabled.

Other amendments go to administrative matters such as removing definitions no longer required under the act and retaining the position of Director to service the remaining Councils. There are also transitional provisions to provide for continuity of membership of the remaining Councils, and the Counsellors and committees which assist them.

The financial impact of the bill will be minimal.

I now commend the bill to the Senate.

TRADE PRACTICES AMENDMENT (INDUSTRY ACCESS CODES) BILL 1996

Mr President, this bill amends the Trade Practices Act 1974 (the principal act).

The primary purpose of the bill is to simplify and streamline the procedures for approving access arrangements to infrastructure services in network

industries. The bill will amend the principal act to incorporate a general industry access code approval process as a basis for access undertakings in network industries.

The principal act currently includes provisions whereby third parties can seek access to services provided by essential infrastructure facilities of national significance. These provisions are an important feature of Australia's national competition policy reforms. They promote competitive markets, in order to improve efficiency and service delivery in infrastructure industries such as electricity and gas.

Under the principal act a service provider can volunteer to give the Australian Competition and Consumer Commission (the Commission) an access 'undertaking' which sets out the terms and conditions on which the service provider will offer access to any third party. The Commission must publish the proposed undertaking and go through a public consultation process before accepting each undertaking.

In network industries, such as electricity, the emerging pattern is for an industry code to be developed governing access arrangements within the industry which will form the basis of undertakings to the Commission by individual service providers. Under this approach, the principal act currently requires the Commission to undertake multiple public consultation processes—one in relation to the access code, if it is necessary to authorise the code, and others in relation to the access undertakings of individual access providers.

The absence of a single access code approval process for network industries in the principal act leads to two principal shortcomings. Firstly, the unnecessary duplication of the public consultation process is an inefficient way of processing access undertakings in network industries and runs the risk of unduly delaying progress towards more competitive infrastructure industries. Secondly, it may be difficult for the Commission to assess whether separate access undertakings will achieve coherent industry-wide access arrangements.

The bill will address these shortcomings by allowing acceptance of an industry-wide access code with a single public consultation process. Industry participants will be able to develop an access code for their industry. The access code would set out details about access for the industry and be approved by the Commission after public consultation. Undertakings from individual access providers which conform with the access code could then be approved by the Commission without a further public consultation process, thereby reducing the burden on industry. Moreover, the Commission will be able to consider whether an undertaking is in accordance with the industry access code, which should enhance the coherence of the industry-wide

access arrangements. Industry access codes can be prepared by an industry body which, in each case, will be prescribed in Regulations made for this purpose.

The amendments also include a provision to preserve the integrity of the competitive conduct and authorisation rules of the principal act. The bill provides that the access provisions in the principal act will not affect liability of the relevant parties for contraventions of the competitive conduct rules in the principal act.

The cost to revenue of the proposed amendments is expected to be nil.

Mr President, I commend the bill to the Senate.

Ordered that further consideration of the second reading of the Child Support Legislation Amendment Bill (No. 1) 1996, the Higher Education Funding Amendment Bill (No. 2) 1996 and the Trade Practices Amendment (Industry Access Codes) Bill 1996 be adjourned until the first day of sitting in the spring sittings, in accordance with the order agreed to on 29 November 1994.

Ordered that the Employment, Education and Training Amendment Bill 1996 stands referred to the Employment, Education and Training Legislation Committee for consideration and report by 12 September.

Ordered that the bills be listed on the *Notice Paper* as separate orders of the day.

COMMITTEES

Community Standards Committee

Reference

Motion (by **Senator Tierney**) agreed to:

That the Classification (Publications, Films and Computer Games) Regulations, as contained in Statutory Rules 1995 No. 401, be referred to the Select Committee on Community Standards Relevant to the Supply of Services Utilising Electronic Technologies for inquiry and report by the first sitting day in the spring sittings in 1996.

OMBUDSMAN AMENDMENT BILL 1996

First Reading

Motion (by **Senator Conroy**) agreed to:

That the following bill be introduced: a Bill for an Act to amend the Ombudsman Act 1976.

Motion (by **Senator Conroy**) agreed to:

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

Bill read a first time.

Second Reading

Senator CONROY (Victoria) (10.00 a.m.)—I move:

That this bill be now read a second time.

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

Leave granted.

The speech read as follows—

Not every Australian has had recourse to use the office of the Ombudsman and, in terms of commonwealth agencies, it is a very modest office costing a little over \$8 million per year. I should say to the Senate that in 1994-95—4,465 written complaints and 12,444 oral complaints were received, making a total of 17,010 of our fellow Australians who sought to use the services of the Ombudsman.

The Office of the Ombudsman is one of the important cornerstones of our human rights infrastructure in Australia. It is fair to say that the following quote from the parliamentary report illustrates this:

Most honourable Senators on either side, and Members for that matter, support human rights in this place.

Quite a few Senators and Members are particularly concerned about newspaper reports that the resources of the Office of the Ombudsman may be cut quite severely in the up-coming August budget. The Ombudsman has been quite outspoken and consistent in criticising the operation of, amongst other areas, the Child Support Agency. The issues raised in these criticisms have, to date, been largely neglected by the parliament and the government.

This bill seeks to redress some of the concerns surrounding the Ombudsman, a statutory office holder, and the tabling of her Report.

Regrettably there is no committee of the parliament that actually looks at the Ombudsman's report. This parliament could quite easily set up a joint committee—and it is not proposed that there be a permanent secretariat—which would meet the needs of receiving the Ombudsman's report and ensuring that appropriate action is taken. Over 40,000 of our fellow Australians have contacted the Ombudsman in 1994-95.

The Ombudsman's recent report is extremely useful, and to highlight I would like to quote a few relevant lines. The Report says:

As an externally independent review agency, the Ombudsman can and does, to use the words of Jus-

tice Lee, bring the lamp of scrutiny to otherwise dark places, even over the resistance to those who would draw the blinds.

Here we are talking about public service departments, commonwealth agencies, ordinary citizens and, it should be said, small business—who, if you have read this report, have been forced as a matter of final resort to contact the Ombudsman to secure their rights under the law—simply because the Ombudsman insists that public administration must be consistent with the law.

More than that, the Ombudsman emphasises shortcomings in her powers or in the trends of the law. For example, in her latest report, the Ombudsman notes that ‘there is much contracting out within the commonwealth public sector’. She does not object to that notion but highlights the fact that these are creating new areas of concern and that legislation is deficient. Something needs to be done.

Unfortunately I can not report to the Senate that anything is being done about this report. What I can say however is that this bill will redress the situation. The Ombudsman points out where people have exceeded their powers, for example, in relation to customs search. When ordinary citizens or small business approach the Ombudsman, they are not going to a chamber magistrate and they do not engage a barrister or solicitor because the service provided by the Ombudsman is free.

The heart of this private member’s bill is this: it is not the Ombudsman who has failed the parliament; it is the parliament who has failed the Ombudsman and the 40,000 of our fellow Australians who have contacted her office seeking assistance. We, the parliament, are not listening to the needs of the people who have contacted the Ombudsman.

I seek leave to present the explanatory memorandum to the bill.

Debate (on motion by **Senator Panizza**) adjourned.

AUSTRALIAN DRUG EVALUATION COMMITTEE

Senator NEAL (New South Wales)—I ask that general business notice of motion No. 155 standing in my name for today, relating to the proposed disallowance of regulations made under the Therapeutic Goods Act, be taken as a formal motion.

Senator WOODS (New South Wales—Parliamentary Secretary to the Minister for Health and Family Services)—by leave—The government opposes this motion because it will amend the structure of the Australian Drug Evaluation Committee, the ADEC, and

undermine its international reputation as an independent body. The effect of this motion would be to add a constituency to a committee which is essentially a scientific advisory committee. There are no other members of this committee who represent a body, a constituency or a particular segment of the community.

The individuals on ADEC, who are all of the very highest reputation and who have contributed to making ADEC an international body of enormously high repute, are there because of individual abilities. I understand the motivation behind this move is to make sure that the committee has consumer representation. But this is an advisory committee; it does not make any decisions. Consumer representation is therefore less important here; the committee does not require that constituency.

The government’s view is that there is a major role for community consumer groups having input into the whole process of evaluating and looking at drugs, PBAC and a range of other issues. The question is where that input should occur. We believe very firmly that the previous Labor government, which mucked up the appointment of consumer representatives to this committee, has made the wrong point on this issue.

This committee should stand alone and be based on scientific merit and integrity. If this change were so important, why, in the 13 years of the former Labor government, did it not fix either this committee or its predecessors? At the last moment they have decided to make this gesture.

This move has the potential to undermine the integrity of the committee and, therefore, the ability of the international community to accept advice and information from it. We believe very strongly that there is a role for consumer input into this process—nobody is denying that—but this is the wrong committee for it. We accept that there are pressures on the legislative program today so we will not object to this notice being taken as formal. We will vote against the motion on the voices only.

Senator NEAL (New South Wales)—I seek leave to make a brief statement in relation to the motion.

Senator Woods—The understanding was that you wouldn't. The whole point was to avoid a debate. Talk to your whip.

Senator NEAL—Do I have leave to make a brief statement?

Leave granted.

Senator NEAL—The reason for this motion is that a disallowance has been tabled in the House of Representatives in relation to amendments to the therapeutic goods regulations which had the effect of adding two consumer representatives to the Australian Drug Evaluation Committee. It is my very strong view that at every stage of the health system consumers have an entitlement to be represented. It is in the interests of good management and transparency in decision making for consumers to be involved.

The philosophy of this government is that consumers should not be involved in the health system. They think that the health system is constructed for specialists and experts, and that the system will be determined by the priorities of experts rather than the community. It is my strong view, and the strong view of this opposition, that the priorities of the health system should be the consumers. Accordingly, I move:

That the Senate—

- (a) condemns the notice of motion, given by the Government in the House of Representatives, to disallow the regulations contained in Statutory Rules 1996 No. 25 and made under the Therapeutic Goods Act 1989, which would remove the two consumer health representatives from the Australian Drug Evaluation Committee;
- (b) calls on the Government to reverse this policy decision to ensure that Australian consumers have a say in what drugs are approved for use in Australia;
- (c) calls on the Minister for Health and Family Services (Dr Wooldridge) to ensure that the disallowance motion is debated in both Houses; and
- (d) condemns the minister for his lack of regard for the views of health consumers.

Question resolved in the affirmative.

SENATE OFFICER: EVIDENCE IN LEGAL PROCEEDINGS

Senator CHRIS EVANS (Western Australia)—I ask that general business notice of motion No. 163 standing in my name for today, relating to a request for a Senate officer to give evidence in legal proceedings, be taken as a formal motion.

Senator HILL (South Australia—Minister for the Environment)—by leave—The government will agree to this motion being called formal and, obviously, it will then pass. However, we should reflect on what is occurring because, as I understand it, this is the first time that such permission has been sought from the Senate.

Senator Chris Evans wants to move that the Senate give permission for Mr Robert King, who in 1994 was secretary of the Senate Select Committee on ABC Management and Operations, to give evidence at the hearing in the matter of Alston against Carr, which is listed for hearing in the County Court in Melbourne on 12 August 1996 as matter No. MC9500490. In other words, permission is being sought from the Senate for an official of the Senate to give evidence in litigation being conducted in the court between two senators. It is necessary for the Senate to give such permission in a matter of a procedural or formal nature because of standing order 183, which provides:

A Senator or officer of the Senate—

which is the relevant designation in this instance—

or a person involved in recording the proceedings of the Senate or a committee, may not give evidence elsewhere in respect of proceedings of the Senate or the committee, without the permission of the Senate, or, if the President is authorised to give that permission, of the President.

In agreeing to the passage of this motion, I understand that what is being sought is permission under standing order 183 for Mr King to be able to give evidence in respect of the proceedings of the Senate or a committee—in this instance, a committee.

The point I want to make is that this in no way affects the provisions of the Parliamentary Privileges Act 1987. That act was introduced for a vitally important purpose—

that is, to protect the public and members of parliament. It ensures that senators, members and the public are able to engage in parliamentary processes, which includes committees, without the fear of action following what they might say or do within such processes. That protection is specifically set out in section 16 of the Parliamentary Privileges Act 1987.

I will not read that section in full, but the point I am wishing to make and put on the record is that, whilst we are agreeing to let this official attend the court to give evidence of a formal or procedural nature, as that is what is being sought by one of the senators, we are in no way—even if we had the power to do so, which I do not think we do—agreeing to waive principles of parliamentary privilege as they might exist in the common law or as they have been codified within the Parliamentary Privileges Act 1987.

My interpretation of those privileges is that the immunity prevents evidence of parliamentary proceedings being used in any substantive way in proceedings before the court or the tribunal, either to support an action or to provide a defence. It would be an intolerable situation if officials of the parliament were being called to help build a case for either the plaintiff or the defendant.

That situation would put officials of the parliament in impossible positions, because they simply would not be able to carry on their work in the future in a way we would expect of them. They would not be able to give advice to senators in a way we would expect of them. It would inhibit their work in such a way that the proceedings of the parliament, either in the Senate or through its committees, would become unworkable. I put on the record that we expect parliamentary privileges and the full conditions of the act to continue, notwithstanding this motion.

Senator FAULKNER (New South Wales—Leader of the Opposition in the Senate)—by leave—Senator Hill makes the point that this is unprecedented. As far as I am aware, he is right to say that it is unprecedented. It is also unprecedented, of course, for one senator to sue—

Senator Hill—I beg your pardon?

Senator FAULKNER—I said that you said it was unprecedented.

Senator Hill—It is also unprecedented for one senator to do what?

Senator FAULKNER—To sue another senator.

Senator Hill—What about Senator Richardson suing me?

Senator FAULKNER—It is very unusual—

Senator Hill—It's all right when it occurs on your side.

Senator FAULKNER—Let me just finish my sentence, if that is okay. It is very unusual for one senator to sue another senator on matters arising out of a senator performing and undertaking his or her responsibilities in relation to a Senate committee. I believe that is the case, Senator Hill. If you believe it is not, you can correct the record at a later stage.

There is no doubt in this case that we have a situation where a senator, properly performing his role and responsibility as a senator and member of this parliament, has been sued. This matter arises out of the operations and functions of a Senate committee. I do believe that is an unprecedented situation, and I do believe it is appropriate that that fact be placed on the record.

Motion (by **Senator Chris Evans**) agreed to:

That the Senate gives permission for Mr Robert King, who in 1994 was Secretary of the Senate Select Committee on ABC Management and Operations, to give evidence at the hearing of the matter of *Alston v. Carr* listed for hearing in the County Court at Melbourne on 12 August 1996 and numbered M.C.9500490.

DAYS AND HOURS OF MEETING

Motion (by **Senator Kemp**) agreed to:

That the days of meeting of the Senate after Friday, 28 June 1996, for the spring sittings 1996, be as follows:

Tuesday 20 August to Thursday 22 August

Monday 9 September to Thursday 12 September

Monday 16 September to Thursday 19 September

Tuesday 8 October to Thursday 10 October

Monday 14 October to Thursday 17 October

Monday 28 October to Thursday 31 October
 Monday 4 November to Thursday 7 November
 Monday 25 November to Thursday 28 November
 Monday 2 December to Thursday 5 December.

PATENTS AMENDMENT BILL 1996

First Reading

Motion (by **Senator Stott Despoja**) agreed to:

That the following bill be introduced: a Bill for an Act to amend the Patents Act 1990 and for related purposes.

Motion (by **Senator Stott Despoja**) agreed to:

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

Bill read a first time.

Second Reading

Senator STOTT DESPOJA (South Australia) (10.15 a.m.)—I move:

That this bill be now read a second time.

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

Leave granted.

The speech read as follows—

The speed with which genetic technology has gained enormous power has been both dramatic and extremely challenging. Yet around the world governments have failed to come to terms with these challenges even though the influence of this technology over the destiny of all life on the planet, including human life, poses very great potential threats. Indeed, at a meeting late last year of the parliamentary Amnesty Group, attended by a number in this chamber, Mr Justice Kirby, said he believed that the power of this technology, and also its potential threats, was greater than that of the nuclear enterprise.

At the intersection of this technology with commerce lies the patents legislation, legislation which is grounded in a 400 year history but which draws its present broad principles from the economics and business arrangements that evolved in the 18th and 19th centuries. It is time we rethought how this powerful technology can best be harnessed to the long term benefit of all life rather than the sectional interests of some present commercial enterprises. The matter is urgent. This very week a case began in the Federal Court of Australia, the background to which underscores the failure of governments to adequately legislate, and the outcome of which has very serious long term consequences for the welfare of humanity.

At the same time, very legitimate concern has been expressed by Aboriginal groups in both Queensland and Tasmania, regarding the collection of blood by American interests. The blood, part of a collection from indigenous people around the world, will be analysed for its genetic content. Under the law as it stands this genetic information and the genes on which it is based may be patentable and therefore owned by commercial interests and exploited for commercial purposes. The extraordinarily complex and fundamental questions posed by these developments, as well as their more practical consequences are not well dealt with within the confines of patent law. They should be excluded from patent law and dealt with elsewhere. It is this that the present bill seeks to do.

The case before the Federal Court illustrates several of the dangers of the law as it stands. In 1987, Dr Michael Houghton of Chiron Corporation isolated a Hepatitis C virus. Chiron Corporation has claimed very wide ranging patents over all aspects of Hepatitis C research and its applications; from the virus itself to diagnostic kits used in its detection, to the development of vaccines. It has restricted the number of other companies and laboratories that it has licensed to three or four world wide. The effect of this has been that many laboratories have discontinued work, or not begun work, on Hepatitis C for fear of falling foul of Chiron's patent. Many eminent researchers have expressed the view that this has seriously limited the quality and variety of work on Hepatitis C and comparison is made with work on the HIV virus in which no such limitation was or is in place and a much larger number of laboratories are involved in research. This is highly significant as Hepatitis C may prove to be far more dangerous to humanity than HIV. The small number of laboratories working on Hepatitis C is therefore of great concern.

For example, it is estimated that 150,000 Australians are already infected with Hepatitis C and that this number increases by 8-10,000 each year. Approximately 20% of these people will go on to develop life threatening liver disease including liver failure and liver cancer. Like HIV, Hepatitis C has a long incubation period in which the infected person may suffer no ill health and yet may be passing the virus on to others. The costs, both human and economic, are very large and likely to grow much larger.

Since the original isolation of the virus by Chiron in 1987, now called strain 1A, a number of other strains of the virus have been identified, approximately 12 in all. It is claimed that the diagnostic test developed by Chiron, and based on strain 1A, fails to detect these other strains. Chiron contests this claim. Another company, Murex Diagnostics, has independently developed tests based on other strains which it independently isolated. It claims its

test is capable of detecting a wider range of strains. Chiron is challenging Murex, claiming that Murex is infringing Chiron's comprehensive patent on Hepatitis C. Since the advent of the Murex diagnostic kit the cost of Chiron's diagnostic kit has been reduced by 30%.

This case illustrates several of the adverse consequences of allowing the patenting of genes and naturally occurring sequences of genes including whole living organisms. Research is directed toward those applications that appear most profitable rather than those for which the need is greatest, applications are then constrained to fit the profit needs of the patent holder and costs to the consumer, in this case the patient, are high so as to recoup investment in research.

There are, in addition, much more fundamental philosophical and moral reasons why the patenting of genes, naturally occurring sequences of genes, including whole naturally occurring living organisms should be excluded from the realm of patentability. On one reading of the patent legislation, these items are not patentable because naturally occurring things do not possess the qualities of either novelty or inventiveness. This bill seeks to make this quite explicit.

In 1995 the Labor government proposed amendments to the Patents Bill of 1989. When the latter legislation was debated my predecessor, Dr John Coulter argued vigorously for genes and living things not to be patentable. He sent the legislation to a committee of the Senate and despite strong representations in support of his amendments from all the mainstream churches and conservation groups as well as many others including scientists and ethicists, the amendments were defeated by a combined government and opposition vote. The amending bill which the government introduced in 1995, although designed merely to tidy up a few loose ends, provided another opportunity to address the serious ethical and moral problems posed by the patenting of life. This bill has not been proceeded with and it is this reason I am introducing these amendments as a private member's bill.

Since the passage of the 1989 act, there has been a growing and vigorous debate about certain aspects of patenting of genes and genetic information. We see this debate coming to the fore in Australia in the Chiron vs Murex litigation in the Federal Court and in the concern expressed by Aboriginal groups over the patenting of their genes. This bill provides an opportunity to advance our legislation in this area in line with developments in international thinking.

A great many people around the world: scientists, ethicists, religious leaders, politicians and ordinary people have been troubled by rapid developments in the field of genetic manipulation, the control of much of this technology by commercial interests

through patenting and the consequent direction of much of the research. This broad range of people has been asking searching questions about the morality of owning life, and of research and development in this area being driven primarily by the profit motive. There is also the broader question about whether information about the very basis of life is not the property of all humankind and not the exclusive property of a pharmaceutical company to share or withhold as it chooses.

At the Inter-Parliamentary Union meeting in Madrid in April last year parliamentarians from 114 national parliaments called for a prohibition on the patenting of human genes. The resolution underlined the 'urgent need to ban the patenting of human genes. . . (and) prohibit all financial gain from the human body or parts thereof, subject to exceptions provided for by law'. Australian parliamentarians were a party to this resolution.

Members of parliament from around the world were reflecting the concern of their constituents to a very important issue. Very many people find it distasteful that human body parts, including genes should be commodified and become merely articles of trade. The distaste springs from several sources.

Firstly, there is the repugnance at the notion of ownership as such. This is based on and arises from a sense of respect of life and life processes. For the religious this has expressed itself as respect for God's creation. Body parts, including genes are not like other materials to be owned and traded in the market place as common commodities.

Secondly, there is concern that the ownership and commercial exploitation of humans and human parts is abhorrent to the principle of equity. Surely, it is said, knowledge of ourselves should not become the province of the 'commercial in confidence' and access to both the parts and knowledge about the parts should not be determined by the ability to pay.

Scientists have expressed more pragmatic concerns. Will the patenting of genes and gene sequences inhibit the free flow of information on which science and the advance of science ultimately depends? Many scientists think it has and point to the legal wrangle that has arisen in relation to claims over the ownership of the gene content of Hepatitis C. As mentioned above this has caused other potential researchers in this area to vacate work on hepatitis C, its diagnosis, treatment or cure for fear of falling foul of the patents or of having to pay royalties on their own research.

The bill I move is both simple and self-evident. Two general principles involved in the patenting of something are that the item being patented should possess the properties of inventiveness and novelty. It would seem to follow from this that something that occurs spontaneously and naturally in nature

cannot be patented. After all, every cell in our bodies is packed with the same DNA and the cells in every other person's body is packed with practically identical DNA. With about 100 million cells in each human body and about 5 billion human beings on the planet there are about (5 followed by 23 zeros) 500,000,000,000,000,000,000,000 copies of human genes at any one time available—hardly anything novel about that!

The same could be said of the genes of other species. They are not novel; they do not possess the quality of novelty. Moreover these molecules occur in nature. Genes and gene sequences occur naturally; they are in every respect like other naturally occurring molecules. Who ever thought that water or oxygen could be patentable? It should be self-evident that naturally occurring molecules like DNA which are so widespread in nature could not possess the qualities of inventiveness or novelty. The question of patenting should not logically arise. But it has and somehow some people have confused the process of extraction and use of the genes with the genes themselves—perhaps deliberately or perhaps because they did not understand the naturalness and the commonness of genes.

My bill seeks merely to make this point explicit so that there can be no confusion in future. If carried it would mean that genes or gene sequences could not themselves be patented. However the processes by which the genes are extracted from the cells, or the processes by which the extracted genes are manipulated or the specific uses to which the genes may be put, provided one or other of these showed the qualities of novelty and inventiveness in sufficient degree, would be patentable.

Earlier, I pointed to the IPU Conference in Madrid in April last year. The resolution passed at the conference referred to human genes and said that human genes should not be patentable. My amendment refers to genes generally and not just human genes. One way of demonstrating the structure, nature and function of genes is as follows:

Genes are the library of the cell. Every living cell contains the genes which carries the information to tell the cell precisely what to do, what to make, and how to make it. Unlike human languages, such as English and Russian, which are written with different words using very different characters the characters and words of the genetic library are the same in every living cell from bacteria and plants right through to humans. I could not go into a Russian or Japanese library and begin to read the books. The characters and the words are very different from English.

But the reading mechanism which reads the information in my genes in my cells could instantly recognise and read the genetic information in the cell of a mouse, or a eucalypt or a mushroom.

Similarly the reading mechanism in each of the cells of these other organisms could read the genetic code in any of my cells. It is precisely this commonality of language that makes genetic engineering possible; for example, the placing of the gene for human insulin into a bacterium and the production of human insulin by that bacterium. The bacterium has no way of knowing that it is reading a human gene and not one of its own genes! This is because the characters and words which describe the structure of human insulin have the same meaning as the characters and words which tell the bacterium how to make one of its own proteins.

Humans share perhaps 95% of their genes with chimpanzees. Only a small proportion of genes code for uniquely human functions. The genes that code for very basic or fundamental cellular functions have remained, often unchanged, throughout very long periods of evolutionary history.

Thus most human genes could be found in a very wide variety of other species. Certainly, very long DNA sequences could be found in very diverse species. It is for this reason that it is illogical to seek to prevent the patenting of human genes while allowing the patenting of genes from other species. If the Senate is convinced that human genes should not be patentable then it must see that it follows that naturally occurring genes and gene sequences from any source should not be patentable.

A defence for the patenting of genes is often made on the ground that research will not be conducted without profit as a motive. Chiron, for example, claims that it would not have done the work on Hepatitis C without the protection of a patent at the end of the road if its work proved successful. This defence is hollow. The money that pharmaceutical companies invest in research ultimately comes from the community via product charges. Whether that investment is made by commercial interests driven by the profit incentive, in this very sensitive area, or whether it is made through publicly funded research, directed by a broader range of considerations is the question that needs to be clearly answered. Separating, and disallowing the patenting of genes, gene sequences, including whole living organisms, from specific and defined techniques for manipulating these materials, and allowing the latter provides a solution to this dilemma.

Not only is there support for legislation of this sort in the IPU but when former Senator John Coulter moved similar amendments to the Patents Bill in 1989 they were supported by all the mainstream churches and the national environment groups.

It should be both morally repugnant and clearly dangerous to continue to allow the patenting of genes or gene sequences or the information contained in genes or gene sequences and I commend the Amending bill to the Senate.

Debate (on motion by **Senator O'Chee**) adjourned.

**LABELLING OF GENETICALLY
MANIPULATED AND OTHER FOODS
BILL 1996**

First Reading

Motion (by **Senator Woodley**) agreed to:

That the following bill be introduced: a Bill for an Act relating to labelling foods which are genetically manipulated, irradiated or functional and for related purposes.

Motion (by **Senator Woodley**) agreed to:

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

Bill read a first time.

Second Reading

Senator WOODLEY (Queensland) (10.16 a.m.)—I move:

That this bill be now read a second time.

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

Leave granted.

The speech read as follows—

The purpose of this bill is to ensure that all food which has been genetically modified is clearly labelled as such.

The use of genetic engineering in food production is becoming more widespread.

The Australian Democrats do not necessarily support the genetic manipulation of food, but we recognise that it is occurring and its use is likely to increase rapidly in the coming years.

Cheese, tomatoes, potatoes and pork are just some of the foods where genetic manipulation is already occurring.

A survey in a recent edition of Choice magazine indicated that of 20 brands of cheese surveyed, a quarter of these involved genetic engineering in their production.

Another example is the use of a human gene sequence in pigs to produce leaner pork. The meat from these transgenic pigs was very nearly released into the Australian market. Again, consumers would have had no way of distinguishing whether the pork they were buying came from these transgenic pigs.

The Democrats believe that consumers have access to sufficient information to make an informed choice about the food they are buying.

Consumers are currently unable to easily ascertain whether or not the food they are buying has been

made using genetic engineering. This is not good enough.

The Democrats have made repeated efforts in the Senate to ensure there is more accurate labelling of products. This includes clear country of origin labelling, as well as information on what the food contains and how it is produced.

I am pleased to note that the Parliamentary Secretary to the Minister for Health & Family Services, Senator Bob Woods, is holding a national forum in early August to discuss the use of gene technology and food production to identify guiding principles for adequate labelling of genetically modified foods.

The Democrats believe that the provisions contained in this bill are a minimum required for adequate labelling.

It is straightforward and easy to implement proposals which will enable people to make a more informed choice about the food they buy.

I urge the government to strongly consider agreeing to this bill as a simple way of addressing the Parliamentary Secretary, Senator Woods' stated wish for adequate labelling of genetically modified foods.

Debate (on motion by **Senator O'Chee**) adjourned.

CONDOLENCES

Mr Ray Lindwall

Senator MICHAEL BAUME (New South Wales)—I seek the leave of the house to correct an oversight of mine yesterday, and I apologise to the whips all around for this. I had given notice of a motion the day before yesterday relating to the death of Mr Ray Lindwall. I regret to say that, under pressure of business, I failed to seek approval for that notice of motion to be taken as formal, and it is now no longer on the list. I wondered what procedures I could adopt to make certain that, before the Senate rises, that motion could be carried.

The ACTING DEPUTY PRESIDENT (Senator Calvert)—I understand you may seek leave to move the motion.

Senator MICHAEL BAUME—With the approval of the whips, I seek leave to move the motion of which I gave notice the day before yesterday relating to the death of Mr Ray Lindwall.

Senator Chris Evans—I would like to indicate that I would be happy to agree to Senator Baume's request in due respect of Ray Lindwall, who was obviously a great Australian and a great cricketer. I would just like Senator Baume's assurance that there are not any additional paragraphs in the motion that refer to piggeries, the Prime Minister or any other such matters, as has sometimes been the case in notices of motion.

Senator MICHAEL BAUME—I can give that assurance, and say that it is not the Prime Minister who is clean-bowled on this occasion, but cricketers.

The ACTING DEPUTY PRESIDENT—I do not believe there is any objection to you formally moving the motion, so you may now formally move the motion.

Senator MICHAEL BAUME—I move:

That the Senate notes, with regret, the death of one of Australia's greatest cricketing heroes, fast bowler Mr Ray Lindwall, and conveys its sympathy to his family.

Question resolved in the affirmative.

COMMITTEES

Community Affairs References Committee

Report

Senator COLSTON (Queensland)—I present responses by Commonwealth, certain state and territory governments concerning implementation of recommendations contained in the Community Affairs References Committee report on breast cancer screening and treatment in Australia. In the interests of expediting the business of the Senate, I seek leave to incorporate a short statement in relation to the document in *Hansard*.

Leave granted.

The statement read as follows—

Report on Breast Cancer Screening and Treatment - Responses by Commonwealth, State and Territory Governments

In June 1994, the Committee tabled its report entitled *Breast Cancer Screening and Treatment in Australia*. The report examined the effectiveness of the National Program for the Early Detection of Breast Cancer and made certain recommendations for improving the effectiveness of that Program.

The National Program, which is a joint Commonwealth-State and Territory funded initiative, provides mammographic screening for women aged 40 years and over, with a special attention given to women aged 50-69 years - the age group most at risk of developing breast cancer.

Late in the last Parliament, the Committee wrote to Commonwealth, State and Territory Governments requesting information on the progress made in implementing the recommendations contained in the Committee's report.

The responses indicated that most of the Committee's recommendations - which primarily addressed matters related to access to screening services, workforce issues, the collection and dissemination of data and additional research needs - have, or are in the process of being, implemented.

With regard to access to the Program, a national advertising campaign promoting the Program and encouraging women to attend screening services was initiated in February 1995. In addition, all States and Territories have, or are in the process of, implementing measures to improve access for Aboriginal and Torres Strait Islander women, women from non-English speaking backgrounds and women living in rural and remote areas.

In respect of workforce issues, the States and Territories regularly monitor the supply of radiographers and radiologists available to the National Program. The Commonwealth and the States have initiated a number of measures, including the provision of information packages and seminars, to encourage the role of GPs in their recruitment and support functions under the Program.

The Committee's recommendations relating to data collection and dissemination have also been addressed. Issues relating to uniformity in data collection and the timeliness of national cancer incidence reporting are currently being addressed by the Australian Institute of Health and Welfare in conjunction with State and Territory cancer registries.

The need for additional research into breast cancer has also been recognised by the Commonwealth Government. Specific funding was provided in the 1994 budget for the establishment of the Kathleen Cuninghame Foundation for Breast Cancer Research. Ongoing funding for research into breast cancer will also be provided through the National Health and Medical Research Council. In addition, the National Breast Cancer Centre, established in June 1995, will develop guidelines and information programs for the medical profession and the public to translate research findings into improved treatment and care for women with breast cancer.

On behalf of the Committee, I thank the Commonwealth, State and Territory Governments for forwarding their detailed responses and, with the

concurrence of the Senate, I table those responses for the information of honourable Senators.

Rural and Regional Affairs and Transport References Committee

Report

Senator WOODLEY (Queensland)—I present the report of the Rural and Regional Affairs and Transport References Committee on a matter concerning value adding in agricultural production, which was referred to the committee during the previous parliament.

Ordered that the report be adopted.

Publications Committee

Report

Senator SANDY MACDONALD (New South Wales)—I present the first report of the Standing Committee on Publications.

Ordered that the report be adopted.

Public Accounts Committee

Report

Senator MICHAEL BAUME (New South Wales)—On behalf of the Joint Committee of Public Accounts, I present report no. 344 entitled *A continuing focus on accountability: review of the Auditor-General's reports 1993-94 and 1994-95*. I move:

That the Senate take note of the report.

Question resolved in the affirmative.

Senator MICHAEL BAUME—I seek leave to incorporate my tabling speech in *Hansard*.

Leave granted.

The speech read as follows—

As you will know Mr President, the JCPA has a statutory responsibility to examine all reports of the Auditor-General which are tabled in the Parliament. The report I have just tabled—Report 344—is the latest report produced by the JCPA in fulfilment of that responsibility. It is the result of the Committee's examination of the audit reports which were tabled in the financial years 1993-94 and 1994-95.

I should make clear at the outset that this report is largely the work of the former JCPA—the Committee established in the last Parliament under the chairmanship of the former Member for Oxley, Mr Les Scott. Although the current Committee has approved the report, the report was prepared by the

former Committee on the basis of evidence it sought and received.

In the period covered by this report the Auditor-General presented 75 audit reports. A good number of them have already been reviewed by parliamentary committees. During the last Parliament the JCPA tabled 5 reports which reviewed or commented on reports of the Auditor-General. These were:

- . Report 332, on the operation of the Australian Government Credit Card system;
- . Report 333, on the sale of Aussat;
- . Report 338, on accrual reporting and accounting;
- . Report 340, on cash management; and
- . Report 341, on the administration of specific purpose payments (or tied grants).

In addition, 10 other audit reports were referred to and considered by other parliamentary committees.

In Report 344, which I have just tabled, the Committee comments on the most significant issues emerging from those audit reports which have not previously been considered by the JCPA or by other parliamentary committees.

In the majority of cases, agencies which were the subject of audit findings in the years under review have responded positively and promptly to the Auditor-General's recommendations. There are, however, some cases where action has not been taken to correct management failures or where performance can be further improved. It is these cases which are referred to in Report 344.

The report contains five recommendations for further action. The recommendations are directed to:

- . the Department of Employment, Education, Training and Youth Affairs, in relation to any new program developed to replace the former National Priority (Reserve) Fund—which provided funding to educational institutions for management improvement projects;
- . the Australian Taxation Office, in relation to work it has underway to identify the true cost of its review and litigation activities;
- . to the Department of Health and Family Services, in relation to its program of validating nursing home funding; and
- . to the Department of Defence in relation to two aspects of its procedures for managing defence procurement contracts.

The latter two are the most significant of these recommendations and I would like to outline briefly the reasons behind the Committee's recommendations.

Turning first to the nursing home validation program administered by the Department of Health and Family Services.

The validation of nursing home payments is an important part of the accountability framework for nursing homes. It provides an assurance that Commonwealth monies have been disbursed in accordance with the agreed funding arrangements for nursing homes.

For some years now the Department of Health has been endeavouring to clear a substantial backlog in its validation program. Advice received during the review was that 5 000 validations were outstanding in mid-1994. The Department has repeatedly given assurances to Parliament that it has action in hand to complete all outstanding validations by the end of 1996-97. The latest advice in this regard was given to the Committee in a submission dated 9 January 1996.

However, advice from the Australian National Audit Office indicates that there is a substantial risk that the Department will not complete its validation program by the end of 1996-97 and will not recover significant sums of money owing to the Commonwealth.

The Department claims a continuing commitment to completing all outstanding validations and the ANAO has acknowledged that there have been substantial improvements in the management and administration of the validation program. The Committee is encouraged by the priority being given to the program.

The Committee also acknowledges that it is appropriate for the Department to adopt a risk management approach in undertaking the validations. The cost of eliminating risk entirely would almost certainly be prohibitive, and prudent risks will of course need to be taken in order to clear the backlog in a cost-effective manner.

However, given the concerns raised by the ANAO, the Committee believes it is appropriate, at this point in time, for the Department to provide the Parliament with a complete, clear and unambiguous statement of the strategy it is employing to achieve its goal of clearing the backlog by the end of 1996-97. The Committee has made a lengthy recommendation to this effect.

I should make it clear that the Committee is not commenting on the policy behind the validation program, nor is it encouraging the Department to 'get tough' with nursing homes. We are merely seeking to ensure that the Department is held to its promises and clearly explains the risk management strategies it is employing to achieve the targets it has set.

I would also like to highlight the Committee's comments on external scrutiny of major defence contracts.

In the report the Committee argues that the quality of external scrutiny of major defence contracts would be enhanced if the Australian National Audit Office were allowed access to the costing and pricing records of defence contractors. This is a position which the Committee first argued in Report 337, in relation to the contractual arrangements for the new submarine project, and which the ANAO has supported.

The Department of Defence has in the past rejected these calls, asserting that such access would:

- . come at a cost premium for the Commonwealth; risk disclosure of commercially sensitive contractor records; and
- . add to the time taken to complete defence projects.

The Committee is not persuaded that these objections are necessarily valid and, in any event, that they outweigh the potential benefits of allowing ANAO access. The Committee stands by the views expressed in Report 337 that:

- (a) it is not unreasonable to require contractors involved in major projects to provide accurate and complete information in support of quotes and claims; and
- (b) it is not unreasonable that the Auditor-General be able to verify those claims through access to contractor records.

Last week's revelations about the delays and apparently unusual payment patterns to contractors involved in the Jindalee Operational Radar Network project does not reassure me that the Commonwealth's interests are well protected by the current arrangements.

In concluding, Mr President, I would like to advise the Senate that the JCPA has recently decided to change the focus of its audit report review procedures.

In the past most audit reports were subject to a 'desk review' where agencies were asked to provide written submissions to the Committee. These desk reviews resulted in compendium reports, like the report I have just tabled.

The Committee considers that the timeliness and effectiveness of its services would be enhanced if instead of conducting 'desk reviews', it conducted public hearings every three months to examine the findings of significant audit reports tabled in the previous quarter.

Under these new procedures, witnesses from the Australian National Audit Office and from each audited agency will be called to give evidence on the nature and appropriateness of the audit findings and of the responses from audited agencies.

As well as increasing the initial impact of audit reports and resulting in more timely and effective

parliamentary scrutiny of audit reports, these new processes will strengthen the Auditor-General's hand in any follow-up audits. The Auditor-General will be able to test the future performance of agencies against commitments given to the Committee at these public hearings.

These new procedures are confirmation of the JCPA's commitment to ensuring that the community receives full value from the work of the Auditor-General.

Finally, Mr President, I would like to thank all those people who contributed to the Committee's review of the 1993-94 and 1994-95 audit reports: people who prepared submissions; and people who gave evidence at public hearings.

I commend the report to the Senate.

Public Accounts Committee

Reports

Senator MICHAEL BAUME (New South Wales)—I suggest that the next three motions be taken as one, if that is acceptable.

On behalf of the Joint Committee of Public Accounts, I present Finance minute in response to report 343, *Tax law improvement: A*, Finance minute in response to report 337, *Focus on accountability: review of Auditor-General's reports 1992-93*, and Finance minute in response to report 340, *Cash matters: cash management in the Commonwealth*. I move:

That the Senate take note of the documents.

Question resolved in the affirmative.

Senator MICHAEL BAUME—I seek leave to incorporate my tabling speech in *Hansard*.

Leave granted.

The speech read as follows—

Mr President, the documents I have just tabled represent the responses from Executive agencies to three recent reports from the Joint Committee of Public Accounts.

The first is a brief but positive response to a report which examined the early work of the Tax Law Improvement Project (TLIP) in rewriting the Income Tax Assessment Act 1936.

The report contained two recommendations—one directed to TLIP (about a preferred approach to delivering rewritten tax law to the Parliament) and the other to the Treasury (calling on Treasury to improve its consultative processes in relation to developing and considering tax policy issues). The recommendations were accepted by both agencies.

The second Finance Minute contains responses to 12 of the 15 recommendations contained in *Report 337, A Focus on Accountability: Review of Auditor-General's Reports 1992-93*. The remaining three recommendations were directed to the Australian National Audit Office, which has responded separately.

Report 337 contained a series of minor recommendations in relation to:

- the work of the Health Insurance Commission in combatting Medicare fraud and overservicing;
- the valuation of outstanding compensation claims by the Joint Coal Board; and
- verification of payments to childcare providers for JET participants requiring childcare,

all of which were accepted by the relevant agencies.

The most significant recommendations in the report were the nine recommendations dealing with the management by the Department of Defence of the new submarine project. Some of these recommendations were agreed to while others were rejected. It is interesting to note that a number of the themes in the Committee's report (such as, the quantum and timing of advance payments to contractors; the recovery of advance payments which have not been used in accordance with the contract; the assessment and management of opportunity costs; and allowing ANAO access to contractor pricing records) also feature in the recent audit report on the management of the Jindalee Operational Radar Network (JORN) project.

The Committee is keen to explore these issues further in relation to the JORN project and will be holding hearings on the matter over the next few months.

The last of the Finance Minutes concerns the Committee's *Report 340, Cash Matters: Cash Management in the Commonwealth*.

The Finance Minute, which was prepared mostly by the Departments of Finance and the Treasury, is quite critical of the Committee's report.

Nevertheless, Mr President, it is worth noting that there are a number of recommendations in the report which have been accepted—I cite two examples:

- first, that all agencies will from now on create and maintain their own registers of all the bank accounts they operate (the Committee had found that there were in excess of 2 000 bank accounts operated by Commonwealth agencies and that many agencies had inadequate records of the existence of these accounts, or of the amount of money held in them); and

- secondly, that the Department of Finance, the Australian Taxation Office and the Reserve Bank

will expedite the development of agency banking arrangements with Australia Post to allow tax receipts to be credited with the Reserve Bank on the day of deposit.

The Treasury has also reported that it has commissioned a consultancy to examine options for institutional and resourcing arrangements for the Commonwealth's debt management function, including aspects of Treasury's current cash management operation. This appears to be in response to a suggestion from the Committee that the scope for contracting out the cash management function be examined.

Mr President, the Committee will be examining these Finance Minutes closely (particularly the response to the cash management report) and if necessary and appropriate will report to the Parliament on any issues which require further action.

Outstanding Government Responses

Report: Government Response

Senator KEMP (Victoria—Manager of Government Business in the Senate) (10.22 a.m.)—I table the government's response to the President's report of 30 November 1995 on outstanding government responses to parliamentary committee reports. I seek leave to have the document incorporated in *Hansard* and to move a motion in relation to the response.

Leave granted.

The document read as follows—

AIRCRAFT NOISE IN SYDNEY (Senate Select) Falling on deaf ears?

The government response is expected to be tabled in the 1996 Spring Sittings.

BROADCASTING OF PARLIAMENTARY PROCEEDINGS (Joint Statutory)

Radio and television broadcasting of Parliamentary proceedings

The government response is expected to be tabled shortly.

CERTAIN FAMILY LAW ISSUES (Joint Select)

Child support scheme—operation and effectiveness of the scheme

On 29 March 1995, an interim response was tabled.

This response dealt with the 53 recommendations in the Committee's report that related to the administration of the Child Support Scheme.

These recommendations had no budgetary, legislative or policy implications.

As part of the 1995/96 budget, changes were announced that addressed another 8 of the Committee's recommendations.

The Government is currently examining the outstanding recommendations from the Committee's report. Most of these recommendations have significant budgetary or policy implications. Some recommendations will be addressed in the context of the 1996/97 budget. The Government will table a final response to all outstanding recommendations in 1997.

Funding and administration of the Family Court of Australia

The government response is expected to be completed and tabled shortly.

CERTAIN LAND FUND MATTERS (Senate Select)

Report

The government response is expected to be tabled shortly.

COMMUNITY AFFAIRS REFERENCES

Psychotherapeutic medication in Australia

The Government is currently finalising its response and it will be tabled at the earliest possible date.

The tobacco industry and the costs of tobacco related illness

The government response has been delayed due to the need for the response to reflect the policy views of the new Federal Government. The response will be tabled at the earliest possible date.

COMMUNITY STANDARDS RELEVANT TO THE SUPPLY OF SERVICES UTILISING ELECTRONIC TECHNOLOGIES (Senate Select)

Overseas sourced audiotex services, video and computer games, R-rated material on pay TV

The Government is finalising its position on these matters and will respond as soon as possible.

R-rated material on pay TV—Part 1

Many of the matters raised by the Committee are now also being considered by the Committee of Ministers on the Portrayal of Violence. A response is being deferred pending the outcome of this Committee's investigations.

Status report on R-rated material on pay TV, regulation of bulletin board systems, codes of practice in the television industry

The only outstanding matter concerning this report relates to Paragraph 47 and concerns the application of the Legislative Instruments Bill to Australian Broadcasting Authority standards and television industry codes of practice. Legal

advice has been sought on this matter and it is expected to be finalised shortly.

Regulation of computer on-line services—Part 2

The Government is finalising its position on these matters and will respond as soon as possible.

Operations of codes of practice in the television industry—Part 1

Many of the matters raised by the Committee are now also being considered by the Committee of Ministers on the Portrayal of Violence. A response is being deferred pending the outcome of this Committee's investigations.

CORPORATIONS AND SECURITIES (Joint Statutory)

Report on the annual reports of the Australian Securities Commission and other bodies 1993-1994

The Government is finalising its response and it will be tabled at the earliest possible date.

Report on derivatives

The Government is finalising its response and it will be tabled at the earliest possible date.

Section 1316 of the Corporations Law

A response is currently under consideration by the Government.

ECONOMICS REFERENCES

CSIRO—the case for revitalisation—administration and funding of rural research

The government response is expected to be tabled shortly.

A question of balance—The tax treatment of small business

A possible response is still under consideration by the Government.

Connecting you now—Telecommunications towards the year 2000

The Government is finalising its position on these matters and will respond as soon as possible.

Eastlink—The interconnection of NSW and Queensland electricity grids with a high voltage powerline

The government response to the Senate Economics References Committee inquiry into Eastlink is currently being finalised. It is anticipated that the final Commonwealth response will be tabled by the end of June 1996, or the earliest possible time thereafter.

ELECTORAL MATTERS (Joint Standing)

Electoral Redistributions—Report:

Report on the effectiveness and appropriateness of the redistribution provisions of part III and IV of the Commonwealth Electoral Act 1918

The government response is currently under preparation and will be tabled as soon as possible.

EMPLOYMENT, EDUCATION AND TRAINING REFERENCES

Inquiry into Austudy

The government response is expected to be tabled after the budget.

Inquiry into long term unemployment

The government response will be tabled as soon as possible.

Inquiry into the sale of Bond University

The government response is expected to be tabled shortly.

Inquiry into the Australian National Training Authority

The government response is expected to be tabled shortly.

ENVIRONMENT, RECREATION, COMMUNICATIONS AND THE ARTS LEGISLATION

Review of annual reports: 1993-94 annual reports tabled in the Senate November 1994 to June 1995

The Government is considering the recommendation outlined in paragraphs 3.7 and 3.8 of the report. It is expected that the final Government response will be tabled in the 1996 Spring Sitzings.

ENVIRONMENT, RECREATION, COMMUNICATIONS AND THE ARTS REFERENCES

Soccer—First report

Soccer—Second report

The Minister for Sport, Territories and Local Government is currently considering the government response to the two reports on the administration of soccer in Australia. It is expected that the government response will be tabled during the 1996 Spring Sitzings of Parliament.

Arts education

The government response is expected to be tabled shortly.

FINANCE AND PUBLIC ADMINISTRATION LEGISLATION

Annual reports tabled January 1995—June 1995

The government response is expected to be tabled shortly.

FINANCE AND PUBLIC ADMINISTRATION REFERENCES

Property management in the Australian Public Service

The Government expects to table its response in the 1996 Spring Sittings following a full review of property arrangements in DAS.

Proposed Sale of ANL Ltd

A response to the Committee's report is currently being considered.

Service delivery by the Australian Public Service

The delay in providing this report for tabling is to allow the Department of Finance time to adequately consult with departments affected by the recommendations of the report. The Government is currently considering a response to the Committee's report and it will be tabled at the earliest possible time.

FOREIGN AFFAIRS, DEFENCE AND TRADE (Joint Standing)

Visit to Thailand and Laos

No response required.

Exercise Kangaroo 95

The government response was tabled in the Senate on 20 June 1996.

Officer education:

The military after next

The government response was tabled in the Senate on 17 June 1996.

Human rights and progress towards democracy in Burma

The Government is finalising a response to the report and will be tabled at the earliest possible date.

Australia's relations with Thailand

The Government is finalising a response to the report and this will be tabled at the earliest possible date.

Bosnia:

Australia's response

The Government is finalising a response to the report and this will be tabled at the earliest possible date.

LEGAL AND CONSTITUTIONAL AFFAIRS (Senate Standing)

Off the record—shield laws for journalists' confidential sources

In considering the first report of the Senate Legal and Constitutional References Committee (then Senate Standing Committee on Legal and Constitutional Affairs) in its Inquiry into the Rights and Obligations of the Media, entitled *Off the Record: Shield Laws for Journalists' Confidential*

Sources, it has become clear to the Government that the report raises issues concerning other aspects of the Committee's terms of reference apart from journalists' privilege. A comprehensive Government response should await completion by the Committee of its Inquiry, at least in respect of those other terms of references.

This will enable a properly balanced response to be made by the Government.

LEGAL AND CONSTITUTIONAL LEGISLATION

Crimes Amendment (Controlled Operations) Bill 1995

Administrative Decisions (Effect of International Instruments) Bill 1995

Bankruptcy Legislation Amendment Bill 1995

Crimes Amendment (Forensic Procedures) Bill 1995

A government response to the above Legal and Constitutional Legislation Committee reports is no longer required as the Bills lapsed upon prorogation of the previous Parliament.

LEGAL AND CONSTITUTIONAL REFERENCES

Payment of a minister's legal costs—Terms of reference, paragraphs (a) to (e) and (h)

The Coalition consistently voiced its opposition to the previous Government's proposed use of Commonwealth funds to pay Dr Lawrence's legal costs in relation to the Marks Royal Commission. Ultimately, the former Government accepted limitations to its proposal. Those limitations are reflected in Appropriation Act (No. 4) 1995-96 (Division 807.02 and section 4) which contains a single line appropriation as recommended by the Senate Committee.

In the circumstances, no further response is required by the present Government.

Trick or Treaty?

Commonwealth power to make and implement treaties

The government response was tabled in the Senate on 2 May 1996.

MIGRATION (Joint Standing)

Australia's visa system for visitors

The government response is expected to be tabled shortly.

NATIONAL CAPITAL AND EXTERNAL TERRITORIES (Joint Standing)

Draft Amendment No. 14 (Broadacre Areas) to the National Capital Plan

While the Committee recommended that the amendment not be agreed to in its original form,

it recommended that the amendment proceed subject to certain modifications.

A dissenting report by five Committee members formed part of the report. The dissenting members recommended that the amendment as originally proposed not be approved and that it not be approved in the modified form recommended by the Committee in whole. The dissenting members made other recommendations for action by the ACT Government.

The National Capital Planning Authority has sought advice from the ACT Government to assist in establishing the Commonwealth position on the matter with particular regard to the dissenting report. The ACT Government has not yet advised its position. The government response will be finalised for tabling following consideration of the ACT Government's advice when this is received.

NATIONAL CRIME AUTHORITY (Joint, Statutory)

Organised criminal paedophile activity

The Government is conscious of the importance and topicality of this issue and will be responding to the recommendations contained in the report in the near future. Further, it has already referred some of the recommendations to the Australasian Police Ministers' Council as suggested by the report. However, a formal response to the report has been deferred pending the finalisation of a strategic assessment of paedophile activity by the National Crime Authority.

PARLIAMENTARY ZONE (Joint Statutory)

Future of the old Parliament House

Recommendation 1

Response : The Government does not intend to adopt this recommendation.

Recommendation 2

Response: Agreed.

Recommendation 3

Response: As the Joint Standing Committee has not been re-established, this recommendation has been overtaken by events.

PUBLIC ACCOUNTS (Joint Statutory)

JCPA Reports

As a matter of general practice this explanatory schedule does not include reports from the Joint Committee of Public Accounts. Reports that address administrative matters are usually responded to in the form of Finance Minutes. These are normally provided to the Committee within six months of the tabling of the report and are then tabled by the Committee. Where the Committee has made policy recommendations, the Government normally provides a response.

Managing people in the Australian Public Service: dilemmas of devolution and diversity

The recommendations of the report have largely been implemented or overtaken by recent initiatives, in particular, the announcement on 21 June 1996 by the Minister for Industrial Relations, the Hon Peter Reith, of a consultation process to develop a reform package for the Australian Public Service. The Government does not intend to provide any further response to the report.

Financial reporting of the Commonwealth:

Towards greater transparency and accountability

The Government is currently considering its response to the fiscal responsibility legislation recommendations of Report 341 in the context of work on implementation of the Government's Charter of Budget Honesty.

RURAL AND REGIONAL AFFAIRS AND TRANSPORT REFERENCES

Impact of assets tests on farming families access to Social Security and AUSTUDY:

Second report—Social Security assets tests

The Government response is under consideration and is expected to be tabled shortly.

SUPERANNUATION (Senate Select)

Super guarantee—its track record

Super and broken work patterns

The Government is finalising a response to the complex policy issues raised by these two reports, which will be tabled at the earliest possible date.

Senator KEMP—I move:

That the Senate take note of the document.

Question resolved in the affirmative.

BILLS RETURNED FROM THE HOUSE OF REPRESENTATIVES

The following bills were returned from the House of Representatives without amendment:

Australian Federal Police Amendment Bill 1996.

Crimes Amendment (Controlled Operations) Bill 1996

COMMITTEES

Membership

The ACTING DEPUTY PRESIDENT (Senator Calvert)—I have received letters from party leaders seeking variations to the membership of committees.

Motion (by **Senator Kemp**) agreed to:

That senators be discharged from and appointed to committees as follows:

Appropriations and Staffing—Standing Committee—

Appointed: Senator MacGibbon from 1 July 1996

Discharged: Senator Ferris

Community Affairs Legislation Committee—

Participating member: Senator Mackay

Economics References Committee—

Participating members: Senators Allison, Bourne and Stott Despoja for the committee's inquiry into the Workplace Relations and Other Legislation Amendment Bill 1996

Substitute members:

- (a) Senator Cooney to replace Senator Mackay on 29 July and 30 July 1996
- (b) Senators to replace Senator Bishop for the committee's inquiry into the Workplace Relations and Other Legislation Amendment Bill 1996, as follows:
 - (i) from 1 July, Senator Sherry
 - (ii) from 9 July, Senator Forshaw
 - (iii) from 17 July, Senator Murphy
 - (iv) from 26 July, Senator Sherry

Employment, Education and Training Legislation Committee—

Participating member: Senator Mackay

Substitute member: Senator McGauran to replace Senator Troeth from 12 July to 12 August 1996

Environment, Recreation, Communications and the Arts Legislation Committee—

Participating members: Senators Crane, Ferguson and Kemp

Environment, Recreation, Communications and the Arts References Committee—

Participating member: Senator West for the committee's inquiry into the Telstra (Dilution of Public Ownership) Bill 1996

Foreign Affairs, Defence and Trade—Joint Standing Committee—

Appointed: Senator Sandy Macdonald from 1 July 1996

Foreign Affairs, Defence and Trade References Committee—

Substitute members: Senators Coonan and Boswell to replace Senators Troeth and Ellison from 1 July to 20 August 1996

Public Accounts—Joint Statutory Committee—

Appointed: Senator Ian Macdonald from 1 July 1996

Discharged: Senator Baume from 1 July 1996

Publications—Standing Committee—

Appointed: Senator Gibbs from 1 July 1996

Discharged: Senator Neal from 1 July 1996

Rural and Regional Affairs and Transport Legislation and References Committee—

Participating member: Senator West.

Membership

The ACTING DEPUTY PRESIDENT—I have received a letter from the Leader of the Government in the Senate nominating Senator Faulkner to replace Senator Reid as the Senate nominee on the Advisory Council on the Australian Archives.

Motion (by **Senator Kemp**)—by leave—agreed to:

That, in accordance with the provisions of the Archives Act 1983, the Senate elect Senator Faulkner to be a member of the Advisory Council on Australian Archives for a period of 3 years on and from 27 June 1996.

ORDER OF BUSINESS

Postponement

Motion by **Senator Kemp** agreed to:

That government business notice of motion No. 1, relating to the consideration of the Migration Legislation Amendment Bill (No. 2) 1996, be postponed till a later hour.

Senator KEMP (Victoria—Manager of Government Business in the Senate) (10.26 a.m.)—I seek leave to make a short statement.

Leave granted.

Senator KEMP—I wish to make it clear to the Senate that the government intends to proceed with this exemption but that we have been requested by a non-government party to postpone consideration of this motion for not longer than an hour. We will be bringing this motion back onto the *Notice Paper* for it to be finally determined. That is the understanding we have reached with the Labor Party on this matter.

**TELECOMMUNICATIONS (CARRIER
LICENCE FEES) AMENDMENT BILL
1996**

Second Reading

Debate resumed from 30 May, on motion by **Senator Kemp**:

That this bill be now read a second time.

Senator CHRIS EVANS (Western Australia) (10.27 a.m.)—On behalf of the Labor opposition I indicate that we have no objection to the bill before the Senate. Senator Schacht unfortunately has an engagement outside the parliament and will not be here for the debate. He sends his apologies. He asked me, on his behalf, to indicate that we will not be opposing the bill.

Senator BOURNE (New South Wales) (10.27 a.m.)—The Australian Democrats believe it is appropriate for the Commonwealth to fully recover its contribution to the International Telecommunications Union from carriers, and to do so by increasing annual carrier licence fees by about \$0.9 million in 1996-97 as the government has proposed, with each carrier contributing in accordance with their share of timed traffic.

We would like to state, however, that the payment of carrier licence fees provides an excellent vehicle for raising funds for research into the health and safety concerns about electromagnetic radiation. Presently, there is a significantly less than optimal amount of such research being conducted. In June 1994, Dr Barnett from the Ultrasonics Laboratory of the CSIRO Division of Radiophysics wrote a comprehensive report entitled *Status of the research on the biological effects and safety of electromagnetic radiation* in which he states that research on biological effects and development of safety standards always lagged many years behind technological development, due to limited availability of funding.

The simple fact is that the telecommunications industry is under no obligation to conduct research into the health effects of its rapidly developing technology. Nor is the government spending any of the considerable funds it raises from the industry on such research. Concern over the possible effects of electromagnetic radiation is continually

mounting. Let me give a couple of examples. The first is that in 1994, a CSIRO report found that the possible adverse effects on human health of exposure to radiofrequency and microwave electromagnetic fields and radiation are of public concern. Secondly, in Sydney last year a study by Dr Bruce Hocking found that within four kilometres of a television tower in a residential area rates of childhood leukaemia were 60 per cent higher than in another area away from the tower, and mortality rates from the illness were 100 per cent higher.

Thirdly, in the USA, Motorola has developed a policy of not siting radio antennas on school property because of growing public opposition. Moreover, after it was suggested that a person's head can absorb as much as 60 per cent of the radiation emitted from a mobile phone, Motorola made the extraordinary announcement that users should not operate mobile phones close to their heads because it was not using power in an 'efficient manner'.

On 3 June this year, a group of international scientists issued a warning on BBC television in the UK about the health dangers posed by mobile phones. Finally, in last November's *New Scientist*, it was reported that millions of people may face an increased risk of cancer and degenerative diseases because they are exposed to electromagnetic radiation from power lines and household electrical appliances. Ross Adey, Chair of the US Government's National Council on Radiation Protection, is reported as stating that there is now 'a powerful body of impressive evidence' to suggest that very low exposures to EMFs has subtle, long-term effects on human health. A report prepared by the council which highlights the findings of a number of pertinent studies on the health impacts of weak EMFs says:

These findings appear to warrant a substantive national commitment to further research, and the serious attention of regulatory agencies and of the general public.

It is true that this evidence is not conclusive. It is speculative. We do not know for certain whether electromagnetic radiation causes cancer. The problem is that we have thrown ourselves forward into an epoch of rapid

technological change without adequately assessing the impact. The reasonable path is to traverse a policy gap between the scare-mongering Luddites and those who believe in technological advancement at any price. Neither of those leads to genuine progress.

The point is that we cannot and should not feel confident until sufficient research is being conducted. We need to ensure that an adequate level of research is conducted in Australia, thereby enhancing our contribution to the growing body of research being conducted in other countries. For that reason the Democrats would like to move an amendment to the motion for the second reading of this bill. I move:

At the end of the motion, add ", but the Senate is of the opinion that the Government should set aside a proportion of the fees it collects to establish an Australian fund for research into the health effects of electromagnetic radiation".

Senator ALSTON (Victoria—Minister for Communications and the Arts) (10.32 p.m.)—I understand I am closing the debate on the Telecommunications (Carrier Licence Fees) Amendment Bill. I will briefly respond to the concerns that Senator Bourne has expressed. I start by welcoming the indications that all parties in the Senate will support the bill in its present form. Senator Bourne would like to go further. I understand that there are continuing community concerns about the effect of electromagnetic radiation. These are clearly the responsibility of government and others to investigate as seriously and as comprehensively as possible.

I suppose the difficulty we have with making this a responsibility of the carriers is that the carriers are not the only users of the radiofrequency spectrum. Any proposal, therefore, to make them solely responsible for carriage of the health issue would be inequitable. Electromagnetic energy health concerns of some members of the community relate to a range of radiocommunications installations, including radar, broadcasting, base stations, as well as telecommunications installations and devices.

I indicate also that in line with our concerns to properly address this issue, the government has established a committee of officials on

electromagnetic energy public health issues to examine and advise on the adequacy of health exposure standards, compliance procedures and national and international research findings. The committee is also tasked with consulting and providing information to the public. The committee consists of representatives from the Department of Communications and the Arts, the Department of Health and Family Services, the Spectrum Management Agency, Austel, the Australian Radiation Laboratories, the Therapeutic Goods Administration and the CSIRO.

The government is also participating in the World Health Organisation's international electromagnetic field project which commenced this year. The project will establish a database on research literature, scientists and projects; publish interim reports on substantiated important findings as soon as possible; prepare detailed international scientific reviews and guidance documents, including on radiofrequency fields, risk communication and management and public and occupational health policy; and publish information brochures.

The government considers that the information gained through participating in this international project will add substantially to our present knowledge of the EME health effects issue, enabling decisions and actions to be based on substantiated scientific knowledge drawn from a worldwide base. The government is currently examining the scope for further research into the EME public health issue to be undertaken in Australia, including options for a research program and disseminating information to the public. However, as I have indicated, this examination is entirely separate from the proposed carrier licence fee increase to cover Australia's contribution to the ITU.

I simply conclude by saying that we do not think it is appropriate in this instance, but I certainly agree with Senator Bourne that it is very important that we deal with the matter in a responsible fashion. There will always be people who get a bit hysterical about even the slightest prospect. As they always say to me, science cannot prove a negative. The overwhelming weight of evidence to date suggests

that if there is any electromagnetic impact on human beings, it is at a very low level of intensity. In many respects, the radiation that you might receive from a tower will be much lower than that you would receive from standing near a toaster or other electrical instruments.

We want to make sure that we get the balance right. We do not want to simply downplay those concerns because currently there is not sufficient scientific evidence to justify any intervention. I think it is an issue that must continue to be monitored and investigated as thoroughly as possible. The actions that we have taken will hopefully do precisely what Senator Bourne wants. Obviously, when these reports come forward, we will have a further discussion and we will be in a better position then to judge whether the parliament ought to take further action. On that basis, we will not be supporting the amendment, but we certainly share Senator Bourne's concern.

Senator CARR (Victoria)—by leave—The opposition will be supporting this telecommunications bill. This bill was prepared by the previous Labor government. Its principal purpose was to allow for the regulations under the act to be amended so that the government may recover the telecommunications carriers' full share of the Commonwealth's contribution to the budget of the International Telecommunications Union. I think the effect of that in 1996 is about \$5.8 million. The opposition believes that the essential features of this bill are non-controversial and should be carried without amendment.

It is worth noting that Senator Schacht cannot be here today because he is attending the launch of the Optus local call service in Sydney. This is yet another initiative of the previous Labor government being fulfilled in the telecommunications industry. This is a significant step forward for competition in telecommunications in Australia. Australia has already seen many of the benefits of competition in telecommunications with strong competition in mobile telephony, international and STD calls, and a number of pricing plans offering flexibility to consumers, including a wide array of flexiplans.

Today's Australians will be offered an alternative carrier for their local calls. We are likely to see substantial reductions in local call prices. All of this is occurring because the former Labor government introduced competition into telecommunications with the passage of the current Telecommunications Act 1991. Competition is delivering and will continue to deliver the goods to Australian consumers without the necessity of selling off a valuable Australian asset. We maintain that it is competition rather than privatisation that delivers real benefits to the Australian people.

We do not support the amendment that has been moved by Senator Bourne. However, we do recognise the concerns that are being expressed in the community about these matters. We feel it is not appropriate to address those concerns that people feel—and they are quite real concerns—in this manner and, as a consequence, we will be supporting the government on this particular matter.

Amendment negatived.

Original question resolved in the affirmative.

Bill read a second time, and passed through its remaining stages without amendment or debate.

PARLIAMENTARY CONTRIBUTORY SUPERANNUATION AMENDMENT BILL 1996

Second Reading

Debate resumed from 20 June, on motion by **Senator Kemp**:

That this bill be now read a second time.

Senator COOK (Western Australia) (10.42 a.m.)—The opposition does not oppose the Parliamentary Contributory Superannuation Amendment Bill 1996. This bill arises because the government made a decision to change the salary structure for ministers. The legislation to have that effect has been passed in both chambers and it resulted in a reduction in salary for non-cabinet ministers of \$10,000 per annum. This bill arises because there is a consequential change to pensions and to superannuation from the knock-on effect.

Given how superannuation operates for Commonwealth parliamentarians, the cutting

of salaries of non-cabinet ministers has, as I said, a knock-on effect to the superannuation scheme. This affects people who are existing beneficiaries of that superannuation scheme—that is, people who are retired and in receipt of pensions—and it also affects the entitlements of serving members and senators.

The reduction would arise for current superannuants with non-cabinet ministerial experience, because the superannuants are paid with reference to their past service and to the current salary levels that are applicable to that service. Therefore, there would be a reduction in pension payments from the pre-2 May level. This reduction would continue until such time as, if ever, non-cabinet minister salaries increased to the pre-2 May level. Similarly, the value of superannuation entitlements of current members with non-cabinet ministerial experience would be reduced should they retire or die prior to the non-cabinet ministerial salary again returning to the 2 May level.

So the bill before the Senate proposes to insulate existing superannuants from the effects of salary reduction, basically, by maintaining current pension payments and by maintaining the value of the superannuation entitlements of existing members by ensuring that the formula remains as it previously was. That is a way of saying that there is a general principle here and that general principle, accepted by all governments, is that changes to superannuation should grandfather existing recipients. Adherence to that principle simply means that the rules should not be changed retrospectively to the detriment of superannuants. This legislation abides by that principle, and that is the reason the opposition will support it.

Due to the reduction in salaries of ministers not of cabinet rank, in effect there will be a minor saving. The reduction in costs as a consequence in 1996-97 in relation to existing pensioners would have been approximately \$80,000, but that saving will erode over time as the salary of non-cabinet ministers increases. We support the legislation.

Senator SHORT (Victoria—Assistant Treasurer) (10.46 a.m.)—I thank Senator Cook for his contribution to the debate and

for the agreement of the opposition to the Parliamentary Contributory Superannuation Amendment Bill. Just to recap, the reduction in salary for non-cabinet ministers would have had the effect of reducing the pensions payable to certain former members from both sides of politics who had been non-cabinet ministers or, where they had died, their spouses. The bill will have the effect of maintaining the level of expenditure on current pension payments under the scheme.

The accrued benefits of some serving members who previously had non-cabinet ministerial service would also have been reduced, and the bill will prevent these decreases by maintaining the benefit levels until the actual salary payable to non-cabinet ministers overtakes the salary before it was reduced. Benefits will then increase in line with future salary increases. If the salaries on which benefits are based should decrease in the future, the bill will prevent any consequent reductions in pensions and serving members' accrued benefits. I thank all parties for their support of this bill and look forward to its speedy passage.

Question resolved in the affirmative.

Bill read a second time, and passed through its remaining stages without amendment or debate.

CUSTOMS AMENDMENT BILL 1996

CUSTOMS TARIFF AMENDMENT BILL (No. 1) 1996

Second Reading

Debate resumed from 26 June, on motion by **Senator Kemp**:

That these bills be now read a second time.

upon which **Senator Cook** had moved by way of amendment:

Omit all words after "That", substitute "because the Customs Tariff Amendment Bill (No. 1) 1996 bill deceitfully disguises the introduction of a new tax on consumers through increasing the cost to consumers of imported goods that were previously tariff free, while having a negative impact on industry development through not providing adequate alternative assistance by way of the Policy By-Laws system, the bill should be withdrawn, redrafted and re-presented in a form in which:

- (a) to goods for personal consumption to which Tariff Concession Orders apply continue to enter Australia free of duty; and
- (b) no change is made to the duty rate which currently applies to Policy By-Laws".

upon which **Senator Spindler** moved by way of amendment:

Paragraph (a), before "goods", insert "business inputs and".

After paragraph (b), insert "and (c) budget savings are achieved through a pause in tariff reductions"

(Quorum formed)

Senator PARER (Queensland—Minister for Resources and Energy) (10.51 a.m.)—I thank honourable senators for their contributions to this debate on the Customs Amendment Bill 1996 and the Customs Tariff Amendment Bill (No. 1) 1996. I would like to make a couple of comments in regard to the contributions by honourable senators.

These bills have been introduced by the government to satisfy an election commitment made in the 'Meeting our commitments' document. They are designed to pay for various government programs. It should be pointed out that in fact the previous Labor government intended to impose a five per cent tariff on all policy by-law and tariff concession orders for the business sector. During the election campaign the now government in principle supported that approach but said that it would discuss the matter with business organisations.

As a result of those discussions, it became perfectly obvious that going down the Labor Party line posed particular problems in regard to consumption goods. It was the view during those discussions that, by not applying the three per cent that this government was applying—rather than the five per cent of the previous Labor government—this could well be unworkable because it would probably be impossible at the time of a tariff concession application or a policy by-law application to determine whether the goods being imported were for business or consumption.

I suppose good examples of this would be things like radios—whether a radio was for domestic use or to go into a motel. What would be the eventual end use of even a simple thing like a mobile telephone? For that

reason, the government decided to apply the three per cent figure to all goods being imported. I will address that in a minute.

Prior to doing that, I will respond very briefly to the approach of the Democrats, which I found—and I am sure the opposition did—totally confusing. On one hand, they were saying that you should not have a three per cent tariff on capital goods being imported for business; on the other hand they were saying we should not reduce the tariffs—in other words, increase the tariffs on all the goods coming into Australia. I suppose that is fairly typical of the Democrat approach to it.

Just by way of clarification, I notice that the opposition have said that they will support the first bill but move an amendment to the second bill; basically they are saying, 'Send it back and do it all over again.' The opposition's approach is that they are strongly of the opinion that the tariff should not apply to consumption goods. The Democrats have made the position even more difficult for us by saying that they will go along with the government's proposal providing we apply it only to luxury goods. If we had definitional problems previously, this enhances those definitional problems.

In view of the position taken by the opposition, and in view of the importance we place on this Customs Tariff Amendment Bill (No. 1), I foreshadow—I believe there have been some discussions with the opposition on this—certain amendments which will be debated in the committee stage. The amendments offer a compromise position to the government's proposed three per cent tariff concession rate increase for all tariff concession goods, principally to quarantine consumer goods from the tariff rate increase.

The government believes this will pick up the substantive theme of the opposition's second reading amendment circulated by Senator Cook on behalf of the opposition during the debate yesterday afternoon. The principal amendment in the schedule of three proposed by the government is amendment No. 2, which removes consumption goods from the three per cent tariff rate increase for tariff concession goods. This amendment will

restore the tariff rate for those tariff concession goods. While it is conceded that the amendment does not implement the complete rate increase proposed by the government, the government believes it is an acceptable and workable compromise.

The quarantining of consumption goods from the rate increase has been able to be achieved without introducing a split in the tariff concession decision making process along the consumer versus business input lines. The government has always maintained, as indeed did the previous government, that a decision as to whether or not a tariff concession order should be issued should be dependent on whether or not the tariff concession order tests have been met and not whether the goods are consumer goods or business inputs.

Once a decision on the granting of the concession is made, however, then the duty to apply to goods imported under the concession instrument can proceed, if necessary, on the determination of whether the goods are classified as consumption goods or not. That is the essence of the proposed amendment No. 2. Consumer goods referred to as consumption goods are removed from the three per cent tariff rate increase on the basis of an international tariff classification and harmonisation document prepared by the United Nations and applied to the Australian tariff by the Australian Bureau of Statistics in accordance with the international guidelines set out in the United Nations paper. The United Nations papers classify all internationally traded goods as consumption goods, intermediate goods or capital goods. It is these documents which are used to define consumption goods in the government's proposed amendment No. 2.

The other amendments which are proposed by the government, Nos 1 and 3, deal with several minor matters which have arisen during the course of parliamentary debates on these bills. Depending on the outcome of the second reading debate, I would be happy to further detail the matters in respect of the other amendments at the committee stage of the bill.

Might I just say in conclusion that, while it is not something we would prefer in view of our 'Meeting our commitments' document prior to the last election, we believe we have found a way that does satisfy the opposition concerns in respect of consumption goods. It is a way that does not create the definitional problems which would have occurred if we had gone down the opposition's previous route, and that was for some determination to be made when the application was made for the tariff concession without knowing whether those particular goods—there are a lot of them, some 23,000—would actually be used for capital requirements or for consumption.

Under any circumstances we would not have supported the opposition's amendment, but under these circumstances we ask the opposition to rethink this matter. They have not had as much time as we would have liked to give them to consider this matter, but I believe this is a satisfactory outcome which addresses the opposition's concerns. It removes the consumption goods from the application of a tariff in a way which is fair. It is at arm's length. It means that determinations are made by an independent body.

These determinations do not change at great speed every six months. There are minor adjustments made at the fringes. It seems that this is the only way to approach it in order to satisfy the consumption good problem and, at the same time, get away from the complications that would have arisen with determinations having to be made when applications were made for these tariff concession orders. It might be helpful if Senator Cook responded to the compromise position I have outlined.

Senator COOK (Western Australia)—by leave—I too have this morning received the phone call in which I was advised that discussions between the parties have occurred off stage and that substantial agreement has been reached about amendments that could be made in the committee stage. My instructions confirmed a second ago are that we would understandably wish to persist with our second reading amendment. In that way the complications associated with the agreement being translated into amendments and then incorporated into the bill can be ironed out.

My understanding is that there are still some wording difficulties. There are no difficulties in principle or intent, but only in the translation of the principles of the agreement into the amendments. If my understanding is correct, it appears to me that the course to follow would be for the amendment that I have moved to the second reading to be carried and then for the government to bring back the bill as soon as it is able to clear up the differences in understanding about the amendments. The bill could then proceed with our support.

Senator PARER (Queensland—Minister for Resources and Energy)—by leave—Would it be acceptable, Senator Cook, to address the Customs Amendment Bill, which we all agree on, and get that through and then move that the second reading debate on the Customs Tariff Amendment Bill be adjourned to a later hour?

Senator Cook—Yes.

The ACTING DEPUTY PRESIDENT (Senator West)—The question is that we adjourn the debate on the Customs Tariff Amendment Bill (No. 1) to a later hour.

Question resolved in the affirmative.

The ACTING DEPUTY PRESIDENT—The question is that the Customs Amendment Bill 1996 second reading be agreed to.

Question resolved in the affirmative.

Bill read a second time, and passed through its remaining stages without amendment or debate.

CONSIDERATION OF LEGISLATION

Senator SHORT (Victoria—Assistant Treasurer) (11.05 a.m.)—I move:

That the order of the Senate of 29 November 1994, relating to the consideration of legislation, not apply to the Migration Legislation Amendment Bill (No. 2) 1996.

The amendment to the Migration Act proposed in the Migration Legislation Amendment Bill (No. 2) is in response to steps taken by the Human Rights and Equal Opportunity Commission. It highlights the inconsistencies between the Migration Act and the Human Rights and Equal Opportunity Commission Act. The Victorian Refugee Advice and Casework Service requested access to detainees

from the boat *Teal* who were brought to Australia from China. When it was refused access to the detainees—the detainees had not requested assistance—the Human Rights and Equal Opportunity Commission delivered sealed envelopes to the detainees.

The Department of Immigration and Multicultural Affairs refused to deliver the sealed envelopes and the matter was then litigated—it went to the Federal Court. The amendment proposed in the Migration Legislation Amendment Bill (No. 2) seeks to resolve this situation of inconsistency between the Migration Act and the Human Rights and Equal Opportunity Commission. If the bill is passed, the commission will only be able to deliver such sealed envelopes once contact has been initiated by the relevant detainee. Passage of the bill is urgently required as steps are in train to take advantage of this inconsistency once again. The Victorian Refugee Advice and Casework Service have requested access to another group of detainees and, presumably, will continue this process with all new arrivals.

To delay the amendment to the Migration Act contained in the bill would mean that access would be possible to detainees who are already at Port Hedland but have not entered the decision making process—who have not claimed asylum—and any other boat people who might arrive in the next few months. If the bill is not passed, that access would be possible without the contact being initiated by the detainee as, in effect, is required under section 256 of the Migration Act. That would, in effect, run the risk of undermining our entry procedures and would certainly result in a highly unsatisfactory situation continuing over the next few months in the context of a large number of boat arrivals currently taking place.

The Migration Legislation Amendment Bill (No. 2) is a specific measure to address a specific problem which was highlighted in the recent court case and by the actions of the Refugee Advice and Casework Service since that case. The bill does not seek to address broader issues—I stress that—that could possibly arise. It is a bill which contains a specific measure to address a specific problem that we now have.

Whilst the bill does not seek to address broader issues that could possibly arise, but where existing legislation has proved adequate to date—of course, we are not tackling that in this bill—the government is undertaking a review of its migration-immigration decision making and any wider issues will be considered in that context. I think it is very important that the Senate be aware that the government is undertaking this review of migration decision making. This bill will not, of course, affect that. To the extent that it affects it at all, what it does is maintain the integrity of the Migration Act, particularly so far as the whole procedures relating to refugee processing are concerned.

For those reasons, the government urges the Senate to permit this bill to go forward to conclusion this session. If the passage of the bill is delayed beyond the end of this session, that is, beyond the end of tomorrow, we will face then a hiatus situation of at least a couple of months. That could prove very serious indeed to the undermining of the integrity of Australia's entry requirements.

The Senate legal and constitutional committee has, I understand, considered the bill in the last couple of days. It has done it urgently and I thank the committee for its cooperation in that respect. I understand the committee's report is to be tabled shortly. I look forward to hearing the outcome of the committee's deliberations. On that basis, given that all procedures have been followed as fully as possible in the Senate processes up to date, I urge the opposition, the Australian Democrats and the Greens to support the removal of the cut-off requirement. If we do not do that, as I say, potentially we will have a very big problem over the next few months and I think most Australians would regard that situation as unsatisfactory.

I want to repeat again, particularly to those who have concerns about the bill, that the government is in no way wishing to abrogate the procedures that are laid down in Australia, and in most other countries, under the refugee convention in terms of the processing of refugee or asylum claims. They are completely protected in the Migration Act and this bill does not, in any way, contravene the requirements and the processes that are contained in

the Migration Act. That is an additional reason for the government to hope and expect the cooperation of the Senate in this matter.

Senator CARR (Victoria) (11.15 a.m.)—The Migration Legislation Amendment Bill (No. 2) goes to the issue of the Human Rights and Equal Opportunity Commission versus the Department of Immigration and Multicultural Affairs. The opposition will be supporting this bill and supporting the exemption from the cut-off motion.

Senator SPINDLER (Victoria) (11.16 a.m.)—The Migration Legislation Amendment Bill (No.2) is an atrocious bill. The Australian Democrats certainly will oppose the Senate dealing with this bill now. It is an entirely new matter. It is not an old bill. It does not fall under the rules of the Senate that we have accepted in principle.

But, quite apart from that, one should be ashamed of the content of the bill. The government should be ashamed for bringing it into the chamber, and the opposition should be ashamed for supporting it. Here they are, civil libertarians, supporting a bill that will deny information to people who may or may not have a case in court and may be trying to decide whether they have a case they wish to pursue. Here in this country, which is supposed to be ruled by law, we are saying, 'You may not have that information from our human rights commission to decide whether or not you wish to take legal action, to assess your legal position, to exercise your legal rights.'

If this bill is passed, to the shame of this parliament and to the shame of the two parties that will be supporting it, I forecast that we will have an appeal to the United Nations Human Rights Committee. Just as they told us that we are still in the Middle Ages in relation to certain laws in Tasmania, they will ask us again, 'What are you doing? Are you a civilised nation?'

At last night's committee hearing I put to the committee a number of statements by the United Nations Human Rights Committee which showed quite clearly that the human rights committee interprets article 9 of the ICCPR as obliging countries to provide information in various areas—and not in just

the criminal area. It raised a number of areas where information needs to be provided, and it included immigration legislation very specifically. Information falling into that area needs to be and must be provided to individuals.

We are denying here a very important basic human right, and what for? The Minister representing the Minister for Immigration and Multicultural Affairs, the Assistant Treasurer (Senator Short), says the heavens will fall in and we will have thousands of people clogging up our courts. Minister, could you tell us how many? I think it would be about 30 at most—probably less.

We were told that 15 per cent of asylum seekers applying for refugee status would possibly go to court. So for that miserable little number we are prepared to throw to the winds a basic principle of justice that our courts should uphold, that this parliament should uphold. Aren't you ashamed of yourself, Minister? The Democrats will certainly oppose this move.

Senator COONEY (Victoria) (11.19 a.m.)—I will be supporting this motion, as has been indicated by Senator Carr. I listened to Senator Spindler, and I must confess that the Migration Legislation Amendment Bill (No.2) certainly does raise some very important issues. As I understand it, this bill seeks to make sure that people cannot tell others of their legal rights. That seems to me to be a matter of some moment. Can I perhaps read a passage from the decision of *Blackpool Corporation v. Locker*, which was decided in the Court of Appeal in 1947. Lord Justice Scott said:

The maxim that ignorance of the law does not excuse any subject represents the working hypothesis on which the rule of law rests in British democracy. That maxim applies in legal theory just as much to written as to unwritten law, i.e., to statute law as much as to common law or equity. But the very justification for that basic maxim is that the whole of our law, written or unwritten, is accessible to the public—in the sense, of course, that, at any rate, its legal advisers have access to it, at any moment, as of right.

I think that passage sums up the law as has been practised over the years. Ignorance of the law is no excuse, but then the law makers

should ensure that people know the law so that they can obey it.

Listening to the debate in here, it would seem that the thrust of this legislation is to interdict information going to people about their rights. That seems to be a very serious issue. We in this country pride ourselves on living under the rule of law, which overarches the parliament, the executive and the judiciary and indeed overarches in certain ways the constitution. In listening to Senator Short, who was very lucid in these matters, it does seem that we are going to take a very dramatic step and a step that will put people to a disadvantage.

If we are going to have laws, certainly people should be able to take advantage of those. It seems to me that this is an issue of not whether a particular law should operate but whether people should be able to give people who they seem to think may need the law an opportunity to know it. There is no doubt that solicitors in Melbourne, my home town, in Victoria advertise. They go to the press about their services.

Senator Chamarette—Maybe they shouldn't be; maybe we should ban that.

Senator COONEY—I suppose, Senator Chamarette, if we were to be consistent we would do that. As a matter of fact I am against that advertising down there.

Senator Alston—We should have advertised.

Senator COONEY—Senator Alston has got on to a point that is near to my heart. In his day and mine, which now seems to be decades ago, when honour and ability were the only things that counted, things were different. Senator Alston, I think you would agree that it seems an extraordinary piece of legislation that would stop a particular group of people giving information to other people about their legal rights, particularly when those people might not know their rights. How can the rule of law operate if nobody knows what the rule of law is? I think there are some great issues in this. If this bill is given an exemption, when would it come on; tomorrow?

Senator Chamarette—No, in half an hour.

Senator COONEY—I would be surprised if the officials from the immigration department or the Attorney-General's Department—all of whom are outstanding public servants; I have known them for years—would be eager to have this put off so that we could have a look at it. The only thing that causes me to do this is a certain sense of justice, which I suppose some people might think can be dispensed with; but that is a bit of a problem.

I see that Senator Bolkus has come into the chamber. I would like to make one other quote. It is from the *Massachusetts Body of Liberties*, which was published on 10 December 1641. I know that Senator Bolkus and Senator Short would have read this. Chapter 7 states:

No man shall be compelled to goe out of the limits of this plantation—

these were the original founding fathers of America—

upon any offensive warres which this Commonwealth or any of our friends or confederats shall volentarily undertake. But onely upon such vindictive and defensive warres in our owne behalfe or the behalfe of our friends and confederats as shall be enterprized by the Counsell . . .

This is all done in ancient English. It goes on to say that that will be by consent of a court general or by an authority derived from the same. Above that chapter—and this is the interesting point—it states:

Every person within this Jurisdiction, whether Inhabitant or forreiner shall enjoy the same justice and law, that is generall for the plantation, which we constitute and execute one towards another without partialitie or delay.

If the founding fathers of America could give everybody equality before the law in 1641, I cannot see why we cannot do it in this age.

Senator ELLISON (Western Australia) (11.26 a.m.)—The Migration Legislation Amendment Bill (No. 2) was before the Senate Legal and Constitutional Legislation Committee last night and evidence of a wide-ranging nature was put before the committee. The committee took evidence from not only the Attorney-General's Department and the Department of Immigration and Multicultural Affairs but also Mr Ross McDougall, from the Refugee Advice and Casework Service; Father Frank Brennan, from the Jesuit Social

Justice Centre; Mr David Bitel, President of the Refugee Council of Australia; Mrs Marion Le, from the Independent Council for Refugee Advocacy Australia; the Human Rights and Equal Opportunity Commissioner, Mr Sidoti; and the Commonwealth Ombudsman, Ms Philippa Smith.

In the short time available the committee was able to take wide-ranging views and evidence on this matter. Indeed, during the course of the hearing the Human Rights and Equal Opportunity Commissioner, Mr Sidoti, and the Ombudsman, Ms Smith, made an offer to the government that they would pursue their duties as if the bill had been passed for a period leading up to 20 September this year. That offer was made, albeit genuinely, in an effort to have more time for consultation.

Regrettably the government could not take this offer up because the offer could not be guaranteed. In the view of the government members of the committee, the human rights commissioner and the Ombudsman in their public office could not resist an application of writ of mandamus by a third party forcing them to carry out their duties. So those who might say, 'The government was offered a way out here'—that is, that the Ombudsman and the human rights commissioner would not pursue their duties in relation to this matter as if the bill had been passed so that the government could be offered that sanctuary, so to speak, until 20 September—really miss the point.

The government has not been given a guarantee. I believe that those two officers intended it to be genuine. Nonetheless, there was not the guarantee offered to the government. So the government had no choice but to pursue the passage of this bill on an urgent basis and for the reasons that Senator Short has outlined in detail; I will not go over them again.

During the course of evidence there were questions put as to whether this bill transgressed or cut across any existing litigation. There was no evidence that it did. The Scrutiny of Bills Committee report—this bill has also been before that committee, which is chaired by Senator Cooney—was put before

the committee and that said that there was some limited aspect of retrospectivity and that there was some concern over the aspect of access to justice.

The departments that I mentioned were questioned on these two aspects and they did not see any great problem with either of those issues. Mr Henry Burmester, from the Attorney-General's department, who is counsel of note, said that he did not think that this bill transgressed Australia's international obligations. Indeed, article 9 of the International Covenant on Civil and Political Rights, referred to in Senator Spindler's dissenting report, states that anyone who is deprived of liberty by arrest or detention shall be entitled to take proceedings before a court in order that the court may decide without delay on the lawfulness of the detention and order release if the detention be not lawful. Nothing in the bill deprives anyone of the right to take such action. As Senator Short outlined, there is nothing to stop an unauthorised person in detention from making an application for legal aid and bringing proceedings.

Due to the recent case brought by the Human Rights and Equal Opportunity Commission, the government has had to respond with this bill, which is rather narrow in its application. It will provide that no unsolicited legal advice is offered to detainees under the provisions of the ombudsman's legislation or the human rights and equal opportunity legislation. Those organisations have the ability, once a complaint has been made to them, to communicate with the complainant by means of a sealed envelope.

It was put to the committee by the departments that, firstly, this measure does not offend our international obligations; secondly, if this bill be not passed forthwith, there would be a hiatus in the administration of our immigration policy dealing with unauthorised entries and that betwixt now and the next sittings there could be all sorts of problems.

For those reasons, there is a degree of urgency with this matter. I commend the staff of the Legal and Constitutional Legislation Committee for the urgent attention they have given this matter. In particular, I refer to Neil Bessell, the secretary to the committee, and

Catherine Hawkins, who both did a great job with such short notice.

Senator CHAMARETTE (Western Australia) (11.32 a.m.)—I am speaking to the motion to exempt the Migration Legislation Amendment Bill (No. 2) 1996 from the normal procedure of the cut-off motion, which would see it adjourned to the first day of the next session because it has been only recently introduced into this place. The question before us is whether this is an urgent matter and whether it has received sufficient scrutiny, not only from this chamber and this parliament but also by the community.

The content of the legislation is only indirectly relevant to the issue, although some speakers have attempted to illustrate that the content could be considered relevant to its urgency. It seems to me that the three major reasons for the government and the ALP supporting the exemption of this bill from the cut-off have not been given. I will now deal with those three reasons, though not necessarily in order of importance.

The first reason is one that Senator Short referred to, and that is that it appears once again that the immigration department has acted in a way that the courts have found to be illegal and against the human rights of some people detained at Port Hedland. The department seems to have prevailed upon this government to enforce the inhumane and brutalising policies of the previous government and which were supported by the present government when the legislation was introduced.

The government and the opposition are supporting a government department's attempt to block the hole it perceives in our courts. That hole is the Federal Court's determination that the immigration department has a duty to deliver a sealed letter from the Human Rights and Equal Opportunity Commission to some detainees in Port Hedland informing them of their rights. In order to exempt the department from obeying the lawful order of the Federal Court, against which the department sought a 14-day stay, the government is seeking to change the legislation. That is an utter disgrace.

The matter has been canvassed in this place. Senator Spindler spoke to it. Senator Cooney is in the invidious situation of having to support his party when he has a clear understanding of the difficulties with and complexities of the law in this area. Senator Ellison, because he has been very constructive in his role as chair of the Legal and Constitutional Legislation Committee, is also well aware of the legal complexities of this case. Both he and Senator Cooney have added in a valuable way to the debate.

As I said, one reason this matter is urgent is that the parliament wants to do something that is presently illegal. It has to do it fast because it wants to protect a government department which—I have to give this to the department—is seeking to comply with legislation previously enacted in this place in order to prevent people in this country having access to and information about their human and civil rights.

The department is simply doing its job, carrying out the legislative burden placed upon it by this parliament. It is a chicken and egg situation. This parliament was forced into creating the earlier legislation, to use Senator Short's words, in order to preserve the integrity of our borders—as though we preserve integrity by denying people coming to our shores by whatever means their human and civil rights!

That is the first reason that has been put for supporting this motion. We have to suddenly make something that has been found illegal legal, so we had better act fast. Heaven knows how that affects the separation of powers. We can talk until we are blue in the face about that, because apparently this is likely to go ahead by dint of numbers rather than by content and arguments. I think there are three reasons why this exemption motion is being supported. The Labor Party is probably supporting this motion for two reasons. Firstly, the cloud which has been over their heads because of the previous legislation they passed means that they have some kind of obligation to support this new government, to push it even further and close up any loopholes that might have appeared in their previous policies.

That might be one reason, but there is another reason for supporting the exemption motion. The previous government had no commitment whatsoever to the cut-off motion. I believe they are seeking to undermine it by supporting as many exemptions as they can. In that way if by chance in the next election they gain government they will not have to bother with a Senate that demands appropriate scrutiny both in the community and in the parliament of legislation that is passed to it from the House of Representatives. I think that is a very disturbing reason.

As I have said, I think the former minister for immigration, Senator Bolkus, could have some face saving intentions in supporting the exemption motion, in not voting against the bill and in trying to expedite the bill as quickly as possible. But I think there is another agenda. I have been very discouraged in this session, which is nearly at an end, to see that the Labor Party has not declared total support for the principle of introducing a bill one session and debating it the next in order to ensure that this practice does not continue.

The third reason for supporting this motion comes from the government and it is on a more human level. They need this exemption motion brought on not only because of the matter to which I referred earlier but also because they are really stuck with their program. They have moved that we have another day of sitting tomorrow, they have some time left until 2 o'clock today to spend and they have no bills left. So they would quite like to see us debate at length this highly controversial bill. They know that there will be considerable debate from the Democrats and the Greens in this chamber. They know that it will be a lengthy procedure, and it will get them out of a very embarrassing situation.

The government are probably very pleased that I am taking this time to speak to the exemption motion, because that fills up some time about which they will not have to be embarrassed when the program collapses upon them. We have had a lot of rhetoric right through this session about how busy we are going to be and how we are going to have extra days of sitting. We have already given

you an extra Friday, and we are giving you another one tomorrow. Apart from all this evening being filled up with valedictory speeches you have not got a program left. So that is another reason for rushing on the bill. I do not think that is a very good reason at all.

I would like to share with senators in this chamber something with which those who have been here before will not be totally unfamiliar, and that is the history of this procedural motion. The reason for this procedural motion goes back to 1992-93. Prior to the first session of the 1993 parliament, a log jam of legislation would come into the Senate in the last week, particularly on the last day. I think I have some graphs showing the numbers of bills that came through which I might incorporate later in my speech. I can remember that on 17 December, 1992 the Senate sat on the Thursday right through to beyond 5 o'clock on the Friday morning. I went home quickly, packed my things and got on the plane. I think I spoke at 2.00 a.m. and 4.00 a.m. and we did not start valedictories until very late. We were debating bills that had been introduced into the chamber only that very day. It was shameful.

Legislation was being pushed through without senators having any grasp whatsoever of what they were voting on. A lot of that legislation in the previous session went by the board. It had to be amended for inaccuracies, some aspects had to be recommitted and some disappeared from the scene indefinitely. A member in the other house, Mr Wilson Tuckey, had observed that for many years. I think this is the first time I have put on the public record why this procedural motion came about. When he noticed that, after the election in 1993, the two Greens would share the balance of power with the Democrats, he rang me up and said, 'Senator, have you got any interest in the decorum and the correct procedures within the Senate?' I replied, 'I certainly have and I would love to reform it.'

He said, 'Well, have you noticed that there is a terrible log jam of legislation—a disgraceful log jam—that this government pushes through the House of Representatives, which, by dint of numbers, it can do nothing

about, and then it pushes it through the Senate by pressure of the last hours of the session?' I said, 'Yes, and I would be happy to move a procedural motion to address that, but I have no anticipation of getting the numbers of support in the Senate chamber.'

He said, very helpfully, 'Well, leave that to me, Senator. I will speak to my colleagues in the Senate and persuade them that, if they have any aspirations to be statesmen and to have the Senate take its due and rightful role in the scrutiny of legislation, they should perhaps consider supporting your motion.' That was how it came about. I think it was one of the first times the 'unholy alliance' phrase was used. I know it was raised with great wrath in the House of Representatives, and may even have come to this chamber.

As a result of that, a procedural motion was put in place on 18 August 1993, which was supported by the coalition, which allowed the principle of legislation which had been introduced in the House of Representatives very late in the session coming into the Senate, but being immediately adjourned to the first day of the next session. Of course, that was not greeted with great enthusiasm by the Prime Minister of the day. In fact, he called it a 'constitutional impertinence' that we in the Senate should be telling the House of Representatives how they should conduct their business. As I pointed out to him, we were not doing that at all. We were simply making sure that we conducted our business with decorum, and whether they chose to or not was their responsibility. Nevertheless, if they were tardy in introducing legislation, they could not expect the Senate to suddenly push it through without doing its proper role as the Senate.

Just in passing, it might interest people that he said that not only was it a constitutional impertinence but also it could precipitate a constitutional crisis like that of 1975, and it could even bring down the government. I assured Mr Keating that my little procedural motion could not cause a constitutional crisis or bring down the government. His reaction to it possibly could, but my procedural motion could not.

We then had a very important series of debates in the Senate, with which people here are probably very familiar, where Gareth Evans was at pains to say that the measure was not needed, that it was a constitutional impertinence and that it would be the end of the world as we know it. In fact, maybe it was, for the Senate, because, reluctantly, the government came around to the view that it was sensible to take into consideration that it did not have the numbers in the Senate, and that it did have some responsibility to give due warning on legislation if it expected it to receive consideration and not be referred to a committee or be adjourned to the next session.

That principle of a cut-off motion then got translated into a procedural principle, which Gareth Evans enunciated, I think, on 25 August 1994—the principle that any legislation that was introduced in one session would be considered in the next session. That was a very beneficial thing.

However, there have been some notable exceptions to that all the way along the line, and that is where migration legislation comes in. My main reason for being concerned about the log jam of legislation in the last days was not the log jam per se, but the fact that the government had a very backdoor, underhand way of slipping through legislation which the parliament would not understand in its implications in relation to Federal Court matters.

On 6 May 1992, it had already done it. Some detainees in Port Hedland had a case that supported that they had been detained illegally upheld by the court. In order to preempt them being able to go on with an appeal, the government wanted to overturn that and make it mandatory to detain everyone when they set foot in this land. We did that on 6 May, with the coalition supporting the then government, with very strong and vocal opposition from the Democrats. I particularly remember former Senator Coulter, Senator Brian Harradine and I opposing that, but of course we were not able to prevent it, and that legislation came through.

The same thing happened on 17 December 1992 in relation to compensation that might

be an entitlement of people who were illegally detained for the tight period between when they arrived, when their boats got destroyed and when the law was passed on 6 May. The government wanted to prevent them. I think we have had another one since then with the outrageous 'dollar a day determination' that says that the compensation for illegal detention by the government is a dollar a day.

What we see is a very shameful history within migration legislation. It shows that there is something very wrong in this country's approach to asylum seekers and refugees who come to this country. Of course, we do not know, when a boat arrives on this shore, who are legitimate refugees and who are not. We have to assume that on those boats there are asylum seekers and refugees, and if we deprive them of their civil rights and their access to courts, we are, in my view, violating every commitment we have made to the international covenants on civil and political rights and the treatment of refugees.

My belief is that we are persisting down a very wrongful track, and to exempt this legislation is to put yet another episode into this shameful saga. My understanding is—we will discuss this more when the motion comes to pass because, regrettably, dint of numbers will make it come to pass, unless we had a conscience vote, which would be a rather wonderful thing to see in this chamber—that the principles underlying this particular case are that a boat named *Teal*, for the purposes of customs and immigration, had some detainees at Port Hedland who were allowed by the court to be handed a letter from the Human Rights and Equal Opportunity Commissioner which allowed them information as to legal advice that could be available.

To my mind, that we should be considering exempting a bill in order to prevent the department of immigration carrying out the order of the Federal Court is an unutterably dishonourable position. I will not speak further on this. I am sure I could have spent another 10 minutes elaborating but I will spare my listeners. I am also hoping that there will be people who have been sufficiently stirred by some of the matters I have raised

to give consideration—even to rebut it; I do not mind—to what we are doing in this place. It is disgraceful. If it allows an opportunity for other speakers, it is appropriate that I conclude my remarks.

But I have to say in the strongest possible terms that the Greens could not ever support the exemption of a piece of legislation for the unworthy motives that are being presented today: not only to pre-empt the court and interfere with what I believe is a very important concept of the separation of powers by intruding the parliamentary will, but also for the unworthy motives of filling up the program and of undermining the very important principle that we introduce legislation with enough time for the community to give feedback and for the parliament to understand what it is doing.

The community has given feedback—and it could not be more strong in opposing the exemption of this bill from the cut-off. It is not as though we have to wait for the community to realise how wrong this is; it has been saying it. What we have to do is honour the community's voice and defer this motion to its rightful place, which is to the first day of the next session when the immigration department will have carried out its order. It can put up whatever shameful legislation it likes and we can give it consideration. But we should not be exempting this bill now, in order to pre-empt a decision of the Federal Court.

Senator BOURNE (New South Wales) (11.54 a.m.)—The Senate at the moment is debating whether the Migration Legislation Amendment Bill (No. 2) is urgent enough for us to debate it today. I am sure the government wants to do it today because I have just received a speakers list for the bill. It is a little pre-emptive as we have not yet had a vote on whether we will debate it. It is a very short speakers list which we have not yet been invited to add our names to. There is only one name on the list from the Australian Democrats but I can assure you that there will be more. This is such an outrageous piece of legislation that I will want to speak, Senator Spindler will want to speak and I know there

are other Democrats who will want to speak on it as well.

The question as to whether this bill is urgent has a very obvious answer; and the obvious answer is that, no, this bill is not urgent. If this bill does go through in the next day and a half, what will happen? What is so urgent? What has to be stopped to make sure that this bill goes through in the next day and a half? Why is it so desperately urgent that we have to have a piece of legislation that takes away the human rights of people in Australia?

I am told that the reason it is so desperately urgent is that it will cost money if this does not happen. It probably will cost a bit of money but it will not cost a lot of money. There are not people coming in on boats from outside every day. Of those who do come in on boats from outside only 15 per cent ever try to challenge what comes from the immigration department about their fate. That means that 85 per cent of those people do not challenge it.

So if we get more boat people coming in before August or September, when this would come up again, maybe a maximum of 15 per cent of them might challenge what is going on. How many people is that? It is only a very few people. You are taking away their rights; I am not going to take away their rights. Why is it urgent to take away their rights, right now? Why can't we take away their rights in August?

Along with the question of urgency, something we should also look at is the drafting of this bill. We should look at the second reading speech and the explanatory memorandum. To save the Senate doing that, the Senate Standing Committee on the Scrutiny of Bills has already done that. They have done a very good job at looking at that. Let me remind senators of what they said, because it is very important when we consider how urgent this bill is. Let me quote from page 14 of the Senate scrutiny of bills committee *Alert Digest* No. 4 1996. The Senate scrutiny of bills committee said:

The implications of section 256

The substantive amendments to the Migration Act 1958 which are made by this bill appear to the

committee to be predicated on an inaccurate view of section 256 of that Act. Section 256 provides:

Where a person is in immigration detention under this Act, the person responsible for his or her immigration detention shall,

at the request of the person in immigration detention, afford to him or her all reasonable facilities for making a statutory declaration for the purposes of this Act or for obtaining legal advice or taking legal proceedings in relation to his or her immigration detention.

That is section 256. The report continues:

This section places a positive obligation on the person responsible for the immigration detention of a person to give access to obtaining legal advice if the detained person requests it. It does not say that this section is an exhaustive code of all the ways in which such a detainee may have access to legal advice. Yet paragraph 2 on page 2 of the explanatory memorandum—

in relation to section 256—

asserts that section 256 establishes that a person in immigration detention has a right to access legal advice only when they request it. Equally the second reading speech speaks of an onus on unlawful non-citizens to advise officials if they wish to seek legal advice and speaks of section 256 as making provision for access to legal advice but only where the detainees request legal advice.

Section 256 for the detainee is an enabling section ensuring a right to access legal advice if the detainee requests it. Section 256 for the custodian imposes a positive obligation to provide that access if it is requested.

I emphasise that—if it is requested. The report continues:

But Section 256 is not restrictive in the sense that it denies all access to legal advice except through section 256. It is an unwarranted conclusion—

say the members of the Scrutiny of Bills Committee—

that because the Migration Act 1958 is otherwise silent on the matter of legal access to this class of person, that no other right to access legal advice exists and that the *Migration Act 1958* exhibits an intention to exclude all other access.

Very good words. The report continues:

Parliament's intention in passing an Act is to be found in the interpretation which a court puts on the meaning of the words. It is true that in cases of ambiguity a court may use other documentary material. But, absent an ambiguity, no one can say the intention of an Act is other than what a court finds to be the express or implied meaning of the words. In this instance, the Federal Court in *Human*

Rights and Equal Opportunity Commission and Another v Secretary of the Department of Immigration and Multicultural Affairs (unreported, 7 June 1996, Lindgren J. NG 268 of 1996) has put the matter beyond doubt.

Okay, the matter is beyond doubt. How are these people going to know they have that right, that they can ask for legal advice, if they are not told that? And they are not told that. They have to ask for it. That is what we are contemplating whether we consider to be urgent. Let me go on referring to what the Scrutiny of Bills Committee said, so that no-one has any ambiguity about what you are doing if you make sure this goes through as urgent. I quote:

The second reading speech can also be seen mistakenly to assume that there is some hierarchy in Acts of Parliament. It mentions that certain provisions of the *Ombudsman Act 1976* and the *Human Rights and Equal Opportunity Commission Act 1986* could be used:

to undermine the intention of section 256 of the Migration Act.

So we have a human rights act that is undermining the intention of the Migration Act. Isn't that appalling? Right, well, let's take away their human rights! The immigration department has to be much more important than human rights, as we all know, as we have seen in this chamber before. The report continues:

As we have seen above, the section does not exhibit an intention to exclude the operation of the *Ombudsman Act 1976* and the *Human Rights and Equal Opportunity Commission Act 1986*. So the argument that the effect of those Acts should be legislated away cannot be based on an assumption that the *Migration Act 1958* is somehow more important than the other Acts and therefore should not be undermined.

The result of the Federal Court case that has prompted this legislation is clear proof that the intention of Parliament, as found by the only institution that can authoritatively say what that intention is, in passing the *Ombudsman Act 1976* and the *Human Rights and Equal Opportunity Commission Act 1986* was to provide a method of access to legal advice alternative to that provided in the *Migration Act 1958*. Any impression that somehow Parliament made a mistake that now has to be fixed is quite false.

I cannot agree with that more. If that is the case, where is the urgency in this bill? There is another section of the report by the Scrutiny of Bills Committee:

tiny of Bills Committee which I will quote to senators so that they will know what they are doing:

The right to knowledge

In 1765, in his *Commentaries*, Sir William Blackstone said:—

this is a quote from Sir William—

... a base resolution, confined in the breast of the legislator, without manifesting itself by some external sign, can never be properly a law. It is requisite that this resolution be notified to the people who are to obey it.

Senator Chamarette—What a beautiful quote.

Senator BOURNE—It is a lovely quote. It goes on:

It may be notified by writing, printing, or the like; which is the general course taken with all our acts of parliament. Yet, whatever way is made use of, it is incumbent on the promulgators to do it in the most public and perspicuous manner; not like Caligula, who (according to Dio Cassius) wrote his laws in a very small character, and hung them up upon high pillars, the more effectually to ensnare the people.

That is what we are doing. If this goes through, we are writing this law in small characters and we are hanging it up upon the high pillars.

Senator Chamarette—And not delivering it.

Senator BOURNE—And not delivering it. Senator Chamarette is right. We are writing it in small characters, we are hanging it on the high pillars and we are not letting the people out to get to the high pillars to pick the bloody thing up. I apologise to the Senate; I should not be swearing. The report continues:

The maxim of law that ignorance of the law is no excuse is based on the assumption that people are able to find out what the law is that affects them. It seems to the committee that the provisions of this bill are clearly designed to make it as difficult as possible for the people subject to these laws to find out what rights they have in law.

How true. The report continues:

The committee rejects the notion that this is justified because it will cost money to enable them to exercise their rights if they find out about them.

And I reject it as well. The report continues:

The protection of rights ought not to be governed by cost-benefit analysis.

How very true. The report continues:

The committee has previously had cause to comment that:

There is always a healthy tension between the attractiveness of a convenient solution to a problem and the experience that resulted in the establishment of this committee: experience that attractive solutions sometimes have a downside of trespassing unduly on personal rights and liberties.

That is also extremely true and it is also exactly what is happening if this bill passes the cut-off motion and then goes through.

Let me make one comment about Senator Harradine, who is away on parliamentary business. Senator Harradine, I know, would very much like to have a part in this debate. Senator Harradine feels extremely strongly about these topics.

Senator Chamarette—He would probably be calling quorums at this very moment.

Senator BOURNE—Yes, Senator Chamarette, if Senator Harradine were here, he would be calling quorums at this very moment. Don't give me ideas! Senator Harradine is not being given the opportunity to debate this, not because this is an urgent bill; there is no urgency in this. As we have seen from this very good *Alert Digest* from the Scrutiny of Bills Committee, and as we can see if we just read the bill, there is no urgency. Senator Harradine is being denied that right because we have a collusion, not between all members of the government and all members of the opposition; we have a collusion between some members of the government and some members of the opposition.

I am sure that there is a former immigration ministers club. They have probably got a tie and they probably wear it proudly. They ensure that what happens with the Migration Act is that, if any money may have to be spent, they do not like money being spent. If anybody's basic human rights are being trampled on, they seem to like that. I hope to goodness I am wrong. But if this bill is given urgency, if this bill goes through, obviously I am not wrong and, obviously, that is what is the case.

I have been thinking of designs for the former immigration ministers club tie. I am thinking of having a few made up and sent around to them so they can wear them with pride. But if they see what design is on them, maybe they will not want to wear them.

Senator Chamarette interjecting—

Senator BOURNE—Don't tempt me again, Senator Chamarette. I am not going to tell you what I thought of. This week is refugee week. What fabulous timing for the urgency of this bill! There was a forum in Parliament House all day yesterday that discussed the rights and the lack of rights of refugees. They do not have an awful lot of rights in this country, and this is taking away one of the basic ones urgently.

I cannot understand how anybody could vote for this. Perhaps I am wrong. Perhaps people will not vote for this. Perhaps the government and the opposition will not use torture on their members who believe in human rights by forcing them to vote on this. But I am sure that is what they are going to do. I may be wrong. I hope to goodness I am wrong. I look forward to being wrong if that happens.

This week is refugee week. When Human Rights Commissioner Chris Sidoti went down to Hobart to launch refugee week, he had just found out about this bill being introduced. Let me remind senators of when this bill was introduced. It was introduced last Thursday about 10 minutes before we rose. There was no opportunity for any other debate because we were not sitting on Friday. The government and the opposition have been trying ever since to make sure it is voted on and it is passed with as much alacrity as possible and with as little debate as possible, as is usual with these sorts of amendments to the immigration act.

So we are in refugee week. The refugee week summit has had enormous amounts of discussion in one of the Senate committee rooms. Yesterday the rights of refugees were discussed and found to be wanting. That was even without this. Will they be found to be wanting after this goes through, if it goes through? I still live in hope that the urgency will be denied for this.

People who come to our shores will not know if they are entitled to these basic human rights. Why do you think these people are getting in a boat? These people are coming from countries where their human rights are not looked after. Of course some of them are economic refugees and some of them are genuine humanitarian refugees. This is only going to affect them.

I guess they are supposed to dream the night before they come to our shores that God says to them, 'When you get to those shores, you have a right to ask for legal representation.' If God, Buddha or whoever doesn't come to them in that dream and tell them that, then they do not know that. They have to ask for it. They come from countries where this is not ordinarily the case. If you or I were getting in a boat and going to another country, we would know this because we come from a country where it ordinarily is the case that we do have a right to access the law. These people are coming from countries where that is not the case. Therefore, this is a totally illusory right on their part.

It is all very well to say that these people have an absolute right to do this. Yes, they do have an absolute right to do this. But if they do not know they have the absolute right to do this, how on earth are they supposed to ask for it? They probably do not even speak English. It is just outrageous that this chamber is even considering that this bill will be urgent.

Let me tell you what will happen if this bill does not end up being urgent. I have spoken to the Human Rights Commissioner, Mr Chris Sidoti, about this and he believes that there is an opportunity before August, when we get back, for himself and for the Commonwealth Ombudsman, Miss Philippa Smith—I have not spoken to her, but I am sure she would agree with this—to sit down with officers of the immigration department and discuss the problems that have been identified.

Perhaps there are problems here that I do not see—if there are, they are not being fixed by this bill. So Mr Chris Sidoti is willing to sit down with officers of the immigration department to talk about whether there are problems with the immigration act and wheth-

er there are problems with people being given knowledge of their human rights in this country, their basic and what should be inalienable human rights in this country.

He is willing to sit down with immigration department officials, Attorney-General department officials and Department of Foreign Affairs and Trade officials—there is another interesting point; I will go on to that in a minute—to discuss at length how that can be fixed. He is sure that there is a solution that can be agreed to by all sides. He is sure that can happen.

If somebody can tell me why making sure that 15 per cent of those people who may or may not arrive on these shores before the 20 August do not have the right to ask for legal access because they do not know about it is more urgent than the Human Rights Commissioner and the Commonwealth Ombudsman sitting down with officials of the Attorney-General's Department, the Department of Immigration and the Department of Foreign Affairs and Trade and discussing ways that we can solve this problem without going to these lengths, without taking away these human rights, then I will be pleased to hear it. But I have not heard it yet.

The Department of Foreign Affairs and Trade has a section which is involved in international law and which looks at our international covenants. I know about these matters because I am a member of the foreign affairs subcommittee and the human rights subcommittee of the Joint Committee on Foreign Affairs, Defence and Trade which, I am very pleased to say, has been reconstituted. That section of the department does some very good work. If this bill becomes an urgent bill, I will have several pages of questions I will be wishing to ask as part of what will be a very extensive debate in the committee stage. I will certainly ask whether the Department of Foreign Affairs and Trade was consulted about what will happen should this bill be passed.

Between when the court case came to its conclusion and the introduction of this bill there has been an extraordinarily short amount of time. It is obviously not a very well written bill, according to the scrutiny of bills commit-

tee—and it is absolutely right. But I wonder whether officers of the Department of Foreign Affairs and Trade, in particular officers of the international organisations' branch of that department, were consulted about this. If they were consulted, I wonder what they came up with and what sort of advice they gave. I do not believe they would have advised that this does not transgress international treaties to which Australia is a party.

I might note that we now have a Joint Standing Committee on Treaties of which I am also a member. I am sure there will be many opportunities for that committee to discuss our immigration laws. Most certainly I will be bringing this up for discussion should this matter go through. Most certainly I will be looking at whether the implications of this law transgress any of the human rights treaties or other international obligations to which Australia is a party. This is something we should all consider very closely before we decide whether this bill should be regarded as urgent.

In conclusion, let me say that I do not believe this bill is urgent. I do not believe that taking away the basic human rights of people who land on our shores, whether they be Australians or not, is urgent. I do not believe that this bill, because it has been prepared so quickly, is particularly well written. I am not blaming anyone who has drafted the bill, but I believe it has been done with such haste because there is a desire to plug a leak. I am sure that is the case here. The Human Rights Commissioner has been exercising his right to look after the rights of others—which I hope he will always do—and that is the leak.

I am sure that when we look at the report of the Senate Standing Committee for the Scrutiny of Bills; when we look at the way the Human Rights Commissioner has actually been prepared to sit down with the people concerned to discuss whether there is a problem; when we look at how many people will be affected by this between now and 20 August; when we look at how much money this will cost—which is always of paramount importance to some senators in this chamber; when we consider whether Senator Harradine should be entitled to speak on this matter—

we all know it is something of great importance to him; when we look at how much money this will cost between now and 20 August, then I am sure, when all those things happen, we will consider it and vote against it.

Senator MARGETTS (Western Australia) (12.19 p.m.)—I rise to speak on this important issue. It is not a matter that should go through without full debate. We have been asked to exempt the Migration Legislation Amendment Bill (No. 2) from the cut off motion. Basically, the reasons given simply do not hold water. It has been suggested there is a degree of urgency regarding the government's program. From today's debate we realise that there is no urgency. This is designed to pre-empt a decision which is being dealt with by the courts and to try to save a little bit of money. It seems to be operating on the principle that human rights and values should go out the window. Basically, we are being asked to pre-empt any proper consideration of those human rights.

The point of having a cut off motion is so that the community has time to consider what we have been asked to deliberate on. The media have a right to look through the issues too; they are the main means by which people find out about these issues. We should have the ability to consider these issues properly. This is hardly a cut and dried matter. There has been little indication of urgency, but it seems the government wants it now; it wants it out of the way. We could perhaps surmise there may be some embarrassment for the coalition since they want it out of the way, since they want nobody else to look at what they are doing.

This is certainly not the way we want to operate; it is certainly not the way we want Australia to be seen in international fora. However, this seems to be the pattern of this government. The pattern seems to be that you go for the powerless. Perhaps it might make the bean counters happy. Bean counters would probably say that human rights should be secondary to fiscal considerations. I am sure that the authors of the Commission of Audit report would be very pleased as it would seem the government is doing exactly what it

has been asked to do—that is, put any other consideration in a secondary position to the bottom line; get rid of embarrassments such as human rights, reasonable fair play and Australia's reputation in international fora.

I said that this seems to be the pattern of the government—to pick off the powerless, to take away their voice. We only have to see a few examples of where this fits into the pattern. The pattern is to take away the ability of the people to speak with an organised voice, that is, try to pick off unions, the organisations by which people who are working can get a voice and some kind of justice within the system of the workplace.

What people have been picked off in terms of the silent cuts—the cuts that have not been announced? The kind of people who have had their voice taken away are migrants, people who do not have the ability to fight back and whose position in Australian society might be considered to be tenuous on some issues. Let us look at the issue of refugees, which is what we are talking about now. How much voice do those people have in the political system? The voice is often only the voice that those people in this political system are prepared to give them. It is an easy target, and a cowardly target.

Let us pick off the young; let us find their training programs and let us pick them off because we know that they do not have the ability to fight back. We know that we can take away training programs and we know that we can change the funding for their programs. We know that we can make them less powerful or less able to negotiate for their employment contracts. We know that we can threaten to do them in if they do not take a rotten agreement that is offered to them. Let us pick on them as well.

Let us pick on the unemployed. When was the last time you saw 10,000 unemployed people marching in the streets of Australia? Exactly. That is a very easy target, so let us pick on them as well. Let us pick on the people who have had less voice but are trying to get a voice in this system. Let us pick on women's groups. Let us find networks of women and let us take away their funding or

let us look at community groups who are hoping to do preventative community care.

Let us look at the groups who are actually trying to help themselves. Let us look at the regions. Let us look at those things that are happening in our society and the people who traditionally have not had a voice who are trying to help themselves so that we do not get into a situation of crisis care. Let us look at Aboriginal groups. Let us pick them off as well because it has been difficult for them to fight back. Let us face it: they have not been a popular issue. Let us pick on them as well.

Let us go along in this pattern for as long as we can because that way we can be seen to be fixing the bottom line while at the same time we can get rid of the voice of all these troublesome minorities. Let us keep doing that and then we will make those people who wrote the Commission of Audit really, really happy. We will be putting the dollar before every other value in this system.

I know that Senator Harradine, if he was here, would be making his voice felt very strongly on this issue. Not only would he be making his voice strong in relation to what the government is doing; he would be making his voice very strong in relation to the support which the opposition is giving on this issue. There are people we know who know that this is the wrong thing. We have seen, from the Scrutiny of Bills Committee, that there are sufficient important substantive doubts about the legality of this. We certainly know there are substantive doubts about the ethics, and substantive doubts about the legality in terms of Australia's international obligations. And yet there is an urgency for us to ignore those obligations.

I think we should all be ashamed. I think that there are enough issues here that I should also, amongst other people, go on the speakers list for the second reading debate should this go through—should this shameful event occur today and should both major parties decide that this urgent removal of human rights is something this Senate should be putting their name to. I hope I do not see it. I can guarantee that, if it does happen, we will be debating this for a substantial amount of time in this chamber.

(Quorum formed).

Senator WOODLEY (Queensland) (12.30 p.m.)—I want to speak to the motion which seeks to exempt consideration of the Migration Legislation Amendment Bill (No. 2), which is considered urgent, from the order of the Senate of 29 November 1994. This concerns me very deeply. This legislation is not needed urgently because it is part of a debate that has been going on for 3,000 years. It is not a debate about legislation that has resulted in the last couple of days. It actually attacks a fundamental principle of the Judaeo-Christian ethic and that is why I am concerned about it.

There is a fundamental principle which is enshrined in a phrase which is constantly repeated throughout the whole of the Hebrew scriptures: 'You shall care for the fatherless, the widow and the stranger.' The reminder to the Hebrew people is, 'You were once strangers in Egypt; therefore you will care for the stranger in your midst.'

'Stranger' needs to be translated. What it really means is that, because the Israelites were refugees and immigrants in the land of Egypt and were mistreated there, when refugees and immigrants come into their own land they should remember the treatment they received and they should do differently. What they should do is care very much for the people within their midst—look after them, offer them succour and hospitality and go out of their way to treat them, if you like, even better than they would treat their own. That fundamental principle of the Judaeo-Christian ethic is surely one that ought to shape our attitude to the stranger, the immigrant, the refugee in our own land.

I am appalled that there should be any suggestion that we would enshrine in legislation a principle that absolutely contradicts a fundamental principle of that Judaeo-Christian ethic. If you look at the scriptures you will almost certainly come across this phrase. It is repeated in the historical books. It is repeated in the psalms and it is repeated in the wisdom literature of the Hebrew scriptures. Then it is carried forward into the New Testament. The same phrase, the same obligations, are laid upon the early Christians, the early disciples,

that they should care for and not be partial and not discriminate against those who were strangers in their midst, those who were at the bottom of the heap.

For these reasons, the Democrats are opposed to seeing this legislation in any sense treated as urgent. We believe that if we are to pass legislation like this it needs very extensive consideration. The implications need to be understood. All the ramifications need to be understood. We need to know what we are doing to people. We need to know what we are doing to our reputation in the international community and we need to know what we are doing to the fundamental ethical principles upon which this nation was founded. If we tear up those principles we are not simply doing something in legislation which corrects an administrative problem; we are attacking the fundamental roots and principles upon which the nation was founded.

As I come to this debate—and I had to rush down to the chamber to be part of it—I am amazed that we even have to debate this point in this place. Contrary to what I really believed when I came into this place, I have seen that most senators do give very deep attention to these kinds of principles. They do care about what is happening in the community. I suspect that many senators in this place have really not understood what is going on. They have not understood the bureaucratic pressure which is forcing us into making a hasty decision. I am sure in the days and years ahead we will come to regret this decision when we come to understand what we will do if we force this legislation upon the Senate.

I speak strongly against the motion for this legislation to be urgently passed or debated. I trust that the Senate is going to pause and not force this legislation to be brought into this place. We know what will happen. If I thought we were going to bring it in here and debate it properly, then I would not have so many concerns. We have been told—and I am sure it is correct—that the way the numbers are in the Senate it will not be debated properly. We want to spend a number of days on it because of its importance. It will not be debated properly and will be forced through.

The guillotine will be applied and it will be voted on and passed. That is an appalling prospect.

My appeal to the Senate is that we not allow the legislation to be brought into this place now and that we give the legislation the consideration that is needed. We should come back in the budget session and allow the legislation to come into this place then. The guillotine would not be applied, we would have time to consider it and I would be able to put to the good senators all the things that we need to do.

This is the appeal I am making. I am not trying to beat you about the head—I will do that later when we get to a more extensive debate. I am simply making the appeal. I seek leave to continue my remarks.

Leave granted.

Senator Carr—I understand certain other bills are now ready and the Manager of Government Business in the Senate has indicated to me the willingness of the government to adjourn this debate. Is that the case?

Senator Kemp—Yes. I have been advised that the Senate can now proceed with consideration of a number of other important elements which are on the program, including the tax assessment matter and the customs and excise matter. It is our intention to now proceed, assuming all the amendments and speakers are available. I move:

That the debate be now adjourned.

Question resolved in the affirmative.

TAXATION LAWS AMENDMENT BILL (No. 1) 1996

Consideration of House of Representatives Message

Consideration resumed from 25 June of House of Representatives message.

House of Representatives message—

Schedule of the amendment made to which the House of Representatives disagrees:

(1) Schedule 1, item 1, page 3 (lines 5 to 11), omit the item, substitute:

1 Subsection 221YA(1) (definition of *provisional tax uplift factor*)

Repeal the definition, substitute:

provisional tax uplift factor, in relation to a year of income, means, until the Parliament otherwise provides, 6%.

(*Quorum formed*)

Senator SHORT (Victoria—Assistant Treasurer) (12.42 p.m.)—We are now debating the message from the House of Representatives in relation to Taxation Laws Amendment Bill (No. 1). In layman's terms, the message is that the House has not agreed with the request that the Senate made of it earlier this week. That particular amendment related to the setting of the default rate for the provisional tax uplift factor for the future. The amendment that the Senate moved the other day, against the government's wishes, was that the default rate be lowered on a permanent basis from the existing 10 per cent, which has existed since default rates first came in in 1990, to six per cent. I move:

That the committee does not insist on its amendment disagreed to by the House of Representatives

and, in place thereof, requests the House of Representatives to make amendments to the bill as follows:

No. 1— Schedule 1, item 1, page 3, omit the definition of *provisional tax uplift factor*, substitute:

provisional tax uplift factor has the meaning given by section 221YAAA.

No. 2— Schedule 1, page 3, after item 1, insert:

1A After section 221YA

Insert:

221YAAA Provisional tax uplift factor

- (1) This section sets out the meaning of *provisional tax uplift factor* for a year of income.
- (2) The provisional tax uplift factor for the 1996-97 year of income is 6%.
- (3) The provisional tax uplift factor for a later year of income (the *later provisional tax year*) is the percentage worked out using the formula:

$$100\% \times \frac{\text{Sum of GDP amounts for the quarters in the later calendar year}}{\text{Sum of GDP amounts for the quarters in the earlier calendar year}} - 100\%$$

- (4) The *GDP amount* for a quarter is the amount published in the document mentioned in subsection (5) as the original gross domestic product (GDP(I)) at current prices for the quarter.
 - (5) The document for the purposes of subsection (4) is the first document published by the Australian Statistician after the end of the later calendar year that sets out amounts as mentioned in subsection (4) for all of the quarters in both the later calendar year and the earlier calendar year.
 - (6) For the purposes of subsections (3) to (5):
earlier calendar year means the calendar year that occurs immediately before the later calendar year.
later calendar year means the calendar year ending on the 31 December occurring most recently before the later provisional tax year.
quarter means a period of 3 months ending on 31 March, 30 June, 30 September or 31 December.
 - (7) In working out the percentage under subsection (3), any substituted accounting period is disregarded.
 - (8) If the percentage worked out under subsection (3) is not a whole number, it is rounded to the nearest whole number (rounding a number ending in .5 downwards).
 - (9) If the percentage worked out under subsection (3) is negative, it is instead 0%.
- No. 3— Schedule 1, item 2, page 3, omit "amendment made by this Part applies", substitute "amendments made by this Part apply".
- I also table a supplementary explanatory memorandum relating to the government requests for amendments to be moved to this bill.

The TEMPORARY CHAIRMAN (Senator Knowles)—I point out to the committee that the substitute amendments moved by the government are in the form of requests for amendments. This appears to arise from an interpretation of section 53 of the constitution adopted in recent years by the government's advisers, part of the interpretation being that anything which might be disadvantageous to taxpayers in any way requires a request. As

has been pointed out in earlier statements, this interpretation has not been accepted by the Senate. The question of the application of the relevant provision of section 53 is still under consideration by a Senate committee. I make this statement so that, if the Senate agrees to the requests, it will not be taken as agreeing to the view of section 53 on which the requests are based.

Senator COOK (Western Australia) (12.45 p.m.)—Notwithstanding the information Madam Temporary Chairman has just provided the committee, can I say that the opposition welcomes these amendments from the government. It is probably worth taking a minute of the chamber's time to remind it what is in fact happening here. 'Taxation Laws Amendment Bill (No. 1) 1996' is a glorious and arcane title. Everyone, upon hearing a reading of that title, instantly knows what it deals with. What it deals with and what everyone knows it deals with is the provisional tax uplift factor—that is to say, the tax that is paid in advance by small business or those who receive income from investment in anticipation of what their earnings will be in the next tax year.

This has been a matter of high controversy in this chamber for some time. Indeed, it was a matter on which the election was fought in part. People will remember that in the election campaign the government, as the then opposition, featured the role of small business as an important driver in the Australian economy and made promises about what they would do for small business.

One of the promises they made, and they made it at a clarion level, was that the provisional tax uplift factor, which had been set at eight per cent, would be reduced to six per cent. The bill that we considered before and returned to the House as unsatisfactory contained a provision that for the tax year 1996-97 the uplift factor would be six per cent but for all the other out-years it would be 10 per cent.

What the opposition, the Australian Democrats and the Greens did was vote down the 10 per cent part for the out-years while keeping the six per cent part for the next year. They did it for the very sound reason that the

government had stood for election on a platform of making the uplift factor six per cent. They never said anything at all during the election campaign about 10 per cent for the out-years. If one reads the fine print of their electoral documents, one can see the pledge was that the uplift factor in the 1996-97 year would be six per cent and the documents were silent thereafter.

So it was a complete surprise to all of us to see the government, so soon after its election, putting through a bill in which there was six per cent for one year and 10 per for the rest. Indeed, in the committee inquiry the Senate conducted into this matter, evidence adduced from industry organisations made it clear that they welcomed the change to six per cent but were astonished and dismayed about and in opposition to an elevation of the provisional tax uplift factor to 10 per cent thereafter.

What has happened in this chamber is that the opposition, the Greens and the Democrats have voted out the 10 per cent, the bill has gone back to the House and the government has insisted on its changes but now in this chamber proposes to make an amendment. That amendment, which is a complex one, introduces for the out-years a formula whereby GDP income growth for the out-years will be the calculation upon which the provisional uplift factor will be based.

Speaking for the opposition, that seems to be a huge step away and a huge backward step from what the government's position was. We welcome their backdown. That clearly is what it is. It is a backdown to a more sensible formula which relates to income growth in GDP for any year. It is on the basis of relating the uplift factor taxing level to what the anticipated level of income might be for a company rather than setting it at a nominal 10 per cent level.

So, in the first instance, we welcome this amendment and acknowledge the background against which this amendment is made. Once again it shows that the Senate has an important role in keeping the government honest, holding them to their election commitments and, in the event, staring them down and making them come back with a formula which expresses, at least in my view, the

intent of that election commitment. So we support it.

I think this amendment will be welcomed by all in small business. This government—a government which small business trusted to deliver on their behalf—had put through within three months of its election a bill which did not do what small business anticipated it would do but it has now been required to do that. Small business will welcome this. Self-funded retirees and those who get income from investments will welcome it too, and we will support it.

Since we are in the committee stage, I have a couple of questions for the minister. Minister, in order to clarify the record, I ask you to explain the operation of the formula. What is the government's estimate for the 1997-98 year, and on what data is that based?

Senator SHORT (Victoria—Assistant Treasurer) (12.50 p.m.)—The effect of the amendment is to, as Senator Cook says, set a formula. In future years of income the provisional tax uplift factor will be a percentage determined by reference to the nominal increase in GDP—a figure published by the Commonwealth statistician—for the 12 months ending 31 December immediately before the relevant year of income.

It will still be open to the parliament to legislate a separate rate in respect of a particular year, but the default rate each year will be based on the nominal GDP in the preceding full calendar year. For example, if it was June 1997—that is, we were 12 months down the track—and we were looking at 1997-98, the default rate for that year would be whatever the figure is for the nominal GDP in the full calendar year 1996. It means you are in fact lagging one quarter behind the latest available GDP, depending on when the uplift factor was set. If it were set at, say, this time of the year for the following year, you would not have taken account of the March quarter GDP figure. The government believed it was more appropriate to have a full calendar year figure, which is a more commonly understood concept.

Senator MARGETTS (Western Australia) (12.53 p.m.)—The Greens (WA) are very pleased that the government has taken cognis-

ance of our argument that the provisional uplift factor should not be a fixed percentage but should be a percentage derived from economic indicators of growth in the economy. This argument has been put on a number of occasions in this chamber. If you check back in the *Hansard* you will see that that is what we have been saying each time this matter has come up. As a result, we may actually avoid the annual battle as government seeks to alter a fixed rate to something more reasonable.

The use of the income based GDP figures will probably give a fairly reasonable indication of what companies may expect in growth. There is of course the ability to alter the uplift, since provisional tax returns need not be filed for nine months, by which time businesses will have a pretty good idea of whether they will be making the amount expected under the tax uplift.

I am pleased to see that there is now a formula. It may over time be something that can be finetuned, but at least there will not be this fundamental battle on the way the figure is chosen. It gives a pretty good indication of the value of the Senate process in getting people together to try to get an outcome. I am pleased to see that there have been efforts in trying to move to that outcome.

I feel fairly certain that in the meantime, whilst this bill has gone back to the House of Representatives, the representatives of small business in Australia have been speaking to members, and especially ministers from the government, to let them know that they believe what is proposed here is a good idea and is a much better outcome than what was proposed earlier.

I also feel certain that there will be a number of honourable senators on the government side who will be pleased that the majority in the Senate chose to come together in this way and were fairly firm in relation to this, that we were not going to be quietly pushed on this issue. It is an issue that has come up again and again. It is time to make a commonsense decision rather than have the same argument each year in a situation which is less than satisfactory for all concerned.

Senator STOTT DESPOJA (South Australia) (12.55 p.m.)—The Australian Democrats are supporting, with qualification, the amendments before the Senate. We seek to amend one of the amendments:

Subsection 221YAAA(3), omit "The provisional", substitute "Unless the Parliament otherwise provides, the provisional".

I understand this reflects similar wording that is currently in the act. Senator Kernot would have been here to move the amendment, but she is otherwise engaged.

On that point I note that the Democrats were rather perturbed at the short notice given to us in regard to the government amendments before us. We commend the coalition government for perhaps finally showing a willingness to negotiate or at least to compromise on this matter. It is certainly a matter that the Democrats have been debating for a long time. We have been seeking to amend the provisional tax uplift factor for a number of years. So we are pleased to see that both the ALP and the coalition have finally agreed to do this.

The intent of our amendment makes it clear that it would be up to the parliament to ensure that the uplift factor is reviewed, depending on economic circumstances, on an annual basis. I am wondering whether that amendment is acceptable to the coalition and to the opposition.

Senator Watson—In the amendment do you mean the government or the parliament.

Senator STOTT DESPOJA—The parliament. I understand—and your advisers may be able to assist in this regard—that this reflects similar wording in the current act. That is the Australian Democrats' proposed amendment. I apologise that Senator Kernot was not available to move it.

Senator WATSON (Tasmania) (12.58 p.m.)—I seek an undertaking from the government that in the annual setting of the uplift factor the calculation provided by this formula is in the second reading speech.

Senator SHORT (Victoria—Assistant Treasurer) (12.58 p.m.)—In response to Senator Watson: assuming that the bill to set the rate for the following year is introduced

around the May-June period, yes, it would be available. The default rate will be the figure for the nominal growth in GDP(I) for the preceding calendar year over the year before that and those figures will be known in February or thereabouts—in other words, in advance of when you would be introducing the bill. In response to Senator Stott Despoja: the government would prefer to leave it as it is because the parliament can always otherwise provide it. The parliament has the power to do that and it will continue to do so.

Senator COOK (Western Australia) (12.59 p.m.)—On the subject of the amendment by Senator Stott Despoja on behalf of the Australian Democrats: while I am in sympathy with the objective she has here, I also share the view that it is a matter for parliament and that including those words in the proposed section is to some extent—and I mean this in the nicest way—meaningless. It does not add anything to it. I therefore do not see the purpose of making that change.

In relation to the calculation of the formula, I want to clarify with the minister that GDP should be GDPI. Can the minister also clarify that the working of the formula is the ratio of the difference between the figure derived in the top column and the figure derived under the line in the bottom column.

Senator SHORT (Victoria—Assistant Treasurer) (1.01 p.m.)—Yes, we are talking about GDPI. So far as the formula is concerned, that formula means that you would have the increase in the nominal GDP for calendar year zero over the nominal increase in the GDP for the preceding calendar year.

Senator BELL (Tasmania) (1.02 p.m.)—I want to respond to the suggestion that the Australian Democrats' amendment is superfluous, and that the parliament has the capacity to review each year. It is important that this argument be conducted properly because for several years parliament has attempted to convince the government of the time that there was good reason to change the tax uplift factor. There have been many opportunities for parliament to take that and put it to the government but of course we have had great difficulty doing that.

It sounds as if I am filibustering, and that is exactly what I am doing because I need the minister's attention to make this point properly. I assume that the opposition's shadow minister is at least with me on this, directing my remarks through you, Madam Chair. I also make the comment that the ALP was also difficult to move. When parliament expressed an opinion—at least in this chamber we were expressing the opinion—that the taxation uplift factor was out of kilter with the prevailing economic circumstances, with the rate of inflation and the other GDP measurements, we were unable, as a Senate, to impress the government at the time.

I will return to the theme and express it so that the minister can at least address himself to this argument now. Senator Short's comment that this would be superfluous illustrates the fact that for several years this chamber has attempted to bring this matter to the attention of the government of the day. This is not superfluous. This is a requirement that parliament at least be considered and that the government needs to defer to parliament in this regard.

I hope Senator Short recalls the attempts to bring the provisional tax uplift factor into a closer relationship with the prevailing economic circumstances. That failed for several years. Each time it was considered, the comments were made that it was the wrong moment to bring it up because the rates had been determined for the year, and that this is the wrong bill within which to conduct this debate.

The reason for the Australian Democrats' amendment is to ensure that parliament is taken into regard if there is something wrong with this calculation, and it does not have the desired effect and needs a little more than fine tuning. We support entirely the recognition that the taxation factor needs to be in concert with prevailing economic circumstances. To put in the front at (3), that 'unless parliament otherwise provides,' at least we are paying regard to the fact that parliament should have the capacity to review it.

The opportunity should be taken because we have had the experience over a number of years of trying to do something about it here,

but it has been dismissed as being irrelevant. I do not think it will harm it. If, in your opinion, it is superfluous then surely it will not detract from the intention of your amendment, which we support as being a darned sight better than defaulting to a rate which is so far out of kilter from the reality of the economic situation.

Senator WATSON (Tasmania) (1.05 p.m.)—I think the formula is described in such words as 'to remove the possibility of its being out of kilter with economic reality'. We have to acknowledge the government's wisdom in so rewording this. This default provision will overcome the fear of and the objection to the previous default figure having the capacity to be out of kilter with the economic reality of the time. What does concern me in this debate is that the opposition parties seem to have lost sight of the important issue. Each year the government sets the current year rate—in other words, the uplift factor is set annually—and this government is delivering, and has delivered now, on its election commitment to set the current rate at six per cent. We seem to have conveniently overlooked the fact that prior to today's amendment the default factor has not changed for many years. Suddenly we see a different approach by members opposite, now that they are in opposition, to this default factor.

I have studied and have been involved in numerous hearings on uplift factors over the years. No doubt this new mechanism is an improvement. It will create certainty from parliamentary manipulations. The minister indicated in his second reading speech that he will give expression to this formula in terms of a percentage, which will be useful in comparing the default figure with the figure that will continue to be set on an annual basis.

So I think, all round, the government is indeed to be congratulated on not adopting the tactics of the previous government, a government which indicated its refusal to listen to the Senate and thereby had the potential to place small business and self-funded retirees at the higher penal rate of 10 per cent. It is important that the readers of this debate acknowledge that this coalition

approach is from a caring, listening government that is not prepared to adopt the bully-boy tactics of the previous Labor Party government, when it was in power, of threatening to listen to the Senate, to take the uplift factor back to the House of Representatives and then threaten, 'The opposition's failure to deliver will result in the penal rate applying to even the current year.'

It is important that we articulate this difference in approach between this government and the Keating government. Because of that, last year the opposition was not prepared to put at risk all those hundreds of thousands of taxpayers who were subject to provisional tax applications.

I congratulate Senator Short and his advisers on coming up with this new formula. It will remove the need for the sort of lengthy debates that have occurred in this place in the past and it will put the uplift factor on a much more certain and rational plane. Over the years I have been a member of a number of committees examining this. In those days we were absolutely appalled, for example, that the Treasury was not able to come up with a formula, such as that which Senator Short put down in his amendment today, to give us some idea of how the rates were fixed. This lack of basic information from the previous government was something that caused a great deal of ire and concern, particularly in the small business community. I think the Liberal Party and National Party coalition is to be applauded for the very constructive way it has tackled this issue, not only for today but for the future.

Senator Calvert—Another promise delivered.

Senator WATSON—As Senator Calvert has said, another promise has been fully delivered.

Senator MARGETTS (Western Australia) (1.10 p.m.)—I rise to indicate that the Greens (WA) will support the Democrats' amendment to include the specific ability for parliament to review the uplift factor. As I said, we certainly support the government's request to this bill. We believe that it is a lot wiser than anything that has come out in the last few years.

But there may be some reason why growth figures are not a suitable mechanism for calculating this. I cannot specifically give an example now but there may be some reason in the future when there is some specific reason that parliament needs to have some scrutiny. This builds in the indication that there is an expectation that, should things fall out of sync, or should there be a reason that this formula is no longer applicable, or it needs to be adjusted, then parliament has the right to be involved in that decision. Therefore, we are supporting the government's request and supporting the Democrats' amendment to this request.

Senator SHORT (Victoria—Assistant Treasurer) (1.11 p.m.)—In response to the Democrats I do not think I can say much more than I said before. I do think that it is unnecessary to have the words in because parliament always has the right to decide these things. Although there was no change—and Senator Bell, I think, talked about the fact that there was no change in recent years—it was not because the parliament did not have a chance; it was because the parliament, in its collective wisdom, decided not to make a change. But the principle was there that the parliament was able to decide, had it so chosen to vary it, and it will continue to do so.

A very important plus of what we are proposing here—and I would not want to undermine the importance of what we are proposing here—namely, the formula approach, is the good approach. It is reliable, it is understandable, and people know the situation. It gives an element of certainty to the scene which is necessary. For that reason—although, as I say, parliament does always have the right to change that—I would not want to give the impression that it was something that we were going to be mucking around with from one year to the other unless there were really very important circumstances. If there are very important circumstances requiring us to look at changing the formula approach, then the parliament can do so.

I also make a point of clarification, just in case there was anything misunderstood in

what I said before in terms of the formula in response to Senator Cook when I said that it was one year over the GDP of the preceding year. It is, but just to make it quite clear as to how it works, you add up the four quarterly GDP numbers for this year and the preceding year. If we were doing it now, it would be the four quarters of each of 1995 and 1994 calendar years. You then multiply that by 100. That, I am told, would give you a factor. If you were using the statistics of those two years, the figure would be 5.7 per cent, as at the moment. It would be rounded to the nearest percentage. So 5.7 per cent would go to six per cent. If the formula had come out at, say, 5.4 or 5.5 per cent, it would have been rounded down to five per cent. I just want to make it clear that that is the way it works.

May I thank the government, the Democrats and the Greens for their generous support for this proposal. Let me say, though, at the outset that this is certainly no backdown on our part. The fact is that our election commitment was delivered in spades with the bill as originally presented when it came into the parliament, because our commitment was that we would reduce the uplift factor from eight per cent to six per cent. That is what the bill did. We never did give any permanent commitment that it would be six per cent, because circumstances can change a great deal from one year to the next and it would be very foolish for any government to do that. But what we did say was that we wanted to do something that the former government had not been prepared to do in the past, and that was to pitch the uplift factor each year at a figure approximating nominal GDP growth.

The fact that Labor governments had not been prepared to do that in the past caused great concern to provisional tax payers, particularly small businesses. It was having a significant detrimental cash flow effect on them from one year to the next because the uplift factor was at a rate in excess of the growth in the taxable incomes of many of them. What we have done is to meet fully the election commitment we made to small business because of the great damage that had been bestowed on small business, not just by

the application of the provisional uplift factor, but, more importantly, by the rest of the economic policies and the mismanagement of the former government. We all know the results of that. Tens of thousands of small businesses went out of business. They became bankrupt, insolvent and the like because of the policies of the former government.

So I stress that this compromise decision is not a backdown. I must say that we would have preferred, because we thought it made a lot of sense, to leave the default rate at 10 per cent. That would have been our first best choice, and that is why we had it in the bill. But we were very concerned at the amendment that was passed the other day, because to have the bill continue as it had been amended in the Senate the other day would have caused several very serious potential problems. What we have come up with now is a compromise, which I am very pleased to see is generally accepted. It makes a lot of sense. It provides stability and certainty so far as the calculation of the rate is concerned.

I repeat that we have delivered on our promise to provide a cash flow benefit of something like \$180 million in 1996-97 to provisional tax payers and, therefore, particularly small business, as a result of the reduction of the uplift factor for next year from eight per cent to six per cent. Small business, I think, recognises the great value of that and the fact that the coalition has delivered fully on its promise in that respect.

I thank all the senators for their contribution to the debate. I am pleased to see that we will now have a sensible result, which, I think, will be for the benefit of all of us.

Senator COOK (Western Australia) (1.18 p.m.)—Senator Short has contested some of the language that we have used in describing the events in this chamber. I do not think anything that he said causes me to change my language, because on the formula, as he described it in the very same speech he has just made, he said that, if this formula had worked this year, the uplift factor would be six per cent and what he had in the out-years was 10 per cent. So that is a significant change in the position.

The other point I would like to make, since he mentioned the former government, is that in my speech on the second reading I simply went to the statistics. The Bureau of Industry Economics' publication on industry trends in Australia shows that all of the employment growth in Australia over the last three years has been due to the growth of small business, and employment growth in Australia is at the highest level of any nation in the OECD. That is hardly a bad performance by the previous government.

Let me have one last question—I think it is the last question—to Senator Short, and that is coming back to the formula that is now being proposed to be introduced. In view of the explanation of that formula, what is the position under the formula if the Statistician, as he often does, revises any of the estimates referred to in that formula? I am sure that Senator Short is aware that when the Statistician's reports come out, they come out as a sort of first round of the statistics. A complete case by case analysis is then done and, frequently, the Statistician puts out a revision. The first release attracts all the headlines; the revision often attracts none. But from a statistical point of view, when you are basing a formula like this on his returns, which ones apply: the initial release, or the revised estimates?

Senator SHORT (Victoria—Assistant Treasurer) (1.21 p.m.)—The answer to Senator Cook's question is that it would be the first figures, the figures contained for the eight preceding quarters in the Bureau's first publication after the end of the calendar year. Any further revisions to those figures would not be taken into account.

Senator BELL (Tasmania) (1.21 p.m.)—Let me follow that for a moment. While accepting the answer that has been given, and understanding that answer, at one stage, Minister, you did mention the word 'nominal'. That which is in writing here in the amendment, is GDPI. Now we have the information that what will be given will be the first published information. Is there any need, I ask legitimately, to ensure that there is no confusion about which actual figure will be used?

Is there any need for it to be elaborated upon, or clarified in any way?

Senator SHORT (Victoria—Assistant Treasurer) (1.22 p.m.)—I draw Senator Bell's attention to subclause (4)—it may appear elsewhere as well. It talks about current prices for the quarter. That, in effect, is saying the same thing as saying 'nominal'. What was your other question?

Senator Bell—I was just questioning the use of the word 'nominal' to ensure that we are perfectly clear about there being just one possible GDPI which is referred to.

Senator SHORT—I think my response to you clarifies that: there is just one figure.

Amendment negatived.

Original question resolved in the affirmative.

Resolution reported; report adopted.

MIGRATION LEGISLATION AMENDMENT BILL (No. 2) 1996

Report of Legal and Constitutional Legislation Committee

Senator ELLISON (Western Australia)—I present the report of the Legal and Constitutional Legislation Committee on the Migration Legislation Amendment Bill (No 2) 1996.

Ordered that the report be printed.

CUSTOMS TARIFF AMENDMENT BILL (No. 1) 1996

Second Reading

Debate resumed.

Senator COOK (Western Australia) (1.25 p.m.)—I have caused to be circulated in the chamber a change to my amendment to the second reading motion. I seek leave to substitute that for the amendment I had previously indicated to the Senate.

Leave granted.

Senator COOK—I move:

At the end of the motion, add ", but the Senate is of the opinion that:

- (a) the Customs Tariff Amendment Bill (No. 1) 1996 deceitfully disguises the introduction of a new tax on consumers through increasing the cost to consumers of imported goods that were previously tariff free, while having

a negative impact on industry development through not providing adequate alternative assistance by way of the Policy By-Laws system; and

(b) the bill should be amended so that:

- (i) goods for personal consumption to which Tariff Concession Orders apply continue to enter Australia free of duty, and
- (ii) no change is made to the duty rate which currently applies to Policy By-Laws".

Can I just say a word about that so that people are aware of the change?

The ACTING DEPUTY PRESIDENT (Senator Colston)—Yes, Senator Cook.

Senator COOK—The words of the motion remain intact, but the introduction is changed so that, if this motion is carried, the Senate would become of that opinion. I apologise to Senator Margetts for this, because I have not had a chance to talk to her about this change, and to Senator Spindler who is now entering the chamber. I have not a chance to confer properly with him either about this change.

The view the opposition finally took was that since the government was going to accommodate significant amendments to the consumer items in the bill, and those amendments being the amendments of the opposition, there ought to be a change to the motion on the second reading which, if the Senate now carries this motion, would mean that the bill could then come forward in its newly amended form. The position under the previous motion I had moved was that the bill would have been chopped off at that point and the government would have had to seek leave to reintroduce it. This motion, in its renewed form, enables the Senate to go on and consider the amendments.

To be frank, I make that explanation because I had actively sought, and am thankful for having obtained, agreement of the two minor parties to the terms of the motion that I had previously moved. This is a change in that position and in the short time available to me, given my attendance here on the previous bill, I have not been able to consult them about that change. As a consequence, they should, of course, feel released from any undertakings they may have thought they were bound by. Nonetheless, what this motion

does do is make clear the sentiments we all held in common and the failings that we all perceived to be the failings of that previous bill. I hope for those reasons that this motion can be carried.

Senator MARGETTS (Western Australia) (1.28 p.m.)—I realise this will read badly in *Hansard*. We are shocked—absolutely shocked! No—we do realise there have been a lot of negotiations in relation to this bill. I am pleased to see that, once again, the hard work of the Senate seems to be working towards an outcome which is an improvement on what was there before. But I am of a mind to support the now amended amendment of Senator Cook to the second reading because it is important that we actually put in a statement that the changes that have come about have been because of the hard work of the Senate. That is worth noting. The basic issue about the fact that it is a revenue measure which was disguised as something that would help industry is a point that we would still like to make. Therefore, the amended version of the amendment by Senator Cook has the support of the Greens.

Senator SPINDLER (Victoria) (1.29 p.m.)—Mr Acting Deputy President, I, too, must express my severe disappointment with the change of tack by the opposition. As I have said before, this bill is one that will result in a loss of jobs. I cannot understand why this government is prepared to risk the jobs of Australians just to fortify its position in relation to a so-called black hole which is based on very rubbery economic growth figures which are changing day by day. I had hoped that the opposition, being the workers' party, would have had some concern for that. But I was wrong. It has not. The amendments being touted as the reason for this change of tactic, of throwing the bill out at the second reading—which is what this chamber should do and which is what the Democrats have committed themselves to support—are really not based on any difference of substance. What they do mean is that the opposition, as much as the government, is selling out on the question of Australian industries and on the question of employment. Both the minister and the shadow minister will have to take responsibility for that.

I think it is an appalling piece of legislation. I do not quite know what to do, frankly, about this second reading amendment, because it is pretty well useless in the present situation. Having stated the Democrats' position, that we do not believe the consumer goods part of this bill is the major problem—the business inputs are the major problem—the Democrats will not vote for this second reading amendment.

Senator PARER (Queensland—Minister for Resources and Energy) (1.32 p.m.)—I would like to thank the opposition for reviewing this matter. It is important that it actually comes in on 1 July. I believe the amendments that we have foreshadowed making in the committee stage will address the concerns in regard to goods for personal consumption.

Let me make a quick comment on what Senator Spindler said. I have never seen a more inconsistent, hypocritical approach to anything in my life than what came out of Senator Spindler's mouth. On the one hand, he is complaining about a three per cent tariff on business inputs and, on the other hand, in his speech in the second reading stage, he had no hesitation in saying, 'If you want to earn revenue, increase tariffs.' That is what he was saying. Now he is complaining about a tariff—

Senator Spindler—On imports.

Senator PARER—Of course we are talking about imports. What do you think tariff concession orders are all about, Senator Spindler? But, anyway, I just thought I would make that comment because it just shows what crazies we can get in this place. I will not prolong the debate, because it is important and we are running out of time. I simply say that, while I disagree with item 1 of Senator Cook's opinion, we will not divide on it simply in the interests of time.

Amendment (by **Senator Spindler**) negatived.

Amendment (by **Senator Cook**) negatived.

Original question resolved in the affirmative.

Bill read a second time.

In Committee

The bill.

Senator PARER (Queensland—Minister for Resources and Energy) (1.35 p.m.)—I will formally move the amendments circulated in my name for the reasons foreshadowed before lunch during the second reading debate. I move:

(1) Schedule 1, page 3 (after line 8), after item 2, insert:

2A Item 45 of Schedule 4

Omit the item, substitute:

45	Capital equipment for use in the mining and resource processing industries, as prescribed by by-law	Free
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2B Item 46 of Schedule 4

Omit the item, substitute:

46	Capital equipment for use in the agriculture, food processing and food packaging industries, as prescribed by by-law	Free
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(2) Schedule 1, page 3 (after line 14), after item 4, insert:

4A After item 50 of Schedule 4

Insert:

50A	Goods that:	Free
	(a) a Tariff Concession Order declares are goods to which item 50 applies; and	
	(b) are categorised, at the time when they are entered for home consumption, as consumption goods in accordance with the United Nations Statistical Papers entitled "Classification by Broad Economic Category" and "Standard International Trade Classification Revision 3".	

(3) Schedule 1, page 3 (after line 17), after item 5, insert:

5A Item 56 of Schedule 4

Omit "and which is ineligible for a Tariff Concession Order".

Requests agreed to.

Senator COOK (Western Australia) (1.36 p.m.)—I move:

- (1) Schedule 1, item 5, page 3 (lines 15 to 17), omit the item.
- (2) Schedule 1, items 6 and 7, page 3 (lines 18 to 23), omit the items, substitute:

6 Item 57 of Schedule 4

Omit "which are ineligible for a Tariff Concession Order".

7 Item 60 of Schedule 4

Omit "which are ineligible for a Tariff Concession Order".

The TEMPORARY CHAIRMAN (Senator Calvert)—The question is that the request for amendment from the opposition be agreed to. I think the ayes have it. Senator Cook, there seems to be a bit of confusion about your request for amendments. I will put the question again.

Senator COOK—Is the government opposing it? I heard no reply. I do not want to take that as being the case, but I just want to be sure if that is the case. If it is not, I might want to exercise my right to speak to it, which I have not yet done.

Senator PARER (Queensland—Minister for Resources and Energy) (1.38 p.m.)—I think what I indicated was that on your second reading amendment, Senator, whilst I did not agree with item 1, I was not going to call for a division. This is in committee, but that is what I referred to.

Senator COOK (Western Australia) (1.38 p.m.)—My understanding is that the second reading amendment that I moved was lost. We are now in committee and the government's amendments have been carried. I am now moving in the committee stage some additional amendments under my name, which are amendments to item 57 and item 60 of schedule 4. That is what I understood you to be putting, Mr Chairman, and that is what I am seeking an indication of the government

position on. If their position is in opposition, I will need to speak.

Senator PARER (Queensland—Minister for Resources and Energy) (1.39 p.m.)—Thank you. I think I now know where we are going. The effect of your amendments is with the policy by-laws. Our bill is to allow for a three per cent tariff. The effect of your amendments is to reduce those to free, so we will oppose those.

Senator COOK (Western Australia) (1.39 p.m.)—With the confusion that has reigned here, I wonder if, by leave or by some other device, I can speak briefly to my amendments.

The TEMPORARY CHAIRMAN—Yes, you can speak.

Senator COOK—Thank you, Mr Temporary Chairman. This bill started out with very clear understanding all around, but it has now come down to a degree of confusion. I have to apologise for that outcome to those with whom I have discussed this over the last few days. I must say that I feel that keenly.

These amendments, however, are—in view of the changes the government made just now to the bill during the committee stage—also necessary to be made. As the minister has said, and rightly, they relate to policy by-laws. That is a description or a term that I am sure is clear to everyone. Policy by-laws, in case it is not clear, are a device in which, for a particular product, an application can be made to the minister and the minister can hold, for circumstances relating to that product, that a by-law should issue which would remove any tariff on the importation of that item.

What the act says about the scope of the ministerial discretion here is important. If the discretion is to take the tariff down to zero, then, of course, no tariff would be paid. But, if the act provides that it can go down to, as the present bill would provide, three per cent, then the ministerial discretion is cramped, so that the minister is not in a position of being able to remove all tariffs on an imported good. What this debate is centred around really is—if I might describe it this way—on the part of the Democrats, a view that all of

the tariff concession orders should remain intact and that this bill is not necessary at all. I think that is largely the sentiment of the Greens too.

On behalf of the opposition, what this debate has been about is removing the extension by the government away from the concession orders to consumer items and imposing a three per cent tariff—that is to say, a three per cent tax—on the importation of items for consumer consumption. The changes that the government has incorporated, in the face of the Senate's initial rejection of its proposal, have accommodated to a large extent, but not entirely, the concerns of the opposition but, in my understanding, not the concerns of the Democrats and, I think, not the concerns necessarily of the Greens. So that is the background against which these amendments come.

The decision here, though—if, as I hope, our amendment is supported—is for ministerial discretion to be allowed on three areas which are vital inputs to industry and on which, if a case is made under a by-law application, the minister can grant a by-law, meaning that that particular item can come into Australia without a tariff at all. As the bill stands, it could come in with a minimum three per cent tariff. Those items that we have earmarked are quite important items.

There are three areas. The first one concerns machine tools for working advanced metals. That is item 55. The reason why we have put that up is that machine tools for working advanced metals are a high piece of technology. Australia, as an increasingly sophisticated manufacturing country, requires this technology. It is not made in Australia. If it is imported, then a tariff will have to be paid on it. So, the cost of that technology being imported as an enabling technology for the development of our industry will be higher than it would otherwise be, simply because the government wishes to recoup revenue and impose a tax on industry inputs.

We would argue that machine tools for working advanced metals, item 55, ought to be included. That would, in addition, reflect the extension of the Bounty (Machine Tools and Robots) Act to cover these items. Under

the Customs Tariff Amendment Bill (No. 1), the concessional rate will increase from zero to three per cent.

The other two areas are high-performance raw materials and intermediate goods. This is item 57. They would be chemicals, plastics and paper used in production which offer a performance advantage over substitutable goods produced in Australia. Under the Customs Tariff Amendment Bill (No. 1), the concessional rate will increase from the zero that it currently is to three per cent. That is why it needs to be amended.

The third area is high performance food packaging materials, item 60. These, basically, are metal materials and goods which offer a performance advantage over similar goods produced in Australia. Under this bill, the concessional rate would be increased from zero to three per cent.

In these three areas—machine tools for working advanced metals, high performance raw materials and intermediate goods, and high performance food packaging material: items 55, 57, and 60, respectively—the effect of this bill would be to increase the concessional rate from zero to three per cent. We believe it should be at zero, and that if a case can be made sparking ministerial discretion to be exercised, then it is quite proper that the minister should have the scope to go down to zero.

These are strategic industry sectors for Australia. These are sectors in which it is important for Australia to obtain a greater comparative advantage. These are sectors of growth in the Australian economy and they reflect the higher technological expertise of the Australian workforce. To tax them is to try and stunt their growth at the very time in which it is essential to the economy that we grow our manufacturing base, and that we grow it competitively. So it is a very odd thing for the government to do and we believe that if the bill stood, there would be a massive outcry from Australian industry, which would reject the government's action.

We want to mark the spot that we are not in favour of that. We believe that these amendments should carry. I believe these amendments reflect, indeed, as I understand

it, the intent of the position put by the minor parties in this debate. I have to say immediately, so that I do not misrepresent their position, that it does not reflect their entire case, but it reflects part of their case. I would hope, too, that they might find a way in which they can support these amendments. I commend them to the Committee.

Senator PARER (Queensland—Minister for Resources and Energy) (1.47 p.m.)—Let me respond to that before I get the views of the minority parties. Let me point out that items 55, 57 and 60, to which Senator Cook referred, are not project based under the policy by-law system. Under the policy by-law system, where we have a project of \$10 million or more, they do qualify for the duty-free entry. These are not project based.

Reducing the tariff from three per cent to zero under item 57 would cover things like raw materials—and I think that Senator Cook referred to plastics and things like that—where there was a demonstrable performance over substitutable goods produced in Australia. That attacks the very thing that the first bill provided, that where there are substitutable goods, and we do not use generic terms, this policy by-law should not apply. So I just make that point, and I would be interested in the views of Senator Spindler and Senator Margetts.

Senator SPINDLER (Victoria) (1.48 p.m.)—The Australian Democrats are of a mind not to support these amendments, but I would like to respond to the minister who challenged me on the policy that we are pursuing in supporting or opposing the removal of tariffs.

Doesn't the minister understand that there is a difference between tariffs that are optional on goods that you may decide to buy? Doesn't he understand that imposing a tariff cut on imports makes it harder for Australian manufacturers? Doesn't he understand that, on the other hand, it disadvantages Australian manufacturers when there are no products and no capital equipment of that type being made in Australia but they have to pay an additional three per cent? There are two entirely different situations, and it is rather a pity that the minister cannot see the difference.

Senator MARGETTS (Western Australia) (1.49 p.m.)—I might help the Committee out here; but it might not help the Committee all that much. We have not had a sufficient chance to look at the implications that the opposition's amendments might have for the bill. So I think the best thing would be to say that we are unable to support them. I will still need to decide whether that means voting against them or abstaining. But, basically, we are unable to support them simply because we would need time to look at the ramifications; we simply have not had that opportunity.

Requests negatived.

Bill agreed to, with requests.

Bill reported with requests; report adopted.

Senator COOK (Western Australia)—by leave—Mr Acting Deputy President, this issue has been bedevilled a bit by some things having to be put together at the last moment. So if we are absolutely sure, I would like to indicate that, because the opposition's amendments were not carried in the committee stage, our view would be to oppose the adoption of the report. I wonder if that question might be put again. There has already been a question put again.

The ACTING DEPUTY PRESIDENT (Senator Colston)—The situation is that the Senate has made requests now to the House of Representatives. Therefore, the bill will go back to the House of Representatives. If it comes back to the Senate, there will be an opportunity to vote against the third reading, if senators wish to do that. That might satisfy your concerns, Senator Cook, at this stage.

Sitting suspended from 1.55 p.m. to 2.00 p.m.

QUESTIONS WITHOUT NOTICE

Aboriginal Affairs: Special Auditor

Senator BOB COLLINS—Mr President, my question is addressed to the Minister for Aboriginal and Torres Strait Islander Affairs. Minister, during the course of this week and, indeed, the previous week's sittings, you have attempted to divert attention away from an absolute mess of your own creation by claiming that there would be no delays or confusion in funding schemes because of the app-

ointment of your special auditor. Are you aware that the head office of ATSIC here in Canberra—which is now coping with its busiest time, as are all the regional offices, because of the end of the financial year—issued a press statement last night? I do not think I could say it any better than the *Australian* said it today:

The Aboriginal and Torres Strait Islander Commission last night said it could not rule out remote communities running out of money . . . directly contradicting the Minister for Aboriginal Affairs . . .

Minister, will you now apologise to the organisations that you told this chamber should not be believed?

Senator HERRON—I thank Senator Collins for the question. Yesterday, senators will recall, I gave an undertaking that there would not be undue delays to the funding of organisations through the special auditor. Senators will recall that I explained the transitional arrangements put in place to ensure all organisations, other than those in serious breach of grant conditions, will receive funding up to a maximum of \$300,000 for the first three months of the next financial year. The process involves ATSIC regional offices lodging applications with the special auditor, and after three weeks funding the organisations concerned for three months. This process was to begin from 4 June.

In discussions with ATSIC this morning, I have been informed that some ATSIC regional offices have been unable to complete preparation of grant applications and are still in the process of lodging them with the special auditor. To ensure that there is no delay, I will issue a direction that the three-week delay will not apply until after 1 October. The effects of this will be to allow, immediately on lodgment of a grant application with the special auditor, funding to be provided to that organisation on condition that the organisation is not in serious breach.

Senators might be interested to know that it appears that of the 1,600 organisations seeking grants, approximately 150 are in serious breach. By taking these steps I am ensuring that delays are kept to a minimum

and that organisations not in serious breach will continue to receive funding.

I also would like to reiterate this government's commitment to accountability. The special auditor is a key element of providing that accountability, and the government will not back away from that. Unlike the previous government, we will ensure that Aboriginal communities get a fair go and that funding achieves the goals of real improvements in health, housing and infrastructure.

Senator BOB COLLINS—The Senate's answer to Alexander Downer! Minister, I am not surprised that you kept your head down while you read that out. Isn't it funny: my staff and I were going through the—

Senator Hill—On a point of order: this is supposed to be a supplementary question, not a statement. You ask the question like others have to ask the question.

The PRESIDENT—Order! Senator Collins, you should ask your question. But it is not unusual to have a preamble to a question, Senator Hill.

Senator BOB COLLINS—My staff and I were going through the two directions you issued this morning. We are aware of the mess—

Senator Hill—On a point of order—

Senator BOB COLLINS—Oh, for goodness sake!

Senator Hill—We do not want to know what his staff and he were doing. He is entitled to ask a supplementary question. He should be required to ask the question and not give a speech.

Senator Faulkner—Mr President, on the point of order: before you make any ruling on the nature of Senator Collins's supplementary question, it would not be unreasonable for Senator Collins to be able to get out more than the first phrase of the sentence he is attempting to utter.

Senator Alston—Mr President, on the point of order: it is utterly hypocritical of Senator Faulkner to put forward that proposition when he heard Senator Collins commence by telling us about some conversation he had with his own staff. Gratuitous insults to colleagues and

others cannot possibly be relevant, even by way of preamble. It does not in any shape or form assist the asking of the question for Senator Collins to commence by telling us what went on deep in his mind. Presumably, he needed to take advice before he came in here. He should not be in here telling us about it.

The PRESIDENT—Order! With a one-minute question it is pretty difficult to make judgments of that sort, and it is interfering with the time of that question. Senator Collins, get on with your question. But I will be watching the answers very carefully too, if that is the sort of standard you want applied.

Senator BOB COLLINS—Mr President, my supplementary question is related to a question I was asked this morning by a journalist who said to me, 'How will this be fixed?'—

Senator Hill—Mr President, on a point of order: the question has to be supplementary to the answer that was given by Senator Herron, not what Senator Collins was told this morning by a journalist. Can you please bring his attention to the standing orders and his obligations to comply with them.

Senator Faulkner—Mr President, this is a very transparent attempt by Senator Hill to try to protect one of his gaggle of inept ministers. On the point of order: it is perfectly in order for Senator Collins to ask a supplementary question which follows his primary question to Senator Herron. It is also a matter of great interest to journalists in the gallery, who are also following very closely Senator Herron's performance on these matters.

Senator Alston—Mr President, on the point of order: it is absolutely preposterous for Senator Faulkner to get up here and pretend that that is what Senator Collins has been doing. He has not been about to ask a supplementary or about to say something that might have been of interest to journalists; he is really telling us that he does not have an independent thought in his brain. He has to get advice from his staff; he has to get advice from journalists. We do not want to know about that. All we want is for him to do his best to ask a question in a question form, not to tell us about any conversations he might

have had with other people. Senator Faulkner knows precisely that and you ought to treat his submission to you as utterly irrelevant.

Senator BOB COLLINS—I will ask a question. Minister—

The PRESIDENT—Order! I have not ruled on this yet. I must say that this is a great start to the last question time of the session. There is no point of order. I ask Senator Collins to get on with his question; you do not have much time left.

Senator BOB COLLINS—Minister, are you aware that I told a journalist from the *Australian* this morning that the only option available to you, because you are completely ignorant—

Senator Alston—Mr President, on a point of order: how could it possibly be within the competence or the power of the minister to know what Senator Collins might have said to a journalist? If he wants to suggest that Senator Herron was listening in—

The PRESIDENT—Order! You have made your point of order; take your seat, please. There is no point of order. I call Senator Collins.

Senator BOB COLLINS—Minister, are you aware that I told the journalist that the only option available to you, the minister who is ignorant of the mess on the ground, is for you to amend your directions, as you have just done? How many ATSIC funded Aboriginal community organisations responsible for CDEP schemes does your special auditor still have to clear today before ATSIC can offer these communities their first quarter funds for the new financial year, which begins Monday? (*Time expired*)

Senator HERRON—This question comes from a man who is on the record as saying that the trouble with honesty in politics is that it is an extremely dangerous commodity and should be used sparingly. We have had a good example of that. Senator Collins is on the record as saying that. Yesterday, in the Senate, I had rung ATSIC, been in touch with them, and—

Senator Bob Collins—I read their press statement.

Senator HERRON—I assured the Senate, that was the correct information, that was the information I was given. I can do no more than report what I am told. I could do no more than repeat what I was told by ATSIC, and I gave that assurance. This morning, ATSIC communicated with me and said that they were wrong yesterday, so I corrected their statement for you this afternoon. I can do no more than that. That is the action I have taken. The bottom line is that communities must get the money.

Senator Bob Collins—You're a goat.

Senator HERRON—The bottom line is that they will get their funds, Senator Collins.

Senator Bob Collins—You said there wasn't a problem.

Senator HERRON—There is no problem. The communities will get their funds.

Senator Bob Collins—Good thing you weren't operating last night.

The PRESIDENT—Order! Senator Collins, I ask you to raise the level of your language.

Trade Policy

Senator TEAGUE—My question is directed to the Minister representing the Minister for Trade. In this my last question in the Senate, I refer to Australia's trade policy and recall the Governor-General's speech at the opening of this parliament when he spoke of trade with Asia as Australia's highest priority and emphasised 'global trade liberalisation', such as through the WTO; a regional 'focus', such as importantly through APEC; and new activities in 'bilateral' trade negotiations. China was one of the particular countries mentioned. I ask the minister to outline the achievements and the current activities of the government in these areas. Also, I commend the Deputy Prime Minister and Minister for Trade, Mr Tim Fischer, for his significant visit earlier this month to Latin America to chair the Cairns Group and for his bilateral visits, not least to Chile. What were the significant outcomes of this visit?

Senator HILL—I could not think of a more appropriate question to get from Senator Teague as his last question. It is probably the case that no individual senator has done more

to further Australia's foreign and trade relations with individual countries than Senator Teague, and he has visited them all on many occasion.

It is true that, whilst we acknowledged the work that the government was doing in relation to multilateral trade negotiations when we were in opposition—through bodies such as the Cairns Group, in the former GATT negotiations and in other ways—we did hold the strong view that insufficient effort was being put into developing individual bilateral trade relations and insufficient structures were being placed within the department to facilitate those bilateral negotiations.

It has been heartening to see that Mr Fischer, the new trade minister, has followed up on the concerns we previously expressed and has made a real effort to contribute to the development of stronger bilateral trade relations since taking office. He has done this particularly—as you said, Senator Teague—through his recent visits to Asia. I refer to his visit to the Philippines, where he signed a bilateral agreement which will provide market access for tropical fruit to the Philippines. That has been in the pipeline for some eight years, yet it was Mr Fischer who was able to bring it to fruition.

Mr Fischer initialled a new bilateral trade agreement with Malaysia during Minister Rafidah's recent visit to Australia. He has also done work in relation to various Latin American countries, which Senator Teague mentioned. I am not surprised that Senator Teague raised Latin America, because we all know the contribution he has made there—particularly to the Senate committee report on Australia's relations with Latin America, which is treated as the document that has contributed more to furthering our relationship with that part of the world than any other single document. That fact has been acknowledged by ambassadors to various Latin American countries.

Mr Fischer has followed up on that, I am pleased to say. I will mention just a few examples of where he facilitated bilateral trade development on his recent visit to Latin America. He visited Chile, where he signed

a special double taxation commitment and pursued trade policy matters in relation to the potential increased export of coal. I also mention the work he is doing in Chile to accelerate a bilateral air carriers agreement to better assist our trade and investment prospects.

On his visit to Brazil, Mr Fischer expressed Australia's serious concerns about Brazil's application for a 25 per cent shipping freight tax on Australian exporters, something that would work against our exporters. He also pursued trade opportunities in Brazil in relation to telecommunications, agribusiness, mining equipment and infrastructure. Finally, I mention Venezuela and the work Mr Fischer did to further facilitate BHP's joint venture with the Venezuelan company Sivensa. That could lead to a \$US680 million investment in the construction of a new direct reduced iron plant.

The new trade minister has taken up the challenge and is achieving what the former Labor government was unable to achieve, and that is in Australia's best interests. I take this opportunity to thank Senator Teague for all that he has contributed to bilateral relations, particularly with Latin America.

Sydney Airport

Senator CHILDS—My question is directed to Senator Hill, the minister representing the Prime Minister. Given the coalition's directive to reopen the east-west runway at Sydney airport, will you give an assurance that there is full safety in takeoffs and landings at Sydney airport?

Senator HILL—That has certainly been my advice. In fact, if I remember the directive right—and you are asking me to go back a few months—it explicitly said that it was to be interpreted in a way consistent with the highest of safety standards. We are not the experts in that regard, but we would never take a step in policy terms that could have a retrograde safety consequence. That is our highest priority on these matters.

Optus Local Call Service

Senator CALVERT—My question is addressed to Senator Alston, Minister for

Communications and the Arts. I would like to draw the minister's attention to the launch of the Optus local call service in Sydney this morning. How will this new level of competition in the telecommunications industry affect consumers and the telecommunications companies such as Optus and Telstra?

Senator ALSTON—Yes, it was a very significant event. What Optus announced today was that the price of local calls will come down to 20 cents and on significant public holidays to 15 cents. This is enormous progress on the competitive telecommunications front. It is of course a private company and that is a very significant factor, because it means that Optus has—

Senator Patterson—On a point of order, Mr President. I have refrained from doing this, but every time Senator Alston stands up, these people on the other side wander around and stand in the aisles and you do not call them to order. I ask that you call them to order, Mr President.

The PRESIDENT—Order! Senator Patterson knows as well as I do that there is a fair amount of flexibility allowed about those things. If the level of audible noise gets too great, I do question it.

Senator Jacinta Collins—Is his ego wounded?

Senator ALSTON—Not at all, in fact it indicates that Senator Faulkner cannot take the heat. He is really squirming because he has no answers to these questions. What we are talking about here is responsible policy making. Given that Senator Schacht actually attended the launch today—presumably employing taxpayers' funds to fly down to Sydney—I hope very much that he took the opportunity to have discussions with people in the industry about Labor's attitude to privatisation. I hope he was able to do a lot better than the former Senator McMullan and Mr Beazley. You will find that it is one thing for Optus to be able to come in with a very competitive rate, but it is another thing for Telstra to be able to match that on an ongoing basis.

The PRESIDENT—Order! The level of conversation on my left is now too loud.

Senator ALSTON—It is very interesting that Senator Ray should orchestrate these sorts of tactics, transparent as they are. It is really saying that when eight different conversations are suddenly found to be going on in the chamber very deliberately on a particular occasion, you have to ask yourself, 'What are they afraid of? Don't they really want to know the answer? Aren't they seriously interested in these issues?'

I know Senator Schacht is a failed primary school teacher and a failed Telstra technician. He has every good reason to have reached the stage where he knows himself that there is nothing more he can learn about the subject. That is a personal tragedy for him, but I would have thought that his colleagues might be interested in knowing that there are companies like World Exchange who will be able to offer 40 per cent discounts over the next year or so after we get competition from 1 July next year.

What is critically important is that Telstra should be able to match those cuts. It is very sad that not one person on the other side of the chamber is prepared to hold their head up and contest the arguments. In other words, that is a collective plea of guilty. That is what they are saying. They are saying, 'We have no argument against what you are saying. We simply want to turn off and bury our heads in the sand, because we know our policy is wrong. We cannot defend it.' That is a tragedy because it is not in the best interests of Australian consumers or of Telstra. Telstra desperately needs a competitive cost structure.

That is why I hope that Senator Kernot will actually address the implications of staff reductions because they can be very much in the long-term interests of the industry, create more jobs in the wider environment and be very much in the interests of Telstra itself and consumers. If its cost structure is reduced significantly it has the capacity to compete with Optus. If it does not, then it will be trying to do that with one hand behind its back. All those people who somehow think that Telstra is impregnable—and no doubt the opposition's union mates are telling them that all the time—ought to read a book called *Accidental Empires* which will tell them what

happens to even the biggest companies in the world who somehow bet the company on the wrong technology and find that they are virtually sidelined. That is the risk that the opposition faces here. They will be wearing it around their necks if Telstra becomes fundamentally uncompetitive.

Senator Bob Collins—That's very violent; that's very aggressive.

Senator ALSTON—No. I am not from the Northern Territory. I know how you often resolve disputes up there. I am simply saying that, in terms of verbal persuasion, I suspect Senator Collins is one of the very few who understands the absolute hollowness of his argument. *(Time expired)*

Senator CALVERT—Mr President, I ask a supplementary question. Because of all the racket going on on the other side, I did not actually hear all the answer. I would like to ask the minister: because of the extra competition that Optus will provide, what is the average consumer likely to be saving?

Senator ALSTON—That is certainly not a dorothea dixer. I suppose it depends very much on usage. I would have thought that the average family would make up to 20 calls a week.

Senator Kernot—The cable has to be there first; its not yet.

Senator ALSTON—Of course the cable has to be there first and, therefore, the faster we have real competition, the better value it is for consumers. I am sure you understand that. Telstra was never going to unilaterally offer cost reductions. It would only ever come about when there was competitive networks. That is what we are in the process of getting.

Even Senator Schacht understands that and I am sure, if he is game to go around the telecommunications industry, he will find that there is absolutely no-one who can for a moment understand why Labor wants to play this very silly political game. It makes us an international laughing stock. It undoes a lot of the good work Labor did on privatisation during the eighties, although I suspect the likes of Senator Schacht and Senator Faulkner and all those who run the front bench these

days would not really support that anyway. (*Time expired*)

National Crime Authority: Budget Cuts

Senator ROBERT RAY—I direct my question to the Leader of the Government in the Senate. Is it a fact that the various state branches of the National Crime Authority have been notified of budget cuts well in advance of the budget? Is it true that the proposed coalition cuts that appeared in your election manifesto have been doubled and that this will mean vastly reduced operations in both Western Australia and South Australia? Can the minister guarantee that the National Crime Authority will remain an effective weapon against organised crime? Can the minister assure the Senate that the cuts were not inspired by the malicious attack on the NCA by the Premier of Victoria, who subsequently had to apologise to the Supreme Court?

Senator HILL—I do not know of the NCA being advised of any cuts.

Senator Robert Ray—It has been in the papers.

Senator HILL—You are not asking me whether I read the papers. I presume you are asking me in my ministerial role. I do not know of the NCA being advised of any cuts, but I will make the appropriate inquiries. We are committed to retaining the NCA as an effective contributor to the fight against organised crime. I played a significant part—if I might modestly say—with Senator Bolkus and others in setting up the NCA. It was not an easy debate in this place.

Senator Carr—You must be embarrassed now, then.

Senator HILL—Anyone interested in human rights would find it a tricky debate because of the coercive powers given to the NCA and our requirements that they be restricted in the use of those powers. It is a legitimate debate to argue as to whether or not the funding that has gone to the NCA has resulted in a better bottom line in terms of either deterring crime or jailing criminals, as opposed to the alternative of that funding being reinvested in traditional policing methods—state police forces or the federal

police. Overall, as I said, we think it is a useful adjunct to our law enforcement mechanisms. We continue to support it and we will ensure that it is adequately funded to meet those responsibilities.

Senator ROBERT RAY—Minister, I assume that when the coalition suggested in their election manifesto a level of cuts it was done so on the basis that it would not impair the NCA's crime fighting abilities. The real nub of the question, if you could follow through when you make those inquiries, is whether in doubling those cuts you can still be assured that you will not affect the NCA's ability; and were the original coalition assumptions given in the election campaign wrong?

Senator HILL—Organised crime is a scourge and we have a responsibility to fight it and to adequately fund our law enforcement bodies to achieve that objective. You can argue about what is the level of funding necessary to achieve that objective. Funding, as you know, for the NCA has risen greatly over the period of time. It was never envisaged to be a body of the size it is now or at the cost that it is now. Nevertheless, we are committed to its continuation as an effective law enforcement body. We will ensure that it is adequately funded.

People's Constitutional Convention

Senator KERNOT—My question is to the Minister representing the Prime Minister. I refer you to your government's commitment to hold a people's constitutional convention in 1997 and to your plans to introduce legislation later this year to set up the convention. I ask, first, whether you can confirm the recent statement by the Attorney-General, Mr Daryl Williams, that the convention will be made up of a mix of appointed parliamentary representatives and elected delegates and, if so, in what proportions. Second, how does the government plan to meet the Prime Minister's commitment to ensure, firstly, that a proportion of the conference is made up of young Australians and, secondly, that local government is represented at the convention? Third, will the government commit itself in principle to ensuring that equal numbers of men and women are represented at the convention?

Senator HILL—Certainly it is the government's intention to pursue this important policy matter in the second half of this year. The policy that we stated before the election was that 50 per cent of delegates would be directly elected and 50 per cent would be appointed. Representatives of federal, state and territory parliaments would, as I understand it, be among the 50 per cent of appointed delegates. Ten per cent of the appointed delegates will be people aged between 18 and 25, and representatives of local government will be among the appointed delegates—I do not think we have suggested a proportion of them. There have been proposals put to us that 50 per cent of all delegates should be female. We are currently giving consideration to those proposals.

Senator KERNOT—Can I ask you to identify for us the kinds of people you are consulting on this; or is it coming straight from Liberal Party policy?

Senator HILL—You would be aware that the Prime Minister has asked his parliamentary secretary Senator Minchin to engage in wide consultations at the political and community level. I am sure he has met that responsibility ably.

Senator Kernot—He hasn't told you yet?

Senator HILL—You mean he hasn't conferred with you? I must specifically ask him to confer with you, Senator. We are taking into account the advice he has which, I understand, is broadly based.

Macquarie, Heard and McDonald Islands

Senator FAULKNER—My question is directed to the Minister for the Environment. Yesterday, in answering a question from Senator McGauran, you boasted that the nominations of Macquarie, Heard and McDonald islands for world heritage listing provides tangible evidence of your government's ongoing commitment to the aims and intents of the World Heritage Convention. Isn't this grossly misleading, given that your government has conceded to the states and territories a right of veto over any future world heritage listings in this country?

Senator HILL—I suppose what it demonstrates is really a different approach to poli-

tics. The Labor Party sought to dictate outcomes. It led to situations of confrontation, great social and economic disturbance, a lot of bad will and, unfortunately, resentment. I had a typical example of that recently in relation to Shark Bay. The way that the Labor government went about the listing really put the whole of the local community offside in a way that—

Senator Faulkner—Have you conceded a right of veto?

Senator HILL—Just listen to the answer—in a way that could not lead to constructive outcomes. The Labor Party believed listing was an end in itself. We believe the end should not be just the listing, but sensible, cooperative management of values, resources—natural, cultural or whatever—that are prized by the community as a whole and that the community as a whole is committed to protect and enhance.

So we go about it in a different way. We try to bring the community, whether represented by state or local governments, or even smaller community groups, within the process from the starting point. After they have been engaged in that process and they want that listing and they feel a sense of ownership of that listing, the ultimate management and protection of those environmental values will be much better enhanced than in the way you sought to do it. So we do have a different approach to these things, Senator Faulkner. But the bottom line of that will be a better outcome, and that will be for the benefit of all Australians.

Senator FAULKNER—Mr President, I ask a supplementary question. As opposed to the self-congratulations of yesterday, isn't it true, minister, that in Mr Howard's commissioning letter to you, his charter letter to you—and I quote from it directly:

Listing of a property will finally be proposed only with the agreement of the relevant state or territory government.

That is in Mr Howard's letter to you dated 28 March 1996. Isn't it true that you have given the states and territories a right of veto over any future world heritage listings in this country?

Senator HILL—That is not the way I look at that at all. It is your way of looking at these things. To you, the outcomes that you seek come from confrontation. We have a different approach. It is demonstrated by one of the examples you gave, Macquarie Island, which is part of Tasmania. I am pleased to say that is a joint listing with the cooperation of the Tasmanian government, going forward with the confidence and support of both the state government and the Commonwealth government. That is the way it ought to be. Why should we apologise for that? We have a better way of doing these things. The outcome will be better. What is just as important, and the thing which you totally overlooked, was the fact that once you listed these areas, you had responsibilities for proper maintenance. You believed the job was done. It was only just starting. (*Time expired*)

Deportation Order

Senator MARGETTS—I ask my question on behalf of Senator Harradine to the Minister representing the Minister for Immigration and Multicultural Affairs. I refer to the deportation of a Sino-Vietnamese couple and their severely disabled 10-month-old baby from the Port Hedland detention centre in the early hours of last Saturday morning, and ask: why was the minister not prepared to exercise his discretionary power to allow the family to stay on humanitarian grounds, considering the opinion provided by Dr Peter McCullagh, a medical expert, that sending the child back to China amounted to a de facto death sentence due to the lack of medical facilities available to him there? Why was Father Walter McNamara denied access to the family on Friday evening, despite the undertaking given to him by the Prime Minister's office that he would be able to see the family prior to their deportation? Will the minister table all documentation about the family's case, including all advice given to him by the department of immigration?

Senator SHORT—So far as the latter part of Senator Margetts' question is concerned, I will refer that to Mr Ruddock to see what information can be provided. So far as the first part of the question was concerned, the family was returned to China on 21 June,

along with 54 other Sino-Vietnamese, under the terms of the memorandum of understanding between China and Australia that was signed a year or more ago. They are recognised as refugees by China and have effective protection of the Chinese government. The memorandum of understanding between the Chinese and Australian authorities has received full and public support from the United Nations High Commissioner for Refugees, whose representative in Australia has gone on record as saying—and I quote:

These people have been properly taken care of by the Chinese. The Chinese have lived up to their responsibilities under the convention.

Nearly 800 Vietnamese refugees settled in the PRC have returned to the PRC under the memorandum of understanding and we have no evidence that the PRC has not continued to provide them with effective protection after their return. With regard to medical treatment for Zeng Thomas Kang, there is no specific treatment, I understand, very regrettably, either in China or in Australia.

So far as the situation with Father William McNamara is concerned, my advice is that, unfortunately, in recent months there have been some limitations on space in the centre for religious observances because of renovations being carried out there. This issue has now been resolved by the provision of a new, more permanent area to be used for religious observances, Bible classes and the like. Some access restrictions are also necessary on occasions for security and operational reasons.

The centre's advisory committee has discussed the issue of access to pastoral care and invited Father McNamara to attend its meeting yesterday, 26 June. Father McNamara's concerns, I am advised, were frankly and openly addressed. I am also advised that the minister has asked for a full report from his department on matters relating to Father McNamara's concerns. I will check the remainder of your question, Senator Margetts, and if there is anything I have missed, I will come back to you on it.

Senator MARGETTS—Just to put it clearly, will the minister be able to ensure that the detainees will have full private and

confidential access to their spiritual counsellor in future?

Senator SHORT—I will certainly take that to the minister. I hope the answer to your question is yes.

Senator Chapman

Senator BOLKUS—My question is to the Leader of the Government. Has your attention been directed to an article in today's *Courier-Mail* in which Senator Chapman denies having entered into a \$40,000 loan with a Hong Kong businessman with repayment cancelled on the same day? Are you aware that Senator Chapman has denied taking an all-expenses-paid trip to China in order to inspect an Inner Mongolian cashmere processing factory late in 1994? Further, are you aware that he has also denied a potential conflict of interest in promoting King Deer Cashmere Australia Pty Ltd by way of a press release two days before becoming a board member of that company? Would you agree that Senator Chapman himself has confirmed that there is an Australian Federal Police investigation into these matters? As the Leader of the Government in the Senate, will you ask Senator Chapman to stand aside as chairman of the Joint Standing Committee on Corporations and Securities until these matters are resolved?

Senator HILL—This sounds like the sort of muckraking that you used to be so indignant about from the other side as I recall, particularly hearing it often from Senator Bolkus. I regret to say, Senator Bolkus, I know nothing about those matters.

Senator BOLKUS—I find it incredible. This matter has been circulated very widely, including on the inside cover of the Senate news clips. As the Leader of the Government in the Senate, Senator Hill, you should have been advised. You are claiming the Downer defence, I suppose? Do you think it is appropriate for a Senator who is involved in investigations by the AFP for white-collar activities to chair the Joint Standing Committee on Corporations and Securities? Will you ask Senator Chapman to stand aside until these matters are resolved?

Senator HILL—This is a grubby attempt. Not only guilty before convicted but guilty before charged—that seems to me to be the way you are approaching this, Senator Bolkus. I said that I know nothing of this matter.

Senator Bolkus—What do you get paid for?

Senator HILL—I don't get paid for reading the *Courier-Mail*, for a start.

Senator Schacht—That is an insult to Queensland.

Senator HILL—I have not read the *Courier-Mail* today. I know nothing of these matters. Therefore, I see no basis for asking anyone to stand aside.

Australian Sporting Shooters Association

Senator BOSWELL—My question is addressed to the Leader of the Government in the Senate. Has the minister seen media reports stating that the Australian Sporting Shooters Association may contribute \$1 million to the Australia First Reform Party? What will this achieve for the interests of sporting shooters?

Senator HILL—I commend Senator Boswell for the warnings that he has been giving in recent times to members of the Australian Sporting Shooters Association and to sporting shooters in other organisations as well who may well be, without realising it, contributing support to extremists organisations and to political organisations that have an agenda far beyond the wishes of these particular shooters.

There is no doubt that within the community there are many—some to many, anyway—genuine, law-abiding shooters who hold a different point of view on the guns debate to that which is held by all of the mainstream political parties in this country and, basically, by all states and the Commonwealth as well. It is quiet legitimate for them to participate in this debate and to protest in all the democratic ways, but they must be careful that, out of their disappointment or frustration, they are not abused by some who have a different agenda.

Senator Boswell is quite correct when he issues this warning. He tells them to ensure that their organisations and the leaders of their sporting organisations are not using their membership fees for political objectives other than the sporting shooting objectives for which they contributed those membership fees.

I also have to say in passing that it is disappointing that politicians, such as Mr Campbell, apparently see some short-term political gain in associating themselves with some of these more extreme elements. Those who might now see that they are indirectly supporting him through these means should take note of that cautionary warning as well.

Kakadu and Uluru National Parks

Senator REYNOLDS—My question without notice is to the Minister for the Environment. Given the demands by the Northern Territory Chief Minister, Shane Stone, for the Commonwealth to transfer its management responsibilities for Kakadu and Uluru national parks to territory administration and given that you were quoted in an article in the *Weekend Australian* on 6 April as giving a direct assurance to the Aboriginal traditional owners of Kakadu National Park that the federal government will not give up management control of the park without their consent, which, as you know, they will not give, will you now repeat this assurance to the Senate that the wishes of the traditional owners are absolutely paramount? Furthermore, will you extend your assurance to include Uluru National Park? Have you officially communicated this view to the Northern Territory government and its representatives in this parliament?

Senator HILL—The traditional owners have leased back both parks to Commonwealth agencies, and we do not plan to make changes in that regard.

Senator Bob Collins—Shane Stone will be disappointed.

Senator HILL—Obviously, I have discussed this matter with Northern Territory ministers and with Northern Territory representatives. I have said to them that I can understand that, as the Northern Territory

moves closer to statehood, they would naturally aspire to have rights and responsibilities in relation to national parks that are more akin to the rights and responsibilities that are taken by the states around the Commonwealth.

I have said to them that I recognise that very reasonable aspiration. I have also said to representatives of the land councils and to traditional owners that I think it is to their benefit to develop what I might humbly say are better working relations with the Northern Territory government, and I have been looking for ways—

Senator Bob Collins—That cuts both ways, Senator Hill.

Senator HILL—It cuts both ways, and I have been looking for ways to facilitate that. In fact, I was only discussing some ways with a representative of the Central Land Council within the last 48 hours. Obviously it is important for the Northern Territory government to be supportive of the management structures that have been put in place in those states. They also have expertise in the environment and other areas within their bureaucracy which can be very useful in the effective management of those parks. So if we can find ways of more cooperatively working with them toward the common goal, that would seem to me to be to the better.

Senator REYNOLDS—Mr President, I ask a supplementary question. Minister, you have used a number of words, but you have not given the Senate an assurance in relation to my question. Could you now do so?

Senator HILL—I actually thought I had very effectively answered your question, Senator. You might not think so, but I guess if I think so that is all I am really concerned about. In fact, I thought I had gone further and told you how I believe that the Northern Territory government, the Commonwealth, traditional owners and the land councils working together can produce better outcomes.

Senator Reynolds—Is that an assurance? Obviously not.

Senator HILL—It is an assurance.

Chicken Meat Imports

Senator WOODLEY—My question is directed to the Minister representing the Minister for Primary Industries and Energy. Minister, you would be aware of the concern of the chicken meat industry about the possibility of Australia allowing the importation of chicken meat from such countries as the USA, Denmark and Thailand, all of which have a background of virulent Newcastle disease virus. Will you ensure that an environmental impact statement to examine the impact of Newcastle disease virus on the Australian poultry industry and the Australian native bird population is undertaken as soon as possible?

Senator PARER—I think that the Democrats are about a month behind on this. We have had a series of questions about it. I would like to remind Senator Woodley that AQIS did conduct a quarantine risk assessment, in response to requests from the government, of the USA, Thailand and Denmark for market access for their cooked chicken meat, and there has been extensive consultation to ensure that all disease issues have been considered. The major poultry industry organisations have expressed their opposition to importation, citing concerns at possible disease risks and adverse economic consequences. AQIS concluded its technical assessment in May last year. I might say that the industry does not dispute the scientific basis for the proposed cooking process.

AQIS has published a statement of quarantine policy setting out in draft form the detailed arrangements under which the importation of cooked chicken meat from these countries will be allowed. Importation from Thailand will be subject to prior inspection by AQIS, with industry participation, of the Thai processing. Separately from the AQIS process, an interdepartmental committee has investigated the potential economic impact on the domestic industry of the removal of protection against import competition which has been provided to this time by quarantine restrictions.

Following a meeting that the minister had on 5 June, he requested the formation of two industry-government working groups. The first will allow industry to provide technical

comments on AQIS's draft quarantine requirements; the second will examine the potential economic impact of cooked chicken meat imports and possible transitional adjustment options which government could consider.

Given that the issue has been discussed over the past six years, the minister was surprised to read a report in the *Weekly Times* just recently that the Victorian growers planned to launch a \$1 million fighting fund. Just to answer your question in regard to an environmental impact statement, I would have to say to you, Senator, that you would know that this is very much a scientific study, and that sort of scientific study will continue.

Senator WOODLEY—Mr President, I ask a supplementary question. I thank the minister for his answer, all of which I knew. What I refer to, Minister, is the fact that your Minister for Primary Industries and Energy, Mr Anderson, in a letter to John Clarke, President of the Victorian Farmers Federation chicken meat group on this issue, admitting that the studies had been done by AQIS, promised Mr Clarke a thorough investigation and, in the case of Newcastle disease, the conduct of an extensive environmental impact statement. Will the government be ensuring that the minister's promise is fulfilled?

Senator PARER—I am sure if Minister Anderson wrote to Mr Clarke, and I would have no idea whether he did or did not, and said that, that he will do it.

People's Constitutional Convention

Senator WEST—My question is addressed to Senator Hill representing the Prime Minister. Minister, would you support the proposition that Aboriginals directly elect their delegates to the peoples convention?

Senator HILL—It sounds an interesting idea. We will take it on board. You are advocating it, are you—putting forward a particular—

Senator Faulkner—We are asking you for your opinion.

Senator HILL—I have said that I will ensure the government gives it full and proper consideration, that it takes it into account and, when further announcements are made on this

matter when the parliament returns, that we make specific reference to your suggestion.

National Gallery of Australia

Senator MICHAEL BAUME—My question without notice is addressed to Senator Alston, the Minister for Communications and the Arts. Can the minister inform the Senate of any action he has taken in regard to the position of director of the National Gallery of Australia following last year's aborted attempts by the former arts minister to find a new director?

Senator ALSTON—I would like to commence my answer by paying tribute to Senator Michael Baume following what I believe will be his last question in this place. As a former shadow minister for the arts, he has had a longstanding and passionate interest in cultural pursuits, and I think he will certainly be remembered for his contribution in that and a number of other even more or equally significant areas.

Can I say that what Labor did last year in relation to the National Gallery not only was a fiasco as far as the gallery was concerned, but really made Australia an international laughing-stock. There was a committee appointed by the former minister, Michael Lee, to recommend a replacement for Betty Churcher, whose term was due to expire last year. That committee made a unanimous recommendation in favour of the late Michael Lloyd, who, by any measure, was one of the world's outstanding curators.

Mr Lloyd was subject to great public humiliation and embarrassment which I thought he bore magnificently, and ultimately took the decision not to appoint him, I thought, in very good grace. I would just say in passing that the Turner Exhibition will forever be synonymous with the name of Michael Lloyd.

It is a very important position. The National Gallery is very prestigious, even in international terms. It has a remarkable collection and, in Betty Churcher's time, it has certainly developed close cultural links with Asia. It has brought out a number of blockbuster exhibitions and it is very well poised to take

Australia and Australia's cultural scene into the 21st century.

I have in recent times discussed the question of Mrs Churcher's successor with Mr Kerry Stokes, the Chairman of the National Gallery of Australia, and we have agreed that a process should be put in place to find the best possible person to replace Mrs Churcher when her term expires in January of next year. I would certainly like to take this opportunity to pay tribute to Mrs Churcher and the contribution she has made to the gallery. During her stewardship, it has certainly gone from strength to strength. There are very many achievements of which she ought to be very proud.

What that decision will do in due course is ensure that the National Gallery is back on track, that it does recover from that very low level of morale that afflicted it last year thanks to Michael Lee's absolute political ineptitude. There is no doubt that you could not possibly have handled a decision worse if you tried, and then, to compound matters, Mr Lee consistently refused to provide reasons for the decision, so of course everyone had a field day. Some of the disaffected candidates felt compelled to go to the media. Michael Lloyd, I might say, conspicuously did not and, as a result, it was very damaging, I thought, for the gallery itself.

There is no doubt now, that, with a smooth replacement for Mrs Churcher early next year, we can look forward to the gallery getting back on track. We can look forward hopefully to more Turners, although I have to say from a personal point of view I thought the Turner Exhibition was just about the best I have ever seen. One could not imagine a greater combination of colour, light and sheer mastery from one of the world's all-time great cultural exponents, and that, I think, is a tribute to those who have run the gallery. I am sure that Mrs Churcher's successor will ensure that there are many more blockbusters to come.

Aboriginal Affairs: Special Auditor

Senator FAULKNER—My question is directed to Senator Herron, Minister for Aboriginal and Torres Strait Islander Affairs. Minister, I ask you: in answer to a question

asked earlier in question time by Senator Bob Collins, you said that yesterday you were given advice by ATSIC and in question time yesterday you repeated that advice to the Senate. You then said this morning that you were contacted by ATSIC and you were told that the advice you had given the Senate was incorrect.

Senator Alston—What is the question?

Senator FAULKNER—My question is: at what time were you provided with that advice today by ATSIC? And did you advise the Senate at the earliest possible opportunity that you misled the Senate yesterday?

Senator HERRON—Mr President, if anybody misled the Senate, it was Senator Collins. You will recall that yesterday in question time, Senator Collins blew himself up into a great posture that he does and said had my office received two telephone calls during that morning? Then, at the end of question time, he came in meekly and said he was wrong; those telephone calls had not come in yesterday morning—there were two calls the previous afternoon. We recorded the previous afternoon, and there had been two anonymous telephone calls. This is the minister who is on the record—

Senator Faulkner—Point of order, Mr President. This is a serious and direct question to Senator Herron, who has admitted in question time today that he misled the Senate. I ask Senator Herron: when he received that advice this morning, did he advise the Senate of misleading the Senate at the earliest possible opportunity? I ask you, Mr President, to direct the minister to answer that specific question.

The PRESIDENT—The minister is relevant in his answer. I take it he is developing his answer. I ask you to get to the point, Senator Herron.

Senator HERRON—Thank you, Mr President. I am developing the answer. I was making the point that former Minister Collins is on the record as saying, 'The trouble with honesty in politics is that it is an extremely dangerous commodity, and it should be used sparingly.' There is the point—

Senator Faulkner—When were you advised?

Senator HERRON—Yesterday afternoon at the end of question time I contacted ATSIC. I will read the very words that I read yesterday.

Senator Bob Collins—What time did you get the advice?

Senator HERRON—I said that ATSIC advised that 'funding will be released next week when it is due'. I then said:

They cannot understand why the CDEP program would be terminated—

That was at about 3.15 p.m., Senator Collins; you were here. That was the advice. When I saw that press release this morning, I contacted ATSIC and I said, 'What's going on? Yesterday afternoon you tell me'—those words that I said—'and this morning'—

Senator Faulkner—When?

Senator HERRON—This morning.

Senator Faulkner—What time?

Senator HERRON—I will check the records. I am not sure. I am happy to find out the time for you.

Senator Hill—You have to keep a note of every time!

Senator HERRON—Yes. I cannot answer you the time, but we will check the time for you and let you know. There seemed to be a conflict of advice. I might also say yesterday afternoon—I was willing to protect ATSIC because they also said yesterday afternoon that ATSIC previously wrongly advised the CDE program that funding would be delayed. That was prior to yesterday afternoon. If you would like to check the time that that call was received, I am happy to give that to you, too.

The point is that I gave you an account of the advice I had received from ATSIC. I delivered it to the Senate as soon as possible. I was going to do that this afternoon except Senator Collins asked my dorothy dixer. I was happy to do that. I advised the Senate as soon as possible.

If Senator Collins is behind the post then that is his problem. Apparently the reason for the delay is that it took ATSIC too much time. If you really need to know I will tell

you when that special direction was given. I will read from the letter that I sent to the chairman of ATSIC. It outlines the directions I gave at that time. It will tell you the precise time and date. You will then know when that compliance direction was issued and the advice that was given to the chairman of ATSIC. The letter stated:

I must stress that I regard ATSIC as responsible for ensuring the smooth and timeliness provision of the material necessary for the special auditor . . .

(Time expired)

Senator FAULKNER—Mr President, I ask a supplementary question. Is it not true that the only reason the record was corrected on this matter was that a member of the opposition asked you a question in question time today? When were you advised that the information you gave to the Senate yesterday was wrong? Did you advise the Senate at the earliest possible opportunity that you were wrong and that you had misled the Senate?

Senator HERRON—I made it perfectly clear that I did not mislead the Senate. I notified the Senate as soon as possible. When I saw the press release, I got in touch with ATSIC and said, 'What is going on?' I will quote from the letter dated 11 April. It stated: I am advised that the directions will not have legal effect until the special auditor is appointed. However, I urge you to move to put the necessary processes in place immediately so that delay in commencing the special auditor mechanism may be minimised and so that the spirit directions may be implemented at the earliest possible date.

I advised the Senate yesterday afternoon—

Senator Faulkner—Why didn't you come here and say you misled the Senate?

Senator HERRON—What do you want me to do? I did it at the earliest possible opportunity. It was not that that advice was incorrect yesterday. That was the advice I received from ATSIC. I delivered it to the Senate. On inquiry this morning, I was informed about this. I came into the Senate to let you know. I do not think you can ask any more than that. The advice I received was relayed to you correctly and honestly and I do not think you can ask any more. *(Time expired)*

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

MINISTER FOR ABORIGINAL AND TORRES STRAIT ISLANDER AFFAIRS

Suspension of Standing Orders

Senator BOB COLLINS (Northern Territory) (3.03 p.m.)—At the request of Senator Faulkner, I move:

That so much of the standing orders be suspended as would prevent Senator Faulkner moving a motion to provide for the consideration of a matter, namely a motion to give precedence to a motion of censure of the Minister for Aboriginal and Torres Strait Islander Affairs (Senator Herron) in relation to funding for the Community Development Employment Projects program.

The reason this censure needs to be moved—and if you needed any confirmation of it, we just had it in question time today—is that Senator Herron has been coming into the Senate and has been questioned on this closely every question time without exception for the last two weeks. For two weeks everybody will remember how he answered those questions. Senator Herron said that absolutely nothing was wrong. 'There was not a problem,' said Senator Herron. 'Nobody should be worried,' said Senator Herron. 'It is all under control. There is not a problem,' said Senator Herron.

He was quite firm about it. He told the Senate in question time, with respect to concerns that I raised about problems that were being relayed to me, and not solicited by me, from Aboriginal communities across the whole top end of Australia—and I have now had two inquiries from South Australia—that they were extremely concerned that they could not get any clarification as to whether their funding for paying wages under CDEP would in fact continue:

Having said that, over a third of the funds—over \$300,000 million—that are spent by ATSIC go into CDEP. It is not intention—nor do I believe this will occur—that there will be any delay in the expenditure of those funds.

Even more extraordinary was another statement Senator Herron made in respect of these same issues—and you cannot get it clearer than this:

None of these matters have occurred as a result of the appointment of a special auditor.

That was in question time. In response to Senator Alston's interjection—

Senator Hill—Madam Deputy President, I raise a point of order. I only attempt to intervene constructively. We do not object to the suspension, but there a number of ministers who have responsibilities to table additional information arising out of question time. What if we get those jobs out of the way and then they can leave and we can debate your motion.

Senator FAULKNER (New South Wales—Leader of the Opposition in the Senate)—by leave—I gather from what Senator Hill said that the government will not oppose the suspension of the standing orders and hence we can move to the substantive motion. In the same spirit that Senator Hill proposes I indicate, on behalf of the opposition, that the opposition would be willing to ensure that we allow those ministers who have responsibilities arising out of question time to fulfil those and then we can move to the substantive motion.

The DEPUTY PRESIDENT—If this procedural motion is going to be agreed to, we will pass that. Then the ministers can table their documents and we can go on with the substantive motion. I put the question that the motion moved by Senator Collins be agreed to.

Question resolved in the affirmative.

Procedural Motion

Motion by **Senator Bob Collins**, at the request of **Senator Faulkner**, agreed to:

That a motion to censure the Minister for Aboriginal and Torres Strait Islander Affairs (Senator Herron) in relation to funding for the Community Development Employment Projects program may be moved immediately and have precedence over all other business today till determined.

QUESTIONS WITHOUT NOTICE

Film and Video Guidelines

Senator ALSTON—Senators may recall the order of the Senate of 9 May 1996 for the production of draft classification guidelines for film and video. The final part of that order called on the Minister for Communications and the Arts to ascertain in writing from the

Federation of Australian Commercial Television Stations, the Australian Broadcasting Corporation and the Special Broadcasting Service details of recent steps taken by them concerning their television codes of practice and to table these details in the Senate. I have now received documents providing those details and I table them accordingly.

Sale of Telstra

Senator ALSTON—Senator Wheelwright asked me a question on 30 May 1996. I now have some supplementary information and I table that information.

Senator Wheelwright asked the Minister for Communications and the Arts, on 30 May 1996 (copy attached):

(a) Can the Minister for Communications and the Arts confirm that there is a requirement under listing rule 3A (1) to provide the Australian Stock Exchange with any information which might materially affect the value of Telstra bonds as traded or that might influence an investor to buy or sell them.

(b) Can the Minister for Communications and the Arts further explain why no information has been given to the exchange on the proposal discussed by both the Minister and the Prime Minister to set up Telstra in another company.

Senator Alston—The following supplementary information has been provided to answer Senator Wheelwright's questions, based on advice from Telstra:

(a) Background listing on ASX

(a) Telecom Bonds have been quoted on the Stock Exchange since the early 1970s when they were first issued by the Australian Telecommunications Commission (ATC). These Telecom Bonds were issued under the Commonwealth inscribed stock regulations.

(b) In 1991 Australian and Overseas Telecommunications Corporation (AOTC) was formed and Telstra became a public company governed by the Corporations Law. At the same time the new company was listed on ASX and earlier Telecom Bonds lines were quoted in the name of the new entity. (Telecom Bonds issued under the Corporations Law are similar but not the same as those issued prior to 1991. In particular, some bonds issued enjoyed the benefit of a Commonwealth guarantee—see below).

Obligations as a listed public company—continuous disclosure

(a) As a listed public company Telstra must comply with continuous disclosure requirements contained in the Corporations Law and in the Stock

Exchange listing rules. These are not obligations which apply to the Commonwealth as a shareholder.

(b) Under Listing Rule 3A (1) Telstra is required to disclose to ASX any information that a reasonable person would expect to have a material effect on the price or value of Telecom Bonds or which may influence a person in deciding whether to buy or sell Telecom Bonds. Disclosure is therefore not limited to matters which will materially adversely affect investors.

(c) Telstra must disclose this information to ASX before it is released to any other person (eg, media).

(d) Telstra also has disclosure obligations arising out of its various debt issues in the US, UK and Europe. Any information disclosed by Telstra to ASX in compliance with its continuous disclosure obligations may need to be notified to, among others, the US Securities Exchange Commission and to the London Stock Exchange.

(e) Telstra has rigorous systems in place to ensure compliance with its Australian and overseas disclosure obligations.

Guarantees/Underwriting applicable to Telecom Bonds

(a) Telecom Bonds are direct debts of Telstra and are unsecured notes under the Corporations Law.

(b) Telecom Bonds rank equally regardless of issue or maturity date with all other unsecured debt obligations of Telstra. Telecom Bonds are not debts of the Commonwealth and are mostly not guaranteed by the Commonwealth. (As mentioned above, only a few very old inscribed stock lines enjoy such a guarantee. No Telecom Bonds issued under the Corporations Law are guaranteed.)

(c) A change in Telstra's ownership will not affect the interest payments or other rights attached to Telecom Bonds.

(d) The information in (a) and (c) is clearly set out in each Telecom Bonds prospectus. Investors are also informed that there is no guarantee that government ownership of Telstra will be maintained until the maturity date of each Telecom Bonds sold.

(e) Telecom Bonds issued under the Corporations Law have the benefit of a Trustee who must be informed on behalf of investors if any material adverse event has occurred in the last quarter which would affect their rights in Telecom Bonds (ie the right to be paid interest or have their capital returned on expiration of their fixed interest investment.)

(b) Proposed sale by Commonwealth

As mentioned earlier, the obligation to notify the ASX of material price sensitive information is that

of Telstra and not the Commonwealth.

In relation to Telstra's disclosure obligations, Telstra cannot make disclosures about matters on which it does not have direct knowledge or in respect of uncertain or speculative matters. For example, the discussions referred to in the Senate concerning the possibility that Telstra would be privatised by an asset sale to a new company.

Telstra, would of course, assess any firm sale proposal under its continuous disclosure system to determine whether any disclosure is needed and if so, make the appropriate disclosure to the ASX.

MINISTER FOR ABORIGINAL AND TORRES STRAIT ISLANDER AFFAIRS

Motion of Censure

Senator BOB COLLINS (Northern Territory) (3.08 p.m.)—I move:

That the Senate—

(a) censures the Minister for Aboriginal and Torres Strait Islander Affairs (Senator Herron) for:

- (i) misleading the Senate when he said in question time that problems being experienced by Aboriginal communities in ensuring continuity of funding for Community Development Employment Projects programs and essential services "had nothing to do with the appointment of the Special Auditor",
- (ii) failing to properly explore alternative options for improving Aboriginal and Torres Strait Islander Commission (ATSIC) accountability before his precipitate action in appointing the Special Auditor,
- (iii) failing to consult ATSIC to seek advice on the impact this would have on ATSIC and the Aboriginal people it serves, and
- (iv) stating in the Senate that the Aboriginal communities who raised concerns should not be believed, and

(b) calls on the Minister to:

- (i) unconditionally withdraw his unfounded imputations against these communities,
- (ii) ensure his failure to consult ATSIC on actions profoundly affecting its operations does not occur again, and
- (iii) take action to minimise disruption to organisations not in clear breach of the accountability requirements demanded by ATSIC.

I suppose that we could say that the Minister for Aboriginal and Torres Strait Islander Affairs (Senator Herron) has complied with the last section of that motion by his announcement in question time today. It is, indeed, a fact that I was discussing this issue with a journalist this morning. I was not scoring any points.

Senator Alston interjecting—

Senator BOB COLLINS—As you know, Senator Alston, I am not a lawyer; I am only a bush lawyer. I had a set of the accounting guidelines that had been issued to the ATSIC office, I had a set of the minister's directions under section 12 of the act and I had heard the nonsense that the minister has delivered in here question time after question time with increasing concern.

For the life of me—I thought there must have been a secret in here somewhere—I could not work out, in terms of what I knew was the total confusion on the ground out there in Aboriginal communities, how the minister could do it any other way. I said that this morning. The only solution that I can see is that he will have to amend his ministerial direction. That was less than an hour before I walked into Senate question time today, Minister, you might be interested to know. I will not bother reading the full text. Madam Deputy President, just recall—as should all honourable senators—

Senator Abetz—Like you did on pay TV.

Senator BOB COLLINS—And you, Senator Abetz. Just recall what the minister said in question time.

Senator Abetz—You didn't read all the fine print on pay TV.

Senator BOB COLLINS—Have a look at the *Hansard*. I will quote the minister:

These problems have got nothing whatever to do with my appointment of a special auditor.

Just listen to the opening paragraph of the statement which the head office of ATSIC in Canberra was forced to issue last night because they were being besieged—not surprisingly—by questions from journalists. I might tell you, Minister, in commending this organisation for its loyalty to you, they did not

broadcast this. They only issued it to those journalists who had asked questions.

When ATSIC was first set up, there was a flood of leaks from the organisation that it replaced. On one occasion, Senator Tambling quite happily showed me over 60 pages of faxed material that had just come off his fax machine. In respect of this issue, I have not had a phone call from ATSIC, I have not had a single document from ATSIC. I have had nothing from ATSIC. Everything I have had is material that is on the public record.

Consider how those people must feel. I know how they must feel—knowing what is happening on the ground and listening every day to the nonsense you have been delivering in this chamber, which you have now formally acknowledged by announcing that you do have to amend your ministerial directions because of the mess that you have created out there. They must be feeling pretty sick at heart today. I commend them for their loyalty because I have not had one single piece of information delivered to me. This is all on the public record. Listen to this opening paragraph, Minister, in terms of your flat assertion that nothing was wrong because of the special auditor:

An ATSIC spokesperson said today that it is too early to predict how many, if any, indigenous organisations will not be funded in good time because of the special audit process.

For all the howls of derision I heard opposite—I have only been in this game 20 years—if that is not a straight up and down misleading of the parliament, then I have never heard one.

Senator Herron—Using that as your basis.

Senator BOB COLLINS—Senator, you should not be sitting there laughing your head off. Just recall what you said. I will give two quotes now. You had the absolute effrontery to say in here that the Aboriginal organisations that were raising these concerns—not in any confronting way, because in Western Australia they did not want to sack 210 people—should not be believed.

Senator Herron—Some!

Senator BOB COLLINS—Some. And that is what I said—some. Senator, you had some very nasty things to say about a particular organisation, and I will quote them. In respect of Junjuwa, in question time yesterday the minister said that this organisation was so squeaky clean, and it is, and so completely free of any problems with audit, which it is, that he guaranteed they would get their funding—\$300,000—next week. Have a look at question time in yesterday's *Hansard*. Minister, that community are still waiting for written confirmation. Do you know what the minister's office sent them? A copy of the *Hansard* from question time yesterday.

Senator West—Oh! What?

Senator BOB COLLINS—Oh, yes. But reflect on this: yesterday the minister accepted the fact that this organisation was so accountable, and they are, and so honest in its operations that he was quite happy to give them \$300,000 next week. Listen to what he said in the Senate on the 26th of this month about the same organisation:

... one can only assume, if those circumstances are correct, that the grant body is in serious trouble in relation to audit.

They are your words, Senator. Senator Jacinta Collins then interjected, 'You have no right to assume they are the facts of the matter,' to which the minister replied, 'They are the facts of the matter, Mr President.'

Senator Herron—And they are!

Senator BOB COLLINS—They are? Then tell me, Minister, if they are in serious breach of their audit conditions, why did you pledge in here yesterday to give them \$300,000 next week? I want that interjection in the *Hansard*—that they are in serious breach—

Senator Herron—I didn't say they are in serious breach; I said they are in breach. You are sliding with the truth.

Senator West—You did! You did!

Senator BOB COLLINS—It is all right. It will be in the *Hansard*. They cannot change the *Hansard*. You and your big mouth. You are worse than Alexander Downer, Minister. You really are.

Minister, in respect of misleading, I ask you to reflect on a certain statement. I picked this

up only this morning when I was ploughing through the *Hansard*. This is what you told the Senate in question time in respect of the question about why ATSIC have not handled all these things. This is what you said:

ATSIC has been aware since 10 April of the nature of the information required to be provided by ATSIC to the special auditor, once appointed.

Senator Herron—That's correct.

Senator BOB COLLINS—The minister interjects, 'That's correct.' Again, there might be a perfectly reasonable explanation for this, Senator.

Senator Campbell—Not for you.

Senator BOB COLLINS—I will repeat it, Senator Campbell, for your benefit:

ATSIC has been aware since 10 April of the nature of the information required to be provided by ATSIC to the special auditor . . .

Can you explain the evidence that was given to the Senate committee last Friday that cabinet had made a decision to appoint the special auditor on only 10 April, Minister? You admitted that you had not discussed this proposition at all with ATSIC and that they knew nothing about it, and you confirmed Lois O'Donoghue's advice that you had told her less than half an hour before the Prime Minister (Mr Howard) announced it—and you even had to abandon that bare courtesy by being called out to attend to his masters's voice to announce it at the press conference.

Senator Herron—We have cleared that up.

Senator BOB COLLINS—No; I am seeking an explanation. If ATSIC have said on the record to a Senate committee, and you confirmed it, that they knew absolutely nothing about the special auditor until the Prime Minister announced it, the chair knew about it less than 30 minutes before it was announced and cabinet took the decision on only 10 April, tell me, Minister, how ATSIC could have been aware since 10 April of the nature of the information it had to provide to the special auditor. The senator has gone strangely silent.

Senator Herron—I am not going to interject on you.

Senator BOB COLLINS—I await your answer. It will be an interesting one. I draw

honourable senators' attention to the first paragraph of the general directions issued by the minister on 10 April. The first paragraph was a direction to the board of ATSIC telling them that they could not issue one single dollar of grant money to any organisation until after the special auditor—when that special auditor was appointed, which was 6 June—had cleared them.

The special auditor was finally appointed, as I said, on 6 June. ATSIC staff were then provided with a thick document—the document I lifted up here today. I have read it cover to cover on many occasions, and I will bet large sums of money that the minister has not read it at all. He has been briefed on it, no doubt, by his office staff, but I bet he has not read it because he seems to be blissfully unaware of what it contains.

They are the instructions for the completion of the reporting package which has been reported to me as 'the bible; we are using it at the moment; it's gospel; we have to stick to it'. They have been preaching the gospel according to this bible to remote communities across the country. Unfortunately, no-one seems to have made the minister aware of his own gospel—if they did, it went in one ear and out the other.

It says that, if an organisation is clear and complying and has had only minor breaches over the past two financial years, then the \$300,000 under the fast-track process can be paid for the first three months of the new financial year, but it still needs to be cleared by the special auditor otherwise it is in breach of the ministerial directions that have been issued under section 12 of the act.

Senator Herron, who is clearly completely unaware of what he set in train, has been giving everyone the impression there is a fast track that circumvents the special auditor process. Yes, there is a priority track. But let me tell the Senate how it works, because it is absolutely relevant to the statement that ATSIC put out last night.

This is how it works: take a small regional office which is looking after 40 or 50 communities or organisations that are getting grants; it is the end of the financial year—something the minister did not bother about. If he had

actually had the courtesy, as I said to him last Friday, to talk to ATSIC, they might have told him of what would happen once this special auditor was appointed and his directions were given, but he did not give them the opportunity to do so.

Every regional office in Australia is flat out. It is the worst time of the year for them, because they have to comply with all the accountability provisions that they have to do at the end of the financial year. Also, they are flat out assessing the grants for the next financial year so that they do not get a red light from the special auditor and be seen to be non-accountable. On top of that, out of left field—whack, whack—comes this direction: special auditor appointed.

I will tell you how the fast track works. The conditions I have just read out are the fast track—a clear organisation, no particular problems, nothing wrong in the last two financial years; that goes to the special auditor, who then gives it a tick or a cross. That is a quick audit. That gives them three months funding and then in three months there is another look.

But the ATSIC staff still have to do the work of getting to the point where they are satisfied that the organisation fits the fast track. That has to be done by real people, in real time and in real offices where they are flat out doing everything else. Minister, you appear to be utterly unaware that your precipitate action, which you have now acknowledged in your amendment to your own ministerial direction, has caused utter confusion in every ATSIC office around Australia and in many communities, who still do not know precisely what funding they will be getting.

The second part of this censure motion says that the minister failed 'to properly explore alternative options for improving ATSIC accountability before his precipitate action in appointing the special auditor.' We have certainly established that the minister misled the Senate. I did not realise he was going to provide additional support to that by coming into the Senate in question time and admitting it himself.

The second part is even easier to make out. You did not give proper and careful consideration as a brand new minister in a brand new portfolio—on your own admission, and how could you say otherwise, publicly that you were very inexperienced. You were sworn in on 11 March as a minister. Cabinet made this decision on 10 April. On this point even the calendar condemns you. By the time you got around to your first cabinet meeting, you would barely have had an opportunity to get across the first round of briefings—and clearly, from your performance in here, you still have not managed to do that.

I said that the calendar condemns you; but you were condemned out of your own mouth last Friday on this same issue. The chairperson of ATSIC, Lois O'Donoghue, gave compelling evidence to the committee that she had complained about a large number of issues, which had been properly investigated by ATSIC, had these forwarded to the relevant agencies such as the Federal Police and the Corporate Affairs Commission and then had the frustration of not seeing all these attacks on ATSIC followed up. Also, she told the committee that ATSIC had been told in respect of this failure that there was a lack of resources in these organisations, that these affairs had a low priority for them and that they simply had not been pursued.

Minister, you were asked directly, in the presence of the chair of ATSIC, whether she had spoken to you about these concerns. You confirmed that. You did not dispute the evidence she gave; in fact, you endorsed it. You were then asked whether you had followed up these concerns. To my total astonishment, you said to the committee, 'Oh, yes, I did ask some questions and I couldn't get a satisfactory answer.' It is in the *Hansard*. You then dropped it and rushed off to the cabinet room and got a special auditor. You were sworn in on 11 March, this decision was taken on 10 April and you said that you had not bothered to follow up the concerns the chair of ATSIC had raised with you.

I said in here earlier that I thought the minister's response to questions from Senator Kernot was the most appalling statement of the day. He said, 'We were getting very

negative comments about Aboriginal issues and ATSIC from prominent public people.'

Senator West—Who?

Senator BOB COLLINS—The lady from Queensland.

Senator Herron—I didn't say that.

Senator BOB COLLINS—It is in the *Hansard*. I then said to you, 'Minister, you've said you would have been negligent in your press release if you hadn't appointed the special auditor.' On the evidence that was presented to the committee, you are utterly negligent in having not properly followed up serious concerns about accountability that the chair of ATSIC took directly to you. You did almost nothing about them and said on the record to the committee, 'I couldn't get a satisfactory answer, so I just dropped it.'

Senator Herron—I didn't drop it.

Senator Bob Collins—Oh, you didn't drop it! That was the evidence you gave to the committee. If you now want to correct that, go ahead. But, as I said before, you do not need your own mouth to condemn you, although it does; the calendar condemns you in respect of the second point of this censure motion. The third part is the most heinous deficiency of all.

Senator Michael Baume—You've got a great deal of support, Bob!

Senator Crane—Look behind you!

Senator BOB COLLINS—We will see how much support I have when we vote. This is such a profound failure of the minister not only because it is hard to imagine anything more offensive than appointing a special auditor to an organisation which knew absolutely nothing about it—the minister absolutely failed to consult them about it—but also because he then had the gross discourtesy of walking out of the barest briefing of the chair 30 minutes before the announcement; you had to trot off to the press conference of the Prime Minister (Mr Howard). Lois O'Donoghue—and I would like to hear one dissenting voice in this chamber—has been held up by everyone I know as one of the most distinguished Australians in public life ever. She was mortally offended, and that offence came

across loud and clear at the Senate committee hearing last Friday.

The other reason it was such a disgraceful effort is that if you had bothered to consult with ATSIC—that very large organisation that looks after thousands of small communities and, on your own evidence, \$1 billion of public money—they might have been able to tell you of the trouble that you would get into, have got into and are now in. The need to amend your ministerial orders might never have arisen. This mess, as I said the other day and is now painfully obvious, was made entirely by you.

You do not need to look past your own press release of 11 April to confirm this appalling lack of consultation. The press release said:

... Senator Herron had not raised the proposals for the appointment of a Special Auditor and the reserve power to call in an ATSIC Administrator with Miss O'Donoghue until immediately prior to the Prime Minister's press conference yesterday.

What a wonderful start for a new minister for Aboriginal affairs! We know the enormous importance that Aboriginal communities place on consultation, but even non-Aboriginal people would be grossly offended by the fact that there was no consultation in this case. An administrator was to be appointed, a person that the minister could appoint to disable the entire commission—not just sack people but disable the commission and take over its powers—and he could not even be bothered telling the organisation he was going to do it.

The committee was impressed by the powerful and emotional evidence given by Miss O'Donoghue. She said that she was absolutely appalled that the new government at its first cabinet meeting chose to focus on an indigenous affairs matter that was not even part of the minister's submission to cabinet. Miss O'Donoghue said that this decision had caused not only a lot of offence to Aboriginal people but a lot of hurt as well.

Senator Alston—You just ignore the problems, do you? Is that what you are saying?

Senator BOB COLLINS—The other thing it created was the great big mess that the minister is now in. Unfortunately, Senator

Alston, in respect of your interjection, because of him, Aboriginal organisations—organisations which are absolutely kosher in their application of accountability principles, organisations with clean bills of health at their last audit—are now in as much confusion about their funding as everybody else.

The tragedy of the dislocation of the CDEP schemes goes far beyond dollars and cents. As has been pointed out again and again, under these schemes Aboriginal people are the only people in Australia who work for their unemployment benefit. They actually get less than the unemployment benefit. Why is that? Because they voluntarily give up a percentage of the unemployment benefit to be pooled to provide infrastructure—such as material to build sheds—for the community projects they are working on. People such as Senator Boswell are familiar with the way in which CDEP schemes work on the ground.

Not too many people who are entitled to go on unemployment benefits would volunteer for such a scheme, but over 300 of these work for the dole schemes have sprung up around the country. Minister, how much incentive is there for people to stay with these schemes when, after they have painfully put these things together, you dislocate the funding and force them to sign up for unemployment benefit so they can feed themselves and their kids? What a brilliant start to your career when that is the mess you have created. And it was all absolutely unnecessary.

Minister, of all the very firm statements you have made on this issue, the most direct was when you accused some organisations of being unbelievable. We now all know that they were right. You got a little firmer than that when you pitted your credibility against theirs. It is in the *Hansard*. You asked, 'Who are you going to believe, them or me?' I asked, 'Who is telling the truth?' You said, 'I am.' You were not, Minister, and it is your credibility that has suffered, not the credibility—

Senator Herron—Ha, ha!

Senator BOB COLLINS—You think that is a joke, do you, Minister? It is not the credibility of the Aboriginal organisations that

has suffered—organisations, the reputations of which you do not have the slightest problem slurring in this parliament on the basis of nothing. I would be very pleased to hear you put your case for the serious breaches of audit with the Junjuwa community, then explain how you will give them \$300,000 next week, and then equate that with your desire for accountability in Aboriginal organisations. It will be very interesting to watch you put all that together.

Minister, I did not put you in this position; you put yourself there. Then you had to compound the matter by attacking the credibility of these organisations when you did not need to do so. I have already gone over, and will not go over again, the extraordinary trail of protestations to your office made by Junjuwa. You pathetically claimed that it was just a matter of their making a phone call to your office, but you cannot escape the facts.

The fact is that the Junjuwa organisation wrote to you. They faxed a letter to your office on Monday. They did it again on Tuesday. And they did it yet again on Wednesday. When they spoke with your office on at least one occasion—they say it was two—they were told, 'Your organisation is okay; you won't have any problems.' They pleaded with your office for some assistance. They rang back on the following morning and were told that no-one could talk to them. That was after four days of trying to bring this matter to your attention. Yet you have the hide to come in here and attack that organisation under privilege. You had better be able to make out your case.

Minister, it is beyond dispute that every one of the grounds of this censure motion has been made out during this debate. In conclusion—I do not want to unduly delay the Senate—I have left till last some of the things that you have said on this issue during question time over the last two weeks. They indicate the grasp you have on this subject. Listen to some of this stuff. I raised concerns about all the confusion being caused by the special auditor, and you said:

... I have appointed the special auditor only recently. There has not even been the time for the allegations made by Senator Collins to occur.

Extraordinary! You totally ignored the fact that it was your ministerial direction to freeze the funds the minute the special auditor was appointed that was causing significant problems.

Let me tell you that there are three occasions where you made the same extraordinary statement. You seem to have a view that under the proposals you put in place funding would continue to flow. You said on three occasions, until the special auditor found a problem, organisations were innocent until they were proven guilty. Your action had exactly the reverse effect: all organisations were guilty until proven innocent. But again and again in the *Hansard* you seem to have absolutely no appreciation of this fact.

In concluding this censure motion—and I must say, particularly on the last three points, it was very easy; I think every ground for this censure has been amply made out—the Senate calls upon you to unconditionally withdraw your unfounded imputations against these communities and to ensure that your complete failure to consult ATSIC on actions profoundly affecting its operations does not occur again. Can I offer the minister this piece of gratuitous advice as someone who was in cabinet for seven years: it would not only save Aboriginal people from getting into trouble; from time to time it might save you from getting into trouble.

Finally, and importantly, we call upon you to take action to minimise the disruption to organisations not in clear breach of the accountability requirements demanded by ATSIC—absolutely unnecessary disruption which you single-handedly have caused. For that, you are now forced to come into the Senate with your tail between your legs and your head down to finally admit after two weeks of telling us that nothing was wrong that you had to amend your ministerial direction to try to fix up the mess. It is a disgrace!

Senator HERRON (Queensland—Minister for Aboriginal and Torres Strait Islander Affairs) (3.39 p.m.)—You will recall that when the government came to power it came with a commitment to improve outcomes for indigenous people. That was the bottom line: the improvement of outcomes. Part of that

commitment was a commitment to greater accountability. Those who doubt the need for greater accountability should look at the recently completed compliance audits into the Aboriginal legal services. Five out of five organisations examined were found to be in breach of their grant conditions.

In relation to the special auditor, I am advised that only 10 per cent have been given a clean bill of health as far as complying with grant conditions is concerned—10 per cent. The appointment of the special auditor is showing an outcome which was not predictable but certainly thought to be an outcome. The reasons for appointing the special auditor to date have been justified. The other 90 per cent are in breach at some level; 10 per cent are in major breach or have other major problems. The Junjuwa people are in breach, and that was the answer which I gave yesterday. So there are problems there.

My office has received over 200 written complaints of mismanagement and fraud, and several hundred phone complaints. Several hundred pages outlining all manner of allegations have been referred to the federal police, and these complaints come from Aboriginal people—from communities which are sick and tired of missing out because of the lack of accountability. There are critics of our drive for greater accountability, but you would expect those who will lose the most from accountability concerns to shout the loudest. Our commitment to accountability is absolute.

Referring to the specific matters that Senator Collins has raised, it is probably important to give a chronological account of what has occurred so that the Senate is aware of the sequence. I did issue general directions on 10 April; a date which Senator Collins keeps hammering. I will read from a letter that I sent to Ms Lois O'Donoghue, the Chairman of ATSIC. The letter is headed 'General directions to ATSIC in relation to the appointment of a Special Auditor' and states:

I understand that you have been in contact with the Secretary of the Department of the Prime Minister and Cabinet in relation to the general directions I issued on 10 April 1996 and that you have certain questions in relation to those directions.

My view of the issues you raise is as follows:

. Query re releases under existing grants

The directions would apply only to grants and not to periodic releases of grants already made or to be made.

. Query re the timing of the directions coming into effect

I am advised that the directions will not have legal effect until the Special Auditor has been appointed. However, I urge you to move to put the necessary processes in place immediately so that delay in commencing the Special Auditor mechanism may be minimised and so that the spirit of the directions may be implemented at the earliest possible date.

I will repeat that: 'I urge you to put the necessary processes in place immediately so that delay in commencing the special auditor mechanism may be minimised.' Senator Collins cannot ask for anything clearer than that.

Ms O'Donoghue received that letter on 11 April, which said to put the necessary processes in place immediately so that any delay may be minimised and so that the spirit of the directions may be implemented at the earliest possible date. The letter further states:

. Query re the application of directions to all organisation or only those which have been in breach

The directions refer to all organisations and not just those who have previously breached loan or grant conditions. This broad application was clearly the intention of the Cabinet and was my intention in issuing the directions. Even if a technical argument could be mounted to the contrary, I would be able to issue revised directions at any time.

Senator Collins will recall that on Friday I said the reason for that was that there would be no organisation that, if it was in breach, could not be picked up in the audit. There was a reason for that, but I also said that transitional arrangements would be put in place, because we realised that the technical problems in doing such an audit would be great. Finally, in relation to the letter I said:

. Query re the provision of financial statements in relation to alternative sources of funding

The directions are intended to apply to all information which ATSIC can legally obtain and to encourage grantee organisations to provide fuller and better information than has previously been the case. I am seeking the most transparent decision making process which is possible.

I have considered the matter of providing you access to the Commonwealth's legal advice. I do not believe that such access would be appropriate. That letter was dated 11 April.

On 5 June the following letter went to the acting chief executive officer of ATSIC:

Dear Mr Rees

The Minister has agreed to the appointment of KPMG as the Special Auditor (SA), pursuant to the Minister's General Direction of 10 April 1996, for a period of six months. A contract has been executed with KPMG on 4 June 1996 and their appointment commences on that day.

The point here is that there was time from 11 April to the letter dated 5 June, but the contract was executed on 4 June. The letter continues:

ATSIC staff have been involved in discussions with staff of this office and KPMG as the preferred tenderer on issues associated with the development of the contract. . .

. . . The contract, including the payment of accounts, is to be administered by the Department of the Prime Minister and Cabinet and the project will be dealt with on a 'fee for service basis'.

Senator Bob Collins—Tell us how these problems had nothing to do with the special audit. That is the censure motion.

Senator HERRON—Senator Collins, I think it is important that the facts are on the table and that you understand what has been occurring. On 31 May there is a file note which says that there was consultation on 30 May. The file note states that this particular person spoke to ATSIC to inform them of the minister's decision to put in place transitional arrangements for the special auditor process.

On 6 June I wrote to the Chairman of ATSIC and said:

I refer to the General Directions I issued on 10 April 1996 to the Aboriginal and Torres Strait Islander Commission (ATSIC) pursuant to Section 12 of the Aboriginal and Torres Strait Islander Commission Act 1989, and the Explanatory Addendum I issued on 4 June 1996, relating to the appointment of a Special Auditor.

As you may be aware, I have agreed to the appointment of the firm KPMG to undertake the tasks of the Special Auditor, and the contract between the Commonwealth and KPMG has now been finalised by the Department of the Prime Minister and Cabinet, effective 4 June 1996. A copy of the contract was provided to the acting CEO of ATSIC,

Mr G Rees on 5 June. I understand that ATSIC officers have been consulted regarding a number of contractual issues and the ATSIC staff have been liaising with KPMG on a protocol to support the effective performance of the Special Auditor function.

Then I go on:

I must stress that I regard ATSIC as responsible for ensuring the smooth and timely provision of the material necessary for the Special Auditor to form a considered judgment on whether an organisation is not a fit and proper body to receive public money. Equally, it is my view that by exercising good judgment about organisations appropriate to receive grants or loans, ATSIC can avoid the likelihood of the Special Auditor finding proposed grant recipients not fit and proper and so, over time, reduce the need for a Special Auditor.

The point there is that we recognised that there could be delays in the processing of that material. So we set in place—and evidence was given to this effect on Friday at a hearing of the Finance and Public Administration Legislation Committee—a mechanism of transitional arrangements where organisations could be categorised as green, amber or red, so that the ones that were thought to be in major breach could be processed first. Then the ones who were green could obviously go ahead and be processed because of the problems that have been mentioned in terms of the technical aspects.

Obviously some organisations were in trouble and Senator Collins has been jumping up and down about the Fitzroy Valley and the Junjuwa. I will read from a fax which was received today in relation to that particular organisation which was mentioned by Senator Collins. I would appreciate it if Senator Collins would listen to this.

Senator Bob Collins—I am listening.

Senator HERRON—Good. Senator Collins moved the motion and does not like getting it back. The fax states:

This fax is to confirm our telephone discussion of the afternoon of Monday 24th June regarding the release of CDEP funds to Mr Junjawa in the Fitzroy Valley. I confirm that we discussed the situation of the Special Auditor generally and I also informed you of particular staffing problems. . .

Senator Faulkner—You are a bungler and a bumbler.

Senator HERRON—Madam Deputy President, would you restrain the Leader of the Opposition so that I can be heard? I will re-read the fax, which states:

I confirm that we discussed the situation of the Special Auditor generally and I also informed you of particular staffing problems in the ATSIC regional office in Derby, which serves the Fitzroy Valley and that there was a brand new Regional Manager, who had started in the office that day. I also attempted to give you a very broad outline of some of the community politics in the Fitzroy Valley and how they could be affecting the situation there.

Senator Bob Collins—You would be right across that!

Senator HERRON—That is the advice that I received and I was referring to some organisations where incorrect advice was being sent out. That justifies that particular statement of mine and I have a fax here confirming that.

Senator Collins also referred to concerns that I mentioned on Friday and I did not pursue it. I did not pursue it because I had not received any satisfactory reply to my question about the concerns expressed by the Chairman of ATSIC, which I shared, that there seemed to be inordinate delay in referring matters to outside bodies. Because you did not ask, Senator Collins, what I did not say was that I had been in touch with the Attorney-General's Department and instructions had been given to the Australian Federal Police to expedite material that had been sent to them in relation to matters—

Senator Bob Collins—Why didn't you tell the committee that?

Senator HERRON—Because I wasn't asked, Senator Collins. You didn't give me the opportunity. You were interjecting so frequently. It is on the *Hansard* record, Madam Deputy President, that he was interjecting so frequently—

Senator Bob Collins—We sat there all day.

Senator HERRON—This is a good example of what occurred on Friday. That is why I am ignoring the interjections. The facts of the matter are that instructions have been relayed to the Federal Police so those matters can be expedited. Getting back to the chronological order of events, so the Senate is fully

informed as to what occurred, I will go back to the letter that was sent on 6 June. It states:

I must stress that I regard ATSIC as responsible for ensuring the smooth and timely provision of the material necessary for the Special Auditor. . .

I also mentioned previously that I spoke about transitional arrangements—and they are in this letter of 6 June. I said:

I have agreed to transitional arrangements associated with the initial work of the Special Auditor whereby proposed grant recipients which have no present breaches of grant conditions and only minor technical breaches, if any in the past, may receive a grant pro rata for the first three months of the 1996-97 financial year. In these circumstances ATSIC must still provide the relevant information to the Special Auditor in time for the July grant and the Special Auditor must still form a view on whether such organisations are fit and proper before the following grant is given in October. In this way I have aimed to minimise any delays in the provision of grants to organisations whose performance to date suggests the Special Auditor may not find them not fit and proper.

I will repeat that, because it needs to be emphasised. It is entirely consistent with the advice I gave the Senate. On 6 June, Senator Collins, I stated:

. . . minimise any delays in the provision of grants to organisations whose performance to date suggests that the Special Auditor may not find them not fit and proper.

I do not know what more one can do, Senator Collins. There were three weeks within that time for ATSIC to follow the instructions of 11 April. I was assured that they believed it was sufficient time to get the transitional arrangements in place.

Senator Bob Collins—I thought you said you didn't issue the transitional arrangements until 6 June.

Senator HERRON—The general directions were there. They were not issued until then. But they had three weeks in that time. If they had followed the instructions of 11 April there was time to get it in place.

Senator Bob Collins—What?

Senator HERRON—They were notified, Senator Collins, that this was going to occur. They were not legally in place, but they were notified that this would occur.

Senator Bob Collins—If they weren't issued on 6 June, how could they have done them on 10 April?

Senator HERRON—Are you so thick that you can't follow that, Senator Collins? I have given you the chronological events.

Senator Bob Collins—You said 'issued', not 'notified'.

Senator HERRON—On 26 June I wrote to the Chief Executive Officer of ATSIC in the following terms:

I am writing to express my serious concern at continuing reports that ATSIC Regional Council officers are telling community groups that funding is not guaranteed over the next three months, or in other ways are misinterpreting the Special Auditor process.

As you know, ATSIC has been aware since 10 April of the nature of information required to be provided by ATSIC to the Special Auditor once appointed, and I expect that ATSIC officers should have been using the intervening period to make the necessary preparations for the current round of grant decisions.

I reiterate that I agreed to the transitional arrangements specifically to ensure that organisations with acceptable records of grant compliance need not undergo Special Auditor scrutiny for the current round, and therefore, subject to normal ATSIC grant assessment processes, can be immediately guaranteed funding for the next three months. In my letter to the Chairman, Ms Lois O'Donoghue, of 6 June 1996, I set out the transitional arrangements I agreed, to with the aim of minimising any 'delays in the provision of grants to organisations whose performance to date suggests the Special Auditor may not find them not fit and proper.' I therefore urgently request that you take all actions necessary to ensure that ATSIC Regional Council officers comply with all Special Auditor processes, including the transitional arrangements, and that all officers accurately represent those processes to the indigenous community.

That brings you up to date, Madam Deputy President. As I said yesterday afternoon at the end of question time, with Senator Collins being an honest man, despite his own quotation about dealing with honesty as a dangerous product, I thought that perhaps he knows something that I do not.

Senator Bob Collins—A great deal, in fact.

Senator HERRON—In this regard. I took him at his face value and my officers rang ATSIC. We were told that the relevant ma-

terial had been followed and the advice that I had given the Senate was correct. Then I explained, as Senator Collins will remember, when discussing the amendments to the bill we were debating, that there had been confusion. I agreed with that. I thought it was an honest mistake, an interpretation of advice that he had received.

As I have said, and I have clearly shown, receipt of that information from the Western Australian office in relation to the Junjuwa community in the Fitzroy Valley, shows they did issue incorrect material. That was the letter, you will recall, Madam Deputy President, that Senator Collins was waving around yesterday, saying that they had been informed. It is also confirmed that the community are in breach of the audit requirements. That answers the case completely. The reality is that only 10 per cent—in the estimate, anyway—so far of the funds are fulfilling strict audit requirements.

I am further advised by the Registrar of Aboriginal Corporations that currently it is estimated that another 1,200 incorporated Aboriginal organisations are in breach of their grant conditions—in other words, over 50 per cent. We came to office with a concern that people's money be spent in the pursuit of improving the conditions of Aboriginal communities, and we stick to that. That is not negotiable at all and we will pursue that because it is in the interests of the Aboriginal community that that be done. As I go around the Aboriginal communities, I am sure that I have support in them for that stand. There is no question about that situation. Madam Deputy President, I think I have answered the charge that has been brought against me about misleading the Senate. I have not misled the Senate in any shape or form.

Senator Bob Collins—You didn't even address the first part of it.

Senator HERRON—I will look through the censure motion that Senator Collins has provided. If I can go through it—

Senator Bob Collins—Part one.

Senator HERRON—I had been informed by ATSIC, Senator Collins, that there were no problems. I can do no more than relate to the

Senate the advice that I am given. I was informed there were no problems.

Senator Bob Collins interjecting—

Senator HERRON—With regard to any problems that were being experienced, Senator Collins, if you listen, rather than sledging across the chamber, I was informed originally—I cannot give you an exact date on it, but when I inquired—

Opposition senators interjecting—

Senator HERRON—I cannot give you the exact date

but it was a couple of weeks ago. When I inquired—because I had seen press reports of delays—I said, ‘Was this related to the appointment of the special auditor,’ and the reply I got was, no, it wasn’t, because this is, as Senator Collins quite rightly said, a busy time of the year for ATSIC in doing grants. But they believed they could accommodate the appointment of the special auditor in getting this material through. ATSIC is a very good organisation.

Senator Bob Collins—They have been very loyal to you, and I don’t know why.

The DEPUTY PRESIDENT—Order, Senator Collins! You had half an hour.

Senator HERRON—They have been, Senator Collins. I have learnt from ATSIC. Not only am I a great admirer of Lois O’Donoghue, but I am a great admirer of Pat Turner, the chief executive officer, and Glen Rees, the deputy chief executive officer. They are outstanding people and the senior officers of ATSIC—

Senator Bob Collins—Then why didn’t you go and talk to them before you put the special auditor in?

The DEPUTY PRESIDENT—Order, Senator Collins!

Senator HERRON—I meet regularly with the senior officers of ATSIC. Interestingly enough, I went across to have morning tea with the Registrar of Aboriginal Corporations. I was informed there that I was the first minister ever to go across and meet the staff of the Registrar of Aboriginal Corporations. One can do no more than accept the assurances of officers. I have lost count of the num-

ber of meetings I have had with ATSIC officers. They have been kind enough to come across to me, to my office, because as you know, they are situated at some distance—

Senator Bob Collins—You are their minister.

Senator HERRON—They are an autonomous organisation, Senator Collins, as you know. There is no requirement. In terms of self-determination, they are unique. They provide services to me and I am very pleased with the services and material that are provided. I have a departmental liaison officer in my office—as I mentioned, an outstanding man—who constantly liaises with ATSIC on a daily, hourly, almost on a minute by minute, basis. As I have discovered since coming into this portfolio, there is a constant interchange of information at any time. Both during and out of hours, I have had communication.

I am pleased to say the Chairman of ATSIC is always available. In fact, we have phone conversations at the weekend just to liaise, Senator Collins. You would not be aware of this, but I have a very good relationship, despite the matters that you talk about. There is constant liaison between my office and ATSIC. So I am happy to confirm that statement about it. It is an interesting situation. A lot of this has been beaten up by the opposition, as you can see, Madam Deputy President. I have relayed the advice that I have received on every occasion.

Senator Bob Collins—It is a pity you said in here that so many of them were ‘mischievous’. Maybe they are the ones you never had a cup of tea with.

The DEPUTY PRESIDENT—Senator Collins, please cease interjecting. You have had half an hour to present your case.

Senator Bob Collins—I did it well.

Senator HERRON—Madam Deputy President, I think I have actually blown him out of the water. Having said that, it is the usual bluff and bluster on the part of the former minister opposite. I remember past headlines attacking him, such as ‘Collins must step down’, and an article which read:

The Minister for Transport and Communications, Senator Collins, should resign. If he does not take

this honourable course, in light of the appalling mismanagement of the pay TV policy, the Prime Minister should sack him.

Senator Bob Collins interjecting—

The DEPUTY PRESIDENT—Senator Collins, you have been interjecting constantly.

Senator HERRON—He is also on the record as having trouble with honesty in politics. I think he is hardly the person who should be leading an attack on my credibility. I have made material available to the Senate almost on a daily basis. He is such a great shadow primary industries minister that he has asked one question about primary industries.

Senator O'Chee—How many?

Senator HERRON—One question. The last time I kept track of it I think he had asked 36 questions, but only one about primary industry. I am not surprised, as a matter of fact, because on 19 May 1993 the headline in the paper was, 'It's time for the minister to go'. The article read:

It's been a bad couple of weeks for the federal communications minister, Senator Collins. In fact, they have been so bad that he is unlikely ever to recover politically.

Well, he is in the opposition. If ever a headline were correct! That is why he should go. It reads:

The government's handling of pay TV—

Senator Bob Collins—How is this relevant to the censure debate?

Senator HERRON—I think it points out where Senator Collins is coming from. It reads:

The government's handling of pay TV has been appalling for quite some time, but it has now become farcical.

I think Senator Collins's handling of this has not been farcical; it has been enormously destructive to the Aboriginal communities that are affected by it. It is of great concern to me that this has occurred in the manner in which it has, and that is my most serious concern about it.

I have taken action, as you know because I announced it in the Senate this afternoon in question time, to make absolutely certain that the funds get through to the communities. Delays have occurred. I respect that ATSIC

has had problems in coping with it. It is enormously difficult for them to cope with the amount of extra work that has been put on them. There have not been enough administrative staff available, I presume, to get this material through in time. I think they should be absolved from that point of view. The reality is that it does take time. There has been no ill-intent. With the action that I have taken today, the funds will get through.

Senator Bob Collins—The only reason it happens is because you don't know what you are doing.

Senator HERRON—I believe, the attack that Senator Collins has just made is totally unwarranted. The evidence given this afternoon has completely refuted his base argument. (*Time expired*)

Senator FAULKNER (New South Wales—Leader of the Opposition in the Senate) (4.09 p.m.)—Not only are we dealing with an open and shut case of misleading the Senate, but we are dealing with a minister who is totally out of his depth. Senator Herron is a minister who has managed already, in under four months, to completely, unequivocally and comprehensively bungle everything that he has done as the Minister for Aboriginal and Torres Strait Islander Affairs.

This is a minister who is worthy of censure in this chamber, because this is a minister who has misled the Senate. This is a minister who, in response to the question directed by Senator Collins on 27 May 1996 on the CDEP program, said:

Having said that, over a third of the funds—over \$300 million—that are spent by ATSIC go into CDEP. It is not the intention—nor do I believe this will occur—that there will be any delay in the expenditure of those funds.

Those are Senator Herron's words.

Senator Herron—Correct.

Senator FAULKNER—He is still saying 'correct'. After all the evidence, he is still saying 'correct'. This is the same minister who, in answer to a very good question from Senator Crowley on 24 June about CDEP funds, said:

None of those things have occurred as a result of the appointment of the special auditor.

We have a media release from ATSIC head office dated 26 June 1996 headed 'Current position on special auditing', which says:

An ATSIC spokesman said today that "it is too early to predict how many, if any, indigenous organisations will not be funded in good time because of the Special Audit processes. ATSIC is giving priority to the examination of CDEP organisations, but cannot rule out difficulties in a number of projects. Within resource restraints, and with a period of three weeks to put together the Special Auditor's information requirements for over 1600 organisations, ATSIC is doing all it can to ensure that funding to organisations is not unduly delayed".

Minister, you were questioned on this matter on a number of occasions in this chamber and you either wittingly or unwittingly misled the Senate. This press release goes on to say in the final paragraph:

The Special Audit process comes on top of end of financial year transactions and the assessment of grant applications for the 1996-97 financial year. As with many other agencies, this is the busiest time for ATSIC Regional Offices. This year the situation has been exacerbated by the imposition of the Special Auditor processes.

Senator Bob Collins—Do you want to read that out again?

Senator FAULKNER—No, I don't want to read it out again, because even Senator Herron will probably get it on board at last. But this is the same minister who came into question time and did not offer up any excuses. Oh, no—not at all. Actually, he was asked a question by Senator Bob Collins, a member of the opposition.

I am going to quote directly from the transcript of a recording of today's question time, Senator Herron. I will quote your words: 'Yesterday in the Senate I had rung ATSIC, and being in touch with them, and I assured the Senate that that was the correct information. That was the information I was given, Senator Collins. I could do no more than report what I was told. I can do no more than repeat what I was told by ATSIC and I got that assurance.' You then went on to say, and I quote you directly from the transcript—and I have listened to the tape: 'This morning they communicated with me and said, Senator, they were wrong yesterday and said they were wrong yesterday. And so I corrected

their statement for you this afternoon. I can do no more than that. That is why I have taken action.' And so on.

The reality is, later in question time, Senator Herron was exposed for not correcting the record at the earliest possible opportunity. Senator Herron had a choice: either he deliberately or unwittingly misled the Senate—he could do either a Senator Short or a Mr Downer. He could either come in—

Senator Bob Collins—A good comparison.

Senator FAULKNER—A good comparison. He could come in as Senator Short did and say, 'I misled the Senate', with a whole lot of other weasel words, but that was the point of it—'I misled the Senate'—or the alternative was, of course, a Mr Downer: try to pretend it didn't happen, sleaze away from it, try and get through the last question time before the end of the sittings—self-denial. And what did you choose? Did you choose the Senator Short misleading the Senate route or did you choose the Mr Downer misleading the House of Representatives route? You chose to use Mr Downer as your example of ministerial probity and ministerial responsibility. And you made a great mistake, Senator, in doing that. You should have come in and informed this chamber when you found that you had misled us. You should have been honest enough, you should have been big enough, you should have accepted your responsibilities seriously enough to come into this place and do the right thing. But you didn't. You didn't, and you were exposed by a question from Senator Bob Collins in Senate question time today.

And later in the day, Senator, when I asked you when in fact you were informed and what was the earliest opportunity you had to come in and correct the record, what did you do? You wouldn't answer the question, because the only way you could try to correct the record was in answer to a question asked by a member of the opposition, Senator Bob Collins, in Senate question time today when this Senate had been sitting from 9.30 in the morning until 1.55 this afternoon before question time commenced at two o'clock.

That is why I say, through you, Madam Acting Deputy President, that he took the

Downer route. He wasn't more honourable—a bit more honourable like Senator Short who fouled his nest last week. He took the Downer route. He tried to sleaze and slime his way out of the fact that he had misled the Senate, and you have been exposed for that today, Senator Herron.

But let us move on to this minister's level of competence, which I must say is not very high. You are one of the most incompetent ministers this Commonwealth Parliament has ever seen, Senator Herron. This is a minister with one ministerial responsibility to handle in this chamber. He has a single portfolio to administer. He does not represent any other House of Representatives minister in this chamber. Even Mr Howard is smart enough not to give you any more responsibilities than the one you have in your own portfolio. You are the only minister in this chamber that does not have any representational responsibilities from the House of Representatives because you would probably foul that up just as much as you have done with your portfolio.

Senator Abetz—Could I take a point of order, Madam Acting Deputy President? I am sure the Leader of the Opposition in the Senate knows full well that he ought be directing his remarks through you and not directing his remarks directly at the minister. He is being highly disorderly.

The ACTING DEPUTY PRESIDENT (Senator Reynolds)—There is no point of order.

Senator FAULKNER—Thank you, Madam Acting Deputy President. This is a—

Senator Abetz—Can I rise on another point of order?

The ACTING DEPUTY PRESIDENT—Senator Abetz, I had not finished.

Senator Abetz—Sorry; I thought Senator Faulkner was commencing his remarks but, if you have not, I will resume my seat.

The ACTING DEPUTY PRESIDENT—Senator Abetz, I said there was no point of order, but I would direct the minister's attention to your comments and ask Senator Faulkner to direct his remarks through the chair.

Senator FAULKNER—Madam Acting Deputy President, this is a minister that has so

few demands on his time, really so little to do, that he is able to maintain a part-time surgery practise.

Senator Bob Collins—He wanted to.

Senator FAULKNER—He certainly wanted to. You would really think a minister in this situation would be able to conduct his ministerial responsibilities to a very high standard indeed, wouldn't you? But of course that has not been the case.

Senator Herron has charged into his new portfolio responsibilities like the proverbial bull in the china shop. He has no knowledge at all of the complexities of his portfolio, but that sometimes happens with new ministers. Worse still, he has no awareness of his own ignorance. He has no awareness of his own ignorance at all. In fact, I think he has shown a consistent and complete lack of ability to deal with Aboriginal and Torres Strait Islander people, and he has shown complete lack of understanding of any of the protocols that are involved—qualities, I might say, that he personally asserts are essential for the chair of ATSIC.

Within weeks, Senator Herron has established a reputation for ignorance and incompetence second to none—which is pretty difficult considering the ministerial line-up in here. When you think about it, I suppose a few of his ministerial colleagues in the Senate do rival him, but he is probably top of the pops.

Madam Acting Deputy President, let me take you through some of the assessments of this pathetic minister's performance. The *Age* editorial of Wednesday, 26 June, headed 'Accident-prone minister'—that couldn't be Senator Herron could it?—says:

The Minister for Aboriginal and Torres Strait Islander Affairs, Senator John Herron, is rapidly acquiring the unenviable reputation of being one of the Howard Government's most vulnerable targets. This is a regrettable development from the Government's point of view in that it can ill-afford to be burdened by weak performers when it is trying to push legislation through a potentially hostile Senate. But Senator Herron's deficiencies are even more regrettable from the Aboriginal and national points of view.

... ..

Given the troubled record of Aboriginal-white relations in Australian history, it would seem prudent of any government to consider for the Aboriginal portfolio only those individuals possessed of sensitivity, tact and patience. On the evidence of his first few months in office, Senator Herron does not seem to be over-endowed with any of these qualities. Neither, apparently, can he boast of a nimble tongue and it is this shortcoming that keeps landing him—and the Howard Government—in hot water.

I can only agree. The *Australian* editorial of 19 June of this year, under the heading 'Herron's confusing Aboriginal policy', says:

This week, when he launched Dr Geoffrey Partington's book, *Hasluck Versus Coombs: White Politics and Australia's Aborigines*, Senator Herron added to the confusion by appearing to endorse concepts of reconciliation while canvassing aspects of the assimilation policies of the 1950s.

... ..

How on Earth are Australians expected to grasp the Government's Aboriginal affairs policy from this mixture of confusion?

... ..

Senator Herron should not be casting hesitantly about for answers on these issues.

In the *Australian* on 25 June, Laura Tingle, a very senior journalist, said:

The uncertainty over CDEP adds to the poor impression being created by the Minister for Aboriginal and Torres Strait Islander affairs, Senator Herron.

She asks:

What exactly is going on in this portfolio? Don't ask John Herron.

That is something we can confirm. Do not ask John Herron if you want to get a sensible, straightforward, non-misleading answer. I suppose my favourite is something I saw in today's *Cairns Post* with—

Senator Hill—*Cairns Post*!

Senator FAULKNER—Yes, the *Cairns Post*. As I was thumbing through the papers—

Senator Hill—'As I was thumbing through the papers.'

Senator FAULKNER—I have more time on my hands now. It says:

Aboriginal and Torres Strait Island Minister John Herron should seriously consider resigning from his portfolio, retiring Cape York Land Council Director Noel Pearson said yesterday.

Let me quote what Noel Pearson is reported to have said:

My advice to Senator Herron is that he ought to honestly consider whether he can recover things and work with the indigenous leadership given his disastrous performance to date or whether he ought to change jobs, Mr Pearson told the National Press Club.

I do not think anyone can disagree with that. I also want to speak in relation to Senator Herron's parliamentary performance. What about this abysmal performance in this chamber by this minister? He has completely ignored his own leader's strictures about parliamentary accountability and ministerial obligations in question time. They have been ignored by this minister. He has either failed to provide answers when questions have been directed to him or has provided misleading answers to the Senate. This is the minister—

Senator Bob Collins—He is pretty good at off-the-top-of-the-head abuse.

Senator FAULKNER—Off the top of the head, you say, Senator Collins. I recall that this is the minister who, in bravado, said earlier in these particular sittings that he would not even think of reading answers to questions from his briefing notes. Do you remember that? He would not even think of it. I noticed that, for the last two days, he has had his head down. He has not lifted his head from the security blanket of the notes that have been prepared for him. We have not had anything that could be described as a remotely coherent answer from Senator Herron. At least the answers over the last two days—with his head down, going through his briefing notes—were a little more cogent than they had been previously.

Of course, I am not surprised at this because he, himself, quite clearly, is a broken man. I mean, he is absolutely shaken by the public criticism of what can only be described as a dismal ministerial performance. I appreciate the fact that he has got the head-down approach to adding verbatim answers now in relation to questions in question time.

In front of the Senate Finance and Public Administration Legislation Committee last

Friday, Senator Herron again revealed a great deal about his appalling level of understanding of his own important portfolio. He was revealed, in an article in the *Australian* on 25 June under the headline 'Herron paints a picture of ministerial ineptitude', as a minister who is not aware of his statutory obligations under the Human Rights and Equal Opportunity Commission Act, which he has breached. He regards those sorts of obligations as details. He justified major changes to ATSIC on the basis of community concerns about Aboriginal funding and gave as an example of that concern remarks of political candidates such as the member for Oxley, Ms Pauline Hanson. He described the preferred qualification for the chair of ATSIC as including 'an ability to mix with foreign dignitaries and understand the protocols required on those occasions'.

On top of his inept handling of his portfolio and his alienation of most of his constituency came his outrageous and offensive remarks directed at Senator Collins during question time last week. Whatever the motivation for those words, Senator Herron stands condemned for them. Let me remind the Senate what this minister said during question time last week. He stated:

Why is Senator Collins so aggressive and so abusive in his behaviour?

... ..

Why does he bash his wife at night, Mr President? Why does he do these things, Mr President? I mean, it is a pure example of his behaviour in this regard.

Whatever the motivation for those words, whatever the muddled intent was behind those words, as the Leader of the Opposition, Mr Beazley, said, Senator Herron was revealed as little a man—a minister who has as little control over his mouth as he does over his own portfolio and ministerial responsibilities.

We have a minister in this chamber who has shown consistent incompetence and consistent ineptitude. We have a minister who has misled the Senate. We have a minister who is just not up to the job. Who is to blame for this state of affairs? Many would say it is Senator Herron completely. I say that that is a reasonable enough analysis. But who drag-

ed Senator Herron from obscurity? Who dragged Senator Herron onto the front bench of this coalition government? Who thrust this man bewildered into the theatre of the absurd—the coalition front bench in the Senate? Who dragged this man into this role?

I will tell you who did. It was the Prime Minister (Mr Howard). He must wear some of the responsibility. It is the Prime Minister who has demonstrated, in relation to Senator Herron's ministerial career, such poor judgment. It is not the Prime Minister, it is regrettably the Australian community and particularly the Aboriginal and Torres Strait Islander people who are wearing the consequences of your incompetence. I say that ineptitude of the magnitude demonstrated by this minister is absolutely unacceptable. As a minimum, Senator Herron, you deserve to be censured by this Senate for your miserable performance as Minister for Aboriginal and Torres Strait Islander Affairs over the 3½ months since you were given your commission.

Senator HILL (South Australia—Minister for the Environment) (4.36 p.m.)—I wish to briefly participate in this censure debate. There is a lesson you soon learn in this place—that is, if you see weakness in your own argument you shout in an effort to camouflage that weakness. I regret to say that Senator Faulkner reverted to that style today—that is, attempting to impress with his argument, not through logic or merit but rather through a constant haranguing and shrieking exercise. This is not all that surprising. On the last day of the session an opposition always searches for a window of opportunity.

Senator Carr—Is that your style.

Senator HILL—We did it too, I confess. You search to end on a high. The best high that an opposition ever gets is the opportunity for a censure. I understand that. You could have had an MPI. You could have gone one step further and brought on an urgency motion. I think there is room for legitimate and urgent debate on aspects of Aboriginal affairs policy and practice. There is no doubt about that. Instead you decided to go one step further and try to bring home the bacon in

one day—that is, through attempting to censure Senator Herron.

The point is that the new government is trying to do things differently in this portfolio. The new government is not prepared to stand a record that it has inherited. After 13 years of Labor there can be no doubt, by any objective observer, that Labor failed appallingly in relation to the administration of Aboriginal affairs. You only need to look at areas of Aboriginal housing, employment, health and education. Whatever index you seek to apply, after 13 years of Labor administration in this area you can only come to the conclusion of failure. The statistics are appalling.

I hesitate to refer to them because they are well known. The public understands the existence of these problems. What the public cannot understand is why Labor, having administered this portfolio for so many years, did nothing about it. There are 120 remote communities without adequate water supplies, 134 communities without appropriate sewage disposal systems, 250 communities with no electricity, and two out of every five Aboriginal males can expect to live beyond their 65th birthday compared with three out of four non-Aboriginal males. There is a prevalence of diabetes, high levels of infant mortality, and sickness in Aboriginal children linked to poor housing conditions and inadequate health care. One can go on.

This is the legacy that this minister inherited yet, after three months, this alternative government—the Labor Party—has the nerve to censure the minister for claimed failure. What a nerve! Certainly, it has the right to debate Aboriginal affairs policy, but to have the gall to come in here after just three months and condemn Senator Herron as a failed minister demonstrates a cheek beyond comparison.

Senator Herron inherited a very difficult situation. He inherited an outcomes situation that was unsatisfactory by anyone's assessment, but he also had the difficult challenge of addressing why the outcome has been so poor when a lot of taxpayers' money has been put into the portfolio over a long period of time. Senator Herron very quickly picked up

the fact that there were widespread allegations that the money was not reaching those who were most in need, that the money was not achieving the outcomes that were required in health, education, social security, housing and so forth. Not surprisingly!

Senator Herron is not only accountable to the taxpayers at large for the expenditure of that money but he is also accountable for producing a better outcome than that which was achieved by his predecessors. That is not an easy task for a new minister in this portfolio. It is particularly complicated in a situation where you have an intervening body with responsibilities such as ATSIC. It is not a portfolio such as most of us have where we have the direct link of expenditure responsibility. The position in which Senator Herron found himself is one of extreme difficulty.

Against that background, the Labor Party comes in here today and attempts, firstly, to censure him for stating—to paraphrase it in my terms—over the last few days his belief as to why problems were occurring. On Monday, the problems were put to us in a question from Senator Crowley. There were problems at Fitzroy Crossing in relation to CDEP and allegations were made by Senator Crowley in that instance in relation to the funding of sewerage systems and water supply, and so forth.

The following day there were some other allegations made, but they do not seem to have taken the matter much further. On Wednesday, Senator Bob Collins was a little bit more specific when he referred to difficulties that were being experienced by the Junjuwa community.

Senator Bob Collins—He said again today that he stood by what he said.

Senator HILL—Why don't you listen for a change?

Senator Bob Collins—That they are in serious breach. They're not.

Senator Herron—I did not say that.

Senator Bob Collins—It is in the *Hansard*.

Senator HILL—I have the *Hansard*. I will take you through it, Senator. What I am trying to explain to you is that what Senator Herron

said was that he believed, on the best information that he had, that these particular problems were not related to the appointment of the special—

Senator Bob Collins—You have the wrong section of the *Hansard*.

Senator HILL—I asked you an hour ago which part of the *Hansard* you were using to base this charge on and you said you didn't know. Somebody drafted you motion for you.

Senator Bob Collins—I have it here.

Senator HILL—Tell me where. Which question, which answer?

Senator Bob Collins—I'll find it.

Senator HILL—You don't know, do you? Once upon a time, in my earlier life, I had the job of drawing charges like this and one thing I learnt very quickly is the need to be precise. If you are going to make allegations about somebody, it is your obligation to be precise. Senator Collins does not worry about that. Coming back to the case that I am putting to rebut you, Senator Collins—

The ACTING DEPUTY PRESIDENT (Senator Reynolds)—Minister, before you continue, would you mind addressing your remarks through the chair.

Senator HILL—Madam Deputy President, what I am saying is that Senator Herron was advising the Senate that he believed that, if these problems were existing, they were not as a result of his appointment of a special auditor. He went through the series of steps that he had taken since the first appointment to ensure, firstly, that those who were not in default did not suffer and, secondly and perhaps even more importantly, that if there was default, individuals who were innocent did not suffer as a result of that as well. What more could be expected of him?

The minister is responsible for accountability to the taxpayer and to the Aboriginal community, and has a responsibility to use his best endeavours to ensure that the funding gets to those most in need. He seeks to do that by the appointment of a special auditor so that he knows what is going on and can get to the bottom of the problem of money not reaching those most in need—and for his

trouble he gets condemned by the Labor Party.

The Labor Party was never interested in accountability, and it was never particularly interested in whether money and services got to those most in need. If they had been interested, their record would have been a lot better. We would not have these appalling statistics in relation to Aboriginal health, education, social security, housing and so on. What comes out of Senator Herron's answers is his real efforts to ensure that the appointment of a special auditor did not result in the innocent suffering.

Senator Bob Collins—Ha, ha!

Senator HILL—You may scoff, but just follow the steps. The first appointment and notification to ATSIC was back on 10 April. When concerns were expressed that this may have the unintended consequence of stopping funding for those to whom funding should obviously flow, Senator Herron put in place transitional arrangements which were designed to ensure there would not be any delay in funding to organisations where there is no breach of grant requirement—and that, as I understand it, was this three weeks requirement.

When it comes to his attention that there still might be difficulties notwithstanding the transitional arrangements he put in place—and it is not surprising there are difficulties in this regard, because we are talking about some 1,600 different organisations that are receiving funding—he furthermore comes into the Senate today and makes reference to the transitional arrangements that were put in place and says he intends to go yet one step further by issuing a direction that the three-week delay will not apply after 1 October and that the effect of this will be to allow on lodgement of a grant application with the special auditor funding to be provided immediately to that organisation with the condition that that organisation is not in serious breach. We are talking about 1,600 organisations.

What more can be expected of the minister in these circumstances? He is seeking to meet his responsibility to taxpayers at large to ensure the money is properly appropriated. He

is seeking to meet his responsibility to the Aboriginal constituency to ensure that those to whom the benefits should apply do in fact get the benefits. He appoints a special auditor to assist him with that task, as is his right and, as some might say, his responsibility in the circumstances before him.

He also puts in place processes to ensure that this works in a way that does not disadvantage the innocent. When questioned about whether those processes might be further improved, he puts in place new transitional provisions to further improve the situation and, when that is questioned, he improves them yet again with another direction to ensure that the innocent do not suffer. And what does he get for his trouble? He gets Senator Collins marching in here today seeking to censure him! What a hopeless situation. As I said, not surprisingly, on the last day of sitting the opposition looks to make some mischief, and in this instance it is aimed at Senator Herron.

The charge made out by Senator Collins is a confused allegation. Not only does Senator Collins seek to make as the basis of his motion of censure that Senator Herron said he believed that any failure in the funds reaching the ultimate recipient had nothing to do with his appointment of a special auditor—clearly, it is not in the circumstances of the answers that have been given by Senator Herron over a period of days—but he further seeks to censure the minister for what he regards as other areas of failure in the administration of the portfolio.

In other words, Senator Collins says that a special auditor should not have been appointed. If a special auditor was to be appointed, firstly, a period of consultation should have taken place. He goes one step further in the second point, and that can be debated. Whether processes have been the most effective processes to achieve certain outcomes is the normal subject for an MPI or an urgency motion. Thirdly, his motion calls upon the minister to do certain things. You do not do that in a censure motion. You are either serious about the censure—

Senator Bob Collins—Oh, come on!

Senator HILL—Listen, I have drafted plenty of these things, Senator Collins. If you are serious about censuring, you do not muddle it up with a series of calls upon the minister.

Senator Bob Collins—I don't think he should resign.

Senator HILL—I am pleased that Senator Collins does not think Senator Herron should resign. There should be no question about Senator Herron not resigning. He probably has the hardest ministry of all. He has inherited a situation of abject failure. He is using his intelligence and sensitivity in putting in a great deal of effort to fix up these problems Labor has left him. The ultimate result will be much better accountability to the taxpayers for the expenditure of this money and a much better chance that the money being expended will reach those for whom it is intended.

Senator Bob Collins—Are you going to read the *Hansard*? I found it for you.

Senator HILL—Senator Collins, you may not be interested, but the bottom line of what Senator Herron is seeking to do within his administration is improve Aboriginal housing and education and provide a circumstance where Aboriginal Australians can get jobs like others. This is what it is all about.

He ought to be given some encouragement, some support and a fair go in this difficult mission; rather than come in here day after day to be undermined by an opposition that is simply interested in destroying a minister and is not interested in Aboriginal housing, Aboriginal education, Aboriginal welfare and Aboriginal jobs.

The Senate ought to be giving some encouragement and support to this minister, who is in a very difficult portfolio. The Senate ought to recognise the problem that the minister has before him which he has inherited from Labor and recognise that it is going to be a problem difficult to overcome, nevertheless recognising that in the interest of all Australians—Aboriginal or non-Aboriginal—it is a problem that must be overcome. I, for one, Senator Herron, commend you for the job that you are doing.

Senator BOSWELL (Queensland—Leader of the National Party of Australia in the Senate) (4.53 p.m.)—I have been in this parliament for nearly 14 years and from time to time I have seen some censure motions moved. Some have had some credibility; in fact, I was successful in moving one against a former minister in relation to funds that were going out the back door. Let me add that he was not the recipient of those funds.

Senator O'Chee—He soon went out the back door.

Senator BOSWELL—He went out the back door on another matter. I have never seen a more pathetic attempt to move a censure motion than this one.

Senator Bob Collins—You wouldn't understand the first thing about this issue.

Senator BOSWELL—I understand fully this issue. I was at the Senate committee hearing the other day when you were there. You made a faux par, which I will refer to.

Senator Bob Collins—Did you hear the evidence?

Senator BOSWELL—I heard the evidence; I sat through the evidence. I have come to the inescapable conclusion that this motion is degrading the meaning and the currency of a censure motion in any form. I have heard nothing from the Minister for Aboriginal and Torres Strait Islander Affairs (Senator Herron) other than for him to praise highly ATSIC and, even in private conversations, to praise the chairman of ATSIC, Ms Lois O'Donoghue.

I think everyone will concede that this is an extremely difficult portfolio. Senator Herron came into this portfolio and was faced with the situation where a lot of funds were not going to the people who required them. There was a whole list of things where benefits were not flowing down to the people those benefits were supposed to flow to. That was the difficulty he had to face when he came into this portfolio, which has \$1 billion of expenditure to Aboriginal communities. He then had to get on top of this portfolio and make sure that everyone who was in need of services under his portfolio received those services.

I will not read this extensive list of Labor government and Labor Party failures. I would appreciate it if Senator Bob Collins could listen to this. There are at least two pages listing the Labor Party's failures in administering Aboriginal affairs over the last 13 years. Halfway through the period of Labor government there was an attempt by the Labor Party to put in the portfolio a commission that would allow self-determination. That was subjected to a lot of debate. After the legislation had been debated and passed by the Senate, ATSIC was set up and the Aboriginal community was given a commission that would allow it self-determination.

But it also required a ministerial overview. The minister has to administer a billion dollars worth of taxpayers' money. He has tried to provide accountability for that money. On 10 April the minister appointed KPMG to perform an audit. Senator Bob Collins has said that the appointment of KPMG has slowed down the provision of services and money to the Aboriginal community.

The minister has been charged with, amongst other things, misleading the parliament. That charge falls to the ground because that charge is untrue. The minister came into the parliament today and said:

Yesterday, senators will recall, I gave an undertaking that there would not be undue delays to the funding of organisations through the special auditor. Senators will recall that I explained the transitional arrangements put in place to ensure all organisations, other than those in serious breach of grant conditions, will receive funding up to a maximum of \$300,000 for the first three months of the next financial year. The process involves ATSIC regional offices lodging applications with the special auditor, and after three weeks funding the organisations concerned for three months. This process was to begin from 4 June.

That is what the minister said yesterday. You would agree with that, Senator Collins.

Senator Bob Collins—If there was nothing wrong, why did he have to amend his ministerial direction today?

Senator BOSWELL—The reason he had to amend his ministerial direction from that which I just quoted was that he received advice this morning—I do not know what

time this morning—that the earlier advice had been wrong.

Senator Bob Collins—But he has to wear the responsibility. That is what you used to tell me.

Senator BOSWELL—A minister can only act on the advice that his department gives him. You would understand that, Senator Collins. It is the only way that a minister can act. The minister has a department, and the advice from that department was as I read out. There was no misleading of the Senate.

When the minister was advised this morning that the earlier advice was not correct he came in today to clarify the situation. The first question on the list for question time was to be from Senator Abetz. Senator Abetz was going to ask a question similar to yours, Senator Collins. In answering your question, the minister set out the new advice to the parliament. He said:

In discussions with ATSIC this morning, I have been informed that some ATSIC regional offices have been unable to complete preparation of grant applications and are still in the process of lodging them with the special auditor.

This is the punch line:

To ensure that there is no delay, I will issue a direction that the three-week delay will not apply until after 1 October.

That is what the minister said; that was his advice. How could this Senate accuse Senator Herron of misleading the parliament? He did not mislead parliament.

Senator Herron received certain advice yesterday and he put that advice to the Senate. When he was advised that the earlier advice was incorrect, he came back and notified the Senate of the change. The first question on the list today was to come from Senator Abetz. As I said, he was going to ask a question similar to yours, Senator Collins. Senator Herron was going to respond by reading out the answer that he instead gave to you. A charge of misleading the parliament is incorrect and cannot be substantiated. This is just an attack on Senator Herron in his very difficult portfolio.

You can make any criticism of Senator Herron that you like, you can read out any headline, you can go through all those mo-

tions, but you cannot substantiate the charge that Senator Herron misled the parliament. He did not mislead the parliament. You can accuse him of not coming in here once he had received the new advice—he might have received that advice at noon or it might have been at 10 a.m.—but the real issue is that he did not mislead the parliament. He gave a corrected answer today at question time. Senator Collins, I could read out a list of headlines—I have them here in front of me—referring to the incorrect way in which you handled the portfolios of primary industry and transport—

Senator Bob Collins—Oh, it was all the department's fault!

Senator BOSWELL—I do not know whose fault it was but I do not believe that anyone could be so incapable as to make all the mistakes that the press attribute to you. Don't you come in here giving Senator Faulkner a heap of headlines to read out because for every headline discrediting Senator Herron I could read 10 that discredit you. Your ministerial performance, apart from your huff and puff and bluff, has not been a particularly good one over the last seven or eight years that you were minister responsible for a number of portfolios.

Senator Bob Collins—You used to say that I was terrific.

Senator BOSWELL—Senator Collins, you are full of huff and puff. If you ever sat down and analysed what you have said, you would find that you have said very little. You say it with authority, you say it with conviction but there is nothing in it. If there is any justice in this parliament, this censure motion will fail. It will fail because it is clear that Senator Herron has not misled the parliament, no matter what headline you read out.

Senator Bob Collins—He has.

Senator BOSWELL—He has not misled the parliament.

Senator Bob Collins—Why did he have to amend his direction?

Senator BOSWELL—Senator Herron has come into a very difficult portfolio. It is a portfolio responsible for the allocation of \$1 billion worth of taxpayers' funds. He is

responsible for seeing that those funds get to the people who deserve them, the most needy people in the community, the most—

Senator Kernot—The special direction made it difficult for that to happen.

Senator BOSWELL—You could argue that, Senator Kernot—the result of this censure motion will probably depend on the Australian Democrats—that is a criticism that you could make. I would not make it, but you might. Nevertheless, you cannot jump from that to saying that Senator Herron misled the parliament. That would be totally unfair, and I have never regarded you as an unfair person.

I believe that you will judge this censure motion fairly; that you will analyse it. When you vote on this motion—this applies to the Greens senators, too—you will have to determine whether Senator Herron has misled the parliament, not whether he has made things more difficult. We are not judging the way in which he has handled the portfolio.

Senator Kernot—There are three other things in the motion.

Senator Bob Collins—He does not want to talk about them.

Senator BOSWELL—You have gone down on the first point for a start. You have failed. As Senator Hill said, we are facing the last day of the parliament and you have gone for an opportunistic censure motion.

After 14 years in this parliament, I have seen censure motions come and go. All you have done today is degrade the currency of a censure motion in this place. I do not believe that the censure motion will stand up. Senator Herron is doing a job in a difficult portfolio and he is not being assisted by you, Senator Collins. You are getting assistance under the counter.

Senator Bob Collins—What does that mean?

Senator BOSWELL—I will explain it to you later. I just want to pick up one more point. Senator Faulkner came in here and made a reference to a comment that Senator Herron had made, saying that it was a disgusting and incompetent comment. Senator

Collins, not a day later, came in here and made a comment and an accusation against me—he has apologised for it, and I thank him for that—that was equally degrading and obnoxious. So Senator Collins should not tell Senator Faulkner what to say.

Senator Bob Collins—Just because you compared ATSIC with the Wool Corporation.

Senator BOSWELL—Your odious comparison was that I had compared Aboriginals with sheep. That was your comparison, not mine, and it was an odious one.

Senator Bob Collins—It was very naughty.

Senator BOSWELL—You apologised for it. Then Senator Faulkner came in here and accused Senator Herron of putting a provision in ATSIC that meant that a commissioner had to have the ability to mix with foreign dignitaries, as well as some other odd things. It was not Senator Herron who set those protocols up in ATSIC; that was what ATSIC wanted. Senator Faulkner came in here and accused Senator Herron of putting in those protocols about the commissioner of ATSIC. So he has got it wrong again and again and again.

I think we have more to do in the Senate than to go through the motions of carrying out a censure motion that has absolutely no depth, no honesty and no integrity. Senator Herron is doing his job, and he is doing it well. He is going to make sure that the billion dollars that is given to ATSIC gets through to the people who need it, and he is doing that the best way that he can.

Senator CHRIS EVANS (Western Australia) (5.10 p.m.)—I wish to speak in support of Senator Collins's censure motion, but I will be relatively brief. It is important that I attempt to bring the debate back to the actual contents of the motion. Those who have been listening to the contributions of Senator Hill and Senator Boswell might be confused as to what it is we are actually talking about. It is important that I direct the debate to the main part of Senator Bob Collins's motion, which states that we should censure the Minister for Aboriginal and Torres Strait Islander Affairs, Senator Herron, for:

. . . misleading the Senate when he said in question time that problems being experienced by Aboriginal communities in ensuring continuity of funding for Community Development Employment Projects programs and essential services "had nothing to do with the appointment of the Special Auditor". . .

The key issue in this debate today is the impact of the special auditor. Senator Herron has maintained all week that his special auditor and the activities of that special auditor have not impacted on the ability of people in remote communities in my state and other states to access CDEP grants and maintain their employment, and sewerage and water systems. All week, Senator Collins and other Labor senators have been asking questions of Senator Herron about this issue. We did so because we received calls from people in those communities who said, 'Our funding is about to be cut off as a result of the activities of the special auditor.'

So we pressed Senator Herron on a number of occasions about that issue. He maintained, in a confused and befuddled state, that in fact it 'had nothing to do with the appointment of a special auditor'. He maintained that but he went further, and this is what I found most reprehensible. He then sought to attack the people asking the questions. Senator Herron attacked Senator Collins and he attacked the communities which had raised those concerns—those legitimate concerns that have now been proven to be correct.

In a humiliating capitulation, Senator Herron had to come in here today and say that he had taken actions to rectify the impact of the special auditor's activities on the communities in the Kimberleys and other parts of remote Australia. People were being sacked or their employment was being threatened, and their access to water and sewerage services was at risk.

I have here a press release issued by the Kimberley Land Council today. It was obviously issued prior to Senator Herron's announcement, but it is important that what it says goes on the record because it shows the level of concern that exists in the Kimberleys and Western Australia about the minister's actions. I have not seen the details of what Senator Herron announced in his capitulation today, but it sounded very much like funding

was going to be assured for the next three months. I am grateful for that and welcome it, because people were in real need and at real risk because of his actions. The Kimberley Land Council said:

The special ATSIC auditing process instigated by the minister is having a disastrous effect on the lives of Aboriginal people. Aboriginal work-for-the-dole schemes have been suspended. Water and sewerage systems will soon fail due to lack of money to buy fuel and communities may soon be without money to maintain infrastructure and to run clinics and schools. This process is causing fear and uncertainty amongst Aboriginal people. It is destabilising communities and distracting people from an agenda which undermines the rights of Aboriginal people. It is outrageous that anyone who raises legitimate concerns about what the minister is doing in Aboriginal affairs is dismissed as a troublemaker.

There we have Aboriginal communities expressing their concern about what was been occurring. But, if you believe the minister, you would think it was only troublemakers like Senator Collins, myself and the other Labor senators who were concerned.

Until today, there was no problem. But today Senator Herron came in here and had to deal with the accusations that he has been making. We have raised these issues because of the real concern the communities have about the impact of his decision to rush into appointing a special auditor—because of his ideological drive about accountability.

The minister stumbled again and, quite frankly, he is dangerous. We used to think he was just a bit of a figure of fun, but he is dangerous because he is causing real harm to people. The most serious charge laid in the motion today is that he should be censured. Senator Herron should be censured as a result of the answers that he has given this week to a series of opposition questions regarding the CDEP programs and the Aboriginal community's concerns. We were dismissed and ridiculed for raising those questions. On 24 June, Senator Herron said:

None of those things have occurred as a result of the appointment of the special auditor . . . They are the result of actions and a lot of misinterpretation of material which occurred as a result of the previous budget.

He even tried to blame the previous government and the previous budget for his problems. On 25 June, in reply to another question, he went on to accuse Senator Bob Collins:

You have been guilty of spreading misinformation and fear through Aboriginal communities. You have been guilty of creating alarm in CDEP recipients.

In other words, the only organisations in danger of funding being frozen are those with serious existing problems of accountability. We will come back to that quote later in my contribution. What did he do? He attacked the man, not the ball, again. When he is under pressure, when he is wounded, he attacks Senator Collins or attacks Aboriginal communities because he is not up to the job.

You are wounded because of your own inability to deal with the job. What you said in answer to those questions was clearly wrong. You have at least now come into the chamber—and, as Senator Faulkner said, ‘used the Downer defence’—and admitted that you were wrong, because you have now taken action to fix the problem that you said did not exist. You said it did not exist. You said it was misinformation and fearmongering. If that was the case, why did you have to fix it today? If you were right earlier in the week, why did you have to fix it today? You had to fix it because you misled the Senate. You were wrong, wrong, wrong. You misled the Senate, and today you had to come in—slide in here—and fix up your mistake: not the mistake of the Aboriginal organisations who you tried to lay the blame on, not the mistake of Senator Collins, but your mistake.

Finally, the reason why the minister was forced to come in here today was that he was totally undermined by ATSIC. ATSIC put out a press release this morning which laid out the truth of the matter, although, to be fair to them, they did their best to protect Senator Herron. ATSIC actually had to deal with the concerns that were coming from their constituent communities. In that media release dated 26 June, the ATSIC spokesperson said today:

It is too early to predict how many, if any, indigenous organisations will not be funded in good time because of the special audit processes.

They did not say, ‘Oh, the special audit processes aren’t having an impact.’ They did not say, ‘It’s the fault of the previous government.’ They did not say, ‘It’s lies and misinformation.’ And they did not say, ‘It was a Senator Collins’s plot.’ What they said was that it is too early to predict how many organisations will suffer.

Senator Herron—If any.

Senator CHRIS EVANS—If any—I concede. But as you know, Senator, one community in my state has already been seriously affected. Two hundred and ten people were laid off the other day as a result of responding to what your special auditor was required to do. These allegedly are the people that were misinformed, but the minister’s position that it was not as a result of the appointment of the special auditor is clearly wrong. You said it was not as a result of the appointment of the special auditor. ATSIC says it is, the community says it is, and we said it was.

Today, finally, you come in and admit that you misled the Senate. You might have used the weasel words, but everyone knows that you had to admit that you had misled the Senate. What really gets up my nose, Senator, about the way you have handled this is not your denials of the accusations, nor the way you chose to capitulate, but it is the way that you attacked the persons who were raising the issue.

Senator Bob Collins—Shot the messenger.

Senator CHRIS EVANS—Shot the messengers. Quite frankly, I am not too concerned about Senator Collins. From my experience, he can handle himself quite adequately. He was not at all threatened by your attack, because he knew he was right. Unlike you, he was talking to Aboriginal people affected by your decisions. He was in touch. I am not so concerned about Senator Collins, although that infamous outburst of yours was particularly unfortunate.

What I am concerned about is the impact that you had on Aboriginal communities and Aboriginal people. You have now had to admit that what they were saying was correct, that you were wrong. Your insensitivity to

Aboriginal people and their community's concerns in the last week damns you, in my view—damns you as totally inappropriate to hold your ministerial position. It really makes me wonder what the future of Aboriginal people in this country is going to be if they have to rely on you to argue their case in cabinet. That is of real concern to us, and I think it is something that John Howard really has to address.

I was going to spend some time discussing some of the accountability issues, but I am far more concerned, given the comprehensive nature of the contributions of Senator Collins and Senator Faulkner, to concentrate on those aspects of the debate that have centred on the attack on Aboriginal communities in Western Australia. I know Senator Kernot is anxious to speak and I will try and limit my remarks, Senator Kernot, but I do think it is important that I cover some of this ground.

One of the items in the censure motion moved by Senator Collins calls on the minister to unconditionally withdraw his unfounded imputations against those communities. We included that in the censure motion despite Senator Hill's concerns about style and form because it is a very important issue. People do not like being attacked by their own minister especially when he does not know what he is doing. To lash out because you are injured and because you are under pressure, by attacking the Aboriginal communities who actually have the audacity to raise their concerns, is one of the lowest things that I have seen in this parliament, and it does you no credit at all, Senator Herron.

I want to indicate, firstly, that I have been trying to have some contact with the Aboriginal communities in the Kimberley to ascertain their views about these matters. I have had some contact with people in the Kimberley region and I have been trying to get as much information together as I can.

Senator Herron—When were you there last?

Senator CHRIS EVANS—I have not been there this year, Senator. I am due to go there during the parliamentary break. It is a very beautiful part of Western Australia. Unlike

some parliamentarians, I do not spend all my time in Broome.

Senator Herron—I was there the week before last.

Senator CHRIS EVANS—I am glad you are getting around, Senator. The more cups of tea you have with Aboriginal people, the more you will learn, I am sure. We appreciate that, and it is a very important part of your job. I am the first to concede it, and I am the first to concede that it is a very important job. It is a very demanding job, and that is why you will not find me abusing Ian Viner or Fred Chaney for their performance in the portfolio, and why you will regret making grand claims about how you are going to fix all the Aboriginal health problems, because a lot of very good people have tried to tackle these issues, Senator Herron. I think you have made a very unfortunate rod for your own back in your early comments in this portfolio. The people I have spoken to have no idea what the minister is talking about in relation to the Junjuwa being in breach. They say that they have spoken to Herron's office—

Senator Bob Collins—Senator Herron.

Senator CHRIS EVANS—Sorry, Senator Herron—and no mention has been made to them of their organisation being in breach or somehow being under some sort of accusation of improper conduct. That has not been mentioned to Junjuwa officers, according to my information. In fact, I have been told that ATSIC officers recently released \$160,000 to Junjuwa in moneys owed for this financial year. So there is no sign, from my information, that this organisation that has been characterised so unfairly by Senator Herron is in the sort of state that you would think it was, given his comments. I just want to put on the record what those comments are because I think that part of the coalition's defence today is to attempt to ease Senator Herron away from those accusations that he made.

Senator Bob Collins—Senator Hill said he never said it.

Senator CHRIS EVANS—Senator Hill said he did not say it. I am not sure what Senator Boswell's point was, but it was

certainly around the issue somewhere. But on 26 June, on Wednesday this week, in reply to a question from Senator Collins about the Junjuwa community and their concerns about the appointment of the special auditor, Senator Herron said—as page 2249 of the *Hansard* will show:

I would like to repeat, as I have done almost every day for the past week, that organisations will continue to receive funding unless there is a serious breach of grant requirements.

Senator Herron—I did not say ‘breach’. I take a point of order. Would you read it correctly?

The ACTING DEPUTY PRESIDENT (Senator Ferguson)—Order! there is no point of order.

Senator CHRIS EVANS—Senator Herron, I will get to your second reference. I do not think that you, like Senator Collins earlier, had picked up the first reference. This is in the first question. I will quote again for your information, because you may not have offered the pathetic defence you did, if you had read it properly. You said:

I would like to repeat, as I have done almost every day for the past week, that organisations will continue to receive funding unless there is a serious breach of grant requirements.

By your own admission today, that is not the case. Organisations were being denied funds whether or not they had serious breaches. As the result of the special auditor, there was an impediment. You went on, in answer to the supplementary question by Senator Collins—referring to the Junjuwa council—to say:

Mr President, one can only assume, if those circumstances are correct, that the grant body is in serious trouble in relation to audit.

Senator Jacinta Collins then said:

You have no right to assume they are the facts of the matter.

Senator Herron said:

They are the facts of the matter, Mr President.

I repeat, Senator Herron, that you said:

... one can only assume, if those circumstances are correct, that the grant body is in serious trouble in relation to audit.

Then you said, ‘they are the facts of the matter.’ It is important, given your previous

contribution and those contributions of Senator Hill and Senator Boswell, that that record is set straight. I have had a chance to make only some preliminary investigations but if your comments about Junjuwa cannot be supported—if, in fact, there are no serious breaches held against Junjuwa’s operations—I would expect a full apology from you prior to the Senate’s rising tonight.

If you have made unfair allegations about that organisation you ought to have the honesty and decency to retract them before the Senate rises. There is a lot more I would like to say on this issue—it is a very important issue—but I think Senator Collins and Senator Faulkner have covered the ground very adequately. I really do think that the Senate has to take this matter very seriously. Senator Herron has maintained all week that the appointment of the special auditor had nothing to do with the problems being experienced by these groups, including those in my own state. Clearly he was wrong and clearly he misled the Senate. We ought to find the censure proved.

Senator KERNOT (Queensland—Leader of the Australian Democrats) (5.27 p.m.)—The Senate is being asked to censure the Minister for Aboriginal and Torres Strait Islander Affairs (Senator Herron) for four reasons. I would like to say at the beginning that I do not think anybody could say I have been part of any campaign to get Senator Herron. I like John Herron very much. I actually thought he might prove to be a very wise minister for aboriginal affairs, as he has given us a lot of wise advice on matters in which he has some experience such as occupational health and has been wise in the number of comments he has made on late sitting hours.

I have not pursued him in question time—we are finding our way today through a long trail of questions and answers from various question times—but I have listened to those questions and answers; and I did have an opportunity to question Senator Herron at the finance and public administration Senate committee hearing—

Senator Panizza—I beg your pardon—you didn’t have!

Senator KERNOT—I did have—and you were a wonderful chair, Senator Panizza. You gave me lots of opportunities, thank you. I did have an opportunity to ask questions on matters which concerned me. I wanted to give Senator Herron the benefit of the doubt in the beginning and the benefit of time. At the same time, I want to say that I was very conscious of the actions taken by him as minister. I had serious concerns with the action of appointing a special auditor and in announcing, such a short time after coming to the portfolio, that cabinet had decided that Aboriginal accountability was a serious matter and there was lots of evidence that ATSIC organisations were obviously in breach of the accountability rules and, therefore, the government needed the reserve power to appoint an administrator.

I was very concerned about the context of the actions being taken. Unfortunately, we do have to make our way through some of this question and answer trail in order to prove or disprove whether Senator Herron misled the Senate, particularly when he said that continuity of funding for CDEP programs and essential services had nothing to do with the appointment of the special auditor.

When I make my way through these questions and answers, I begin on 10 April with the announcement of the special auditor general direction. We make our way through a couple of questions. Senate Herron begins his answers to the first questions by saying, 'We believe that at no stage the funds will be cut off.' He goes on to say in answer, 'It is not the intention—nor do I believe this will occur—that there will be any delay in the expenditure of those funds.'

I think we can accept that. But when he is pressed, when we continue through the trail—we get to 24 June by this time—we find more definitive answers. We find him saying, 'None of these things have occurred as a result of the special auditor.' We then find a letter from ATSIC's Assistant General Manager, Finance, Mr Alfredson, which states:

Now that the special auditor has been appointed, all ATSIC managers and delegates are reminded that as of immediately, no grants or loans may be made to incorporated or unincorporated bodies without the required clearance by the special auditor,

including any grants or loans made in the remainder of this financial year.

So this is where the real confusion, I think, has been exposed. Will it have no effect? Will it have any effect? What has caused the confusion? How do we interpret what the minister is saying, particularly if you are an Aboriginal community dependent on funding?

Senator Bob Collins—In the bush.

Senator KERNOT—That is right, in the bush. We then have the case of the Junjuwa people. Other speakers have talked at length about that. I think it is important to point out that, in the case of the Derby regional office, they were advised that the special auditor would not visit that office until 8 July. It is also relevant to note that that office had already been audited by KPMG 18 months ago and given a tick. We then have, in administrative terms, the difficulty of a bunch of auditors being asked to audit their own previous audit. So that is a problem. That is an administrative problem which had to be dealt with.

Senator Bob Collins—It takes longer.

Senator KERNOT—Exactly. Then the focus shifted to: how did we administer this? How much time have we given ATSIC? What kind of transitional arrangements have been put in place? On 25 June Senator Herron said, in answer to Senator Collins:

Grants continued to flow as normal until the appointment of a special auditor on 4 June. . . On 6 June I wrote to the ATSIC chairman in these terms:

I have agreed to transitional arrangements associated with the work of the special auditor whereby grant recipients which have no present breaches of grant conditions and only minor technical breaches, if any, in the past may receive a grant pro rata for the first three months of the 1996-1997 financial year.

Senator Bob Collins—They still have to be cleared by the special auditor.

Senator KERNOT—That is right. They have to be cleared by the special auditor. Again, I think this takes us to the administrative question that we have an announcement on 10 April, we have an appointment on 4 June, we have a letter to ATSIC on 6 June and then, three weeks later, at the end of the

financial year, a traditionally busy time for all organisations, not just indigenous community organisations, they are supposed to have complied in order to have their funding continued.

Senator Herron—Well, they thought they could cope.

Senator KERNOT—It is certainly not clear to me from last Friday's Senate committee that they were even asked whether they could cope. It is not clear to me at all. I do not believe that anything has been said to clarify that position. In fact, we have to ask ourselves: is this administrative arrangement reasonable? Is three to four weeks sufficient time? I do not think it is, Mr Acting Deputy President. So what we have as a result is Aboriginal organisations at risk.

That is why I think it is very hard to say that this had nothing to do with the appointment of the special auditor. I think it had a great deal to do with that. Whether you appreciated that or not, minister, I think it had a great deal to do with it. I think we can see that in your clarification today. The fact that you had to clarify the position today, to me, means that the evidence is there.

People have spent the most time on paragraph (a) of this censure motion. I actually think paragraphs (b), (c) and (d) are very important as well. Paragraph (b) states that 'the minister failed to properly explore alternative options for improving ATSIC accountability before his precipitate action in appointing the special auditor'. I know we have explored this elsewhere. Again, it is a time frame—appointed a minister; a couple of weeks later, without even talking to ATSIC, we find that the minister is apprised of knowledge of so many instances of lack of accountability that cabinet decides on the spot to issue a general direction to appoint a special auditor. Not only that, the evidence is so damning that the cabinet insists that the Senate pass an amendment to give the minister the reserve power to appoint an administrator over ATSIC.

When pressed on this, where is the evidence? Where is the quantified evidence which makes these actions necessary? The minister told us that there was mounting

community concern, that the Prime Minister (Mr Howard) had referred to a haemorrhaging of public funds, and the evidence was that some candidates who had made racist comments in the election campaign had been elected. One of those candidates had been elected in a previously very safe Labor seat. Therefore, from that, we are told to conclude there is mounting community concern about a lack of Aboriginal accountability.

I note that Senator Calvert is shaking his head, but unfortunately that is what was said. I do not think that is quantified evidence. What we have heard from ATSIC is that there were other options available. Possibly, if Senator Herron had thought it was the right thing to do to speak to ATSIC before the cabinet meeting, not after, when he was trying to explain why he had to issue a general direction, ATSIC may have been able to tell him, as they have told me, that there were at least 30 cases last year where the Office of Evaluation and Audit has taken the appropriate action, has referred them on to another agency, and that the Australian Securities Commission, the Australian Federal Police or another state body has failed to take it any further, citing as the reason a lack of resources or that it is not of a high enough priority. Yet the reflection is on ATSIC—that ATSIC has not followed due process, that ATSIC is unaccountable.

When we say that the minister failed to properly explore alternative options, that is true. He could have asked the Federal Police, the ASC and the various state agencies. Why do you say this is not a high priority when we, on behalf of the Australian community, are interpreting and saying to you that we want greater accountability? Why does the buck stop here? What do we need to do about it? I think part (1)(b) of the motion is proven.

Part (1)(c) of the motion is about the minister 'failing to consult ATSIC to seek advice on the impact this would have on ATSIC and the Aboriginal people it serves'. I do not believe this very short time frame—the whole package—in an administrative sense is reasonable. I have heard nothing to suggest that ATSIC has been consulted about it. The impact is demonstrated—210 people

have already been sacked in the Broome area and thousands more are saying that they may have to go on unemployment benefits because of the total confusion over transitional arrangements and the status of funding.

On part (1)(d) of the motion—‘stating in the Senate that the Aboriginal communities who raised concerns should not be believed’—we can always look for mischief makers. At some times it is hard to know whether people are acting politically or not, but we should take into account the level of panic that might have existed in these communities as they saw within the next couple of days no source of income for their diesel-powered water and sewerage systems and they got no response from the minister’s office. I would come down on the side of panic rather than mischief making.

The communities which have been mentioned in the Senate are not from my state to the best of my knowledge, and I do not have personal knowledge of any of the people mentioned. But I think we are entitled to conclude, based on the question and answer trail here, that it really was wrong to blame the communities for what really is an administrative stuff-up.

On those four counts, I do think the Senate has a case to censure the minister. It is with regret that I say that the Democrats support this motion. I do not enjoy censuring, Senator Herron. We are not calling for his resignation; we are asking for three things that, I think, will put the matter straight.

Senator Herron—I think I have.

Senator Bob Collins—He looks like he has done (2)(c) already.

Senator KERNOT—He certainly has done (2)(c). He has taken action to minimise disruption. What is the date today? We have been here for ever. Isn’t it terrible that I do not even know?

Senator Herron—It is a daily process. It is the 27th today.

Senator KERNOT—Okay. It has taken until three days before the end of the financial year to sort it out, and that is the problem.

Senator Herron—I have been assured it was okay.

Senator KERNOT—I am sorry, that is the problem. It has all happened. Some people have been sacked. There has been total confusion. There has been, in my view, very poor administration.

In saying that it had nothing to do with the appointment of the special auditor shows a lack of understanding of the consequences of an action. When you appoint a special auditor, certain steps will be taken by all the organisations which are going to be audited and people will be worried about what they will do next. They did not find out what to do next in some cases until yesterday or today.

So that is the problem. I am sorry and I regret it, but I think it is important that we support this censure motion.

Senator CHAMARETTE (Western Australia) (5.43 p.m.)—Mr Acting Deputy President—

Senator Campbell—Your penultimate speech?

Senator CHAMARETTE—I hope it is my penultimate speech. I am very much afraid it may not be, and you ought to be too.

I rise to speak to this motion to censure the Minister for Aboriginal and Torres Strait Islander Affairs, Senator Herron. I am afraid that I, as well, agree that it must be supported. I cannot disagree with any of the sections of the censure motion. I am not saying that I agree with all the aspects of the debate that has occurred, but I have received evidence in my own hands about the concerns that have been expressed by members of the Aboriginal community regarding the impact of the special auditor provisions. While I have not got as close hand evidence in relation to the CDEP program, it is of great concern to me that it may be jeopardised in the same way as the other programs I have heard about.

I want to assure the Senate that it is not being argued that the minister, Senator Herron, wanted to throw the entire Aboriginal community into disarray so he, therefore, imposed a special auditor. I believe it was a policy decision that a special auditor be imposed, but there was a failure to check with

the ATSIC board and the Aboriginal communities that might be impacted by that provision. The minister was not informed that that decision would cause disruption because it was near the end of the financial year. He was not informed that it would leave all the funding for the next financial year—that is, in three days time—in doubt. That information was not made available to the minister before he issued the order.

That has been a major problem in this matter. Irrespective of whether it was intended is not under debate. We do not assume that. As I said to Senator Ellison, there is no assumption here of evil motivation, bad intentions or a deliberate attempt to stir up people or cause panic within the Aboriginal community. It is nothing of the kind. In fact, it would be very stupid for any government to do that. I do not believe for one moment that that was the intention.

However, that has been the unintended consequence—it is indisputable—of the special auditor provision. The problem I have experienced—I believe this is what other members in the chamber have been trying to say—is that, in his response to us, Senator Herron has been making light of this unintended consequence by saying that it does not exist. This motion states:

- (d) stating in the Senate that the Aboriginal communities who raised concerns should not be believed . . .

It is actually implied that the senators who have spoken to the Aboriginal communities and know they are experiencing concerns are also not to be believed.

I have a file here that is full of lists of phone calls I have received. They have not all been about the special auditor provision. However, the callers have been talking to me about the ATSIC bill, which we discussed yesterday. In passing, these people have either said to me on the phone or in writing, 'Please, if there is anything that can be done about these special auditor provisions, which mean that every grant we are expecting has to be approved by the'—

Senator Bob Collins—You are just mischief making, Senator.

Senator CHAMARETTE—No. They have been saying to me, 'Every grant we are expecting has to be approved by this special auditor before we can get it. It is a logistical impossibility that we can get approved funding by the end of the year.' I am not a lawyer, but I have been told by one—I am not sure whether I have understood fully the implications of this—that the Aboriginal corporations, by their constitution, are unable to act as though they will have funding until they get funding. Their constitution makes it impossible for them to continue programs that have been in existence for a number of years. If their funding is due for renewal at the end of the financial year, they cannot actually anticipate that they will get that funding. That is what has caused the problem.

Senator Bob Collins—And if they do, they will get into trouble with the auditor—catch 22.

Senator CHAMARETTE—That is exactly right.

Senator Kernot interjecting—

Senator Bob Collins interjecting—

Senator CHAMARETTE—Yes. I am trying to make my speech, if that is okay.

The ACTING DEPUTY PRESIDENT (Senator Ferguson)—Order! I think Senator Chamarette is doing very well on her own. Give her a chance.

Senator CHAMARETTE—I am getting very helpful assistance and confirmation. That is fine.

Senator Bob Collins—It is a new point, Senator Chamarette.

Senator CHAMARETTE—Yes. I know. My team believes in working together to make speeches, but this is getting beyond a joke.

Every attempt by the minister to underplay the impact is perhaps being misperceived by the listeners, including myself, and the Aboriginal community, as a view that the minister does not believe them. I think the minister is trying to say, 'This was never the intended consequence. If it is a consequence, I will do something about it.' We know that he has done something about it today. However, we

need him to take even more seriously the fact that it is only those people who have jumped up and down whose concerns can be allayed.

We have only a matter of days before the problem reaches a peak. That is why I am supporting this motion. That is why, as Senator Kernot said, if it had been asking for the minister's resignation, it would not have had my support. If it had been saying that he had misled the parliament on some kind of technicality that could be argued about as to how the *Hansard* read, as Senator Hill seemed to say, it would not have had my support. The reason it has my support is that the underlying principle in each of these points is, in my own experience, indisputable.

The Senate is being told that there is no problem when those of us who are supporting the motion know with our own ears and eyes that there is a problem. We know that alternative options were not explored with the people concerned prior to the imposition of this special direction. We would have felt a lot of sympathy about the exploration of options to increase the accountability of ATSIC. I certainly would have.

I have made it clear that I have not been uncritical of ATSIC. The *Hansard* record will show that I have been labelled an ATSIC basher in this place. I have persisted in saying that I am not an ATSIC basher but that I am critical of ATSIC and its service delivery on the ground. I agree with the coalition in many of its concerns. If it had come into government and said, 'We want to address this problem constructively. We have a plan in place. Will you give it your support?', I would have given it my support provided that we had checked it with Aboriginal communities to see what the likely impact and outcome would have been. I cannot be more sincere in saying that.

I was very strong in condemning the previous government about its double-speak on Aboriginal issues. It said that it had consulted when it had failed to consult. I, Senator Campbell and Senator Ellison expressed criticisms about the previous minister Robert Tickner in relation to the land fund and the government's failure to do anything but the most bureaucratic and academic consultation.

Those same criticisms can be expressed of this government now. It is acting on policy and theory. It did not do anything like the kind of consultation that a move of this kind, even if considered in retrospect, justified. The government may not have been expected to know that in advance. Now that it has happened, it should be expected to know that it was in error. It should be expected to admit that there is a problem in the Aboriginal community that is not entirely of the opposition parties' making.

We are not generating panic. We are trying to respond to the panic in the community. We are saying, 'Do something about it.' We are not blaming you. We are just saying, 'It appears to us that what you have done has led to this situation. We want you to do something about it.' I think Senator Hill mentioned the Senate's gall in, after a mere three months, criticising Senator Herron's handling of his portfolio. What about the gall of the government in its failure to consult before leaping into this extremely difficult area and in doing exactly the things that are stated in this motion. I will read them:

- (b) failing to properly explore alternative options for improving ATSIC accountability before his precipitate action in appointing the Special Auditor;
- (c) failing to consult ATSIC to seek advice on the impact this would have on ATSIC and the Aboriginal people it serves—

and then stating what I have covered already, which is that if we and Aboriginal people are jumping up and down, it is somehow political and unjustified.

I cannot vote against this motion, because I think it is indisputable. I do not think that we can quarrel with the requests that this motion ask us to make of the minister. We want him to unconditionally withdraw his unfounded imputations against these communities, and that means we simply want him to believe there is a problem. We are not wanting him to say, 'We intended you to have this problem, so tough.' What we want him to say is that, for whatever reason, there is a problem—whether it is because of the end of the financial year, whether it is because of the way in which the auditor was appointed and the timing of it or whether it was because of

difficulties among Aboriginal people, with a new government not feeling entirely trusted and believed. Whatever it is, please withdraw your imputations on those communities and on us and say, 'We believe you. We can see there is a problem. We are trying to cope with it.' That is all we are asking you to do.

Senator Campbell—He said it yesterday

Senator CHAMARETTE—Say it again, because it has happened again today.

Senator Campbell—He sent them a fax of the *Hansard*.

Senator CHAMARETTE—Oh, great! I do think that this is a kind of running sore in the reconciliation process that people across all parties want to have. I think there is support for that. Please could the minister make sure that this failure to consult does not occur again. I do not think that is unreasonable.

I move to the final paragraph, which refers to taking whatever possible action there is to minimise the disruption to organisations. This motion is not asking you, Minister, to say that even the ones that have question marks should be overlooked. What we are saying is that everybody whose funding runs out in three days time is in a panic, and they are justified in being in a panic. Minister, what are you going to do?

Senator Herron—I have done it.

Senator CHAMARETTE—You have done it? Great, that's fabulous! You cannot win both ways. You cannot say that this motion is not deserved, because you have done it. It is great that you have already done what this motion calls upon you to do, and we commend you for that.

Senator Campbell—The minute he knew of the problem, he fixed it.

Senator CHAMARETTE—That's fine.

The ACTING DEPUTY PRESIDENT (Senator Ferguson)—Order! Senator Campbell, you should be in your seat.

Senator CHAMARETTE—I think it is their turn to help me with my concluding remarks! I think I would be quicker in concluding if I did not have that help. A lot of words have been said about accountability. I am afraid that the government has to show the

same kind of accountability. It might be unpleasant and it might be difficult and embarrassing when it is being bandied around in the chamber, but it has to be done, and it has to be done so that any accountability you ask of ATSIC you are already imposing on yourself. If you find that you have made an error, you need to be accountable for that. I think the double standards that white bureaucracies show on accountability are blatant to everybody in the community. I think it is a shame that what we are doing in the name of accountability is actually increasing a bureaucratic level of accountability and thereby undermining the delivery of funds to communities across Australia.

I conclude by saying that it is with regret that I support this censure motion. I do not believe that the minister for Aboriginal affairs, Senator Herron, has deliberately misled the Senate. I do not believe that he has thrown the communities deliberately into panic and uncertainty. But the reality is that his actions have, and it is his responsibility as minister to wear that and to make every best endeavour to undo the damage that has been caused. The motion has the support of the Greens (WA).

Senator BOB COLLINS (Northern Territory) (5.57 p.m.)—I thank all senators who have contributed to this debate. I will rise only briefly because I do not want to add anything to the debate other than to comment very briefly on the attack that was made upon the censure motion itself by Senator Hill. I will read it again in the *Hansard* tomorrow. It is one of the more curious things I have heard in a censure debate.

Senator Hill is absolutely correct: this was not a conventional censure motion. I plead guilty to that. I drafted the motion myself, and I drafted it very carefully.

Senator Campbell interjecting—

Senator BOB COLLINS—The reason I drafted it very carefully was that I was actually at the committee on Friday. I support what Senator Chamarette has said. I heard the evidence given to the committee. I am not suggesting that the Minister for Aboriginal and Torres Strait Islander Affairs (Senator Herron) has deliberately misled the Senate,

and the motion does not say so. That is why there is no call for resignation in there.

I find it curious for a senator of Senator Hill's experience to suggest that a motion brought before this chamber cannot be drafted in any way a senator wishes to draft it. It is a matter for the Senate as to whether it wants to support it or not. I do not read any deliberate misrepresentation into Senator Herron's actions in here, and that is why the motion does not say so. I do not believe that Senator Herron intended to bring about this result deliberately. I put on the record—I said it by way of interjection—my gratitude to Senator Herron for the announcement he made today that he is going to amend his directions to deal with the very real problem that has been caused by his actions.

In conclusion, let me say this, and this is why the motion was drafted the way it is. I think that perhaps Senator Herron—and I made an allusion to this earlier in the debate—was forced into this position through circumstances beyond his control. I thought it was appalling for the government—and that is the correct way to describe it, as it was a government action—to do this. Senator Herron is in here representing the government in the portfolio of Aboriginal affairs; he is on the front bench. I thought it was reprehensible and disgraceful of the government, who, just a couple of short weeks after they had all been sworn in, without the slightest consultation with the body at all, took a decision in the cabinet room.

I was in cabinet for seven years and I have often commented that one of the things that is very obvious about the cabinet room is that it is a completely sealed chamber with no windows to the outside world. I was a minister long enough to know what happened. It is the government that you represent that is coping it and so it should. It was disgraceful that you did not consult ATSIC on this issue. Perhaps your cabinet may wish to consider this folly in the future.

It was, at the very least, an act of the grossest discourtesy that you could possibly imagine to draft provisions to put in an administrator to take over the whole organisation, and a special auditor, the effective of

which was to completely dislocate the operations of the organisation. There was not one bit of consultation. The bare courtesy of talking to the chair of the organisation was extended less than half an hour before the announcement was made by the Prime Minister (Mr Howard).

The chair, I thought, most eloquently and with great emotion said at the committee meeting that, to her great hurt and the hurt of all Aboriginal people, once again allegations of Aboriginal propriety became the first central subject of a newly elected federal government. It was appalling. For that to be done a couple of weeks after they were elected and for it to be done without the slightest consultation with the organisation concerned has brought this situation to the sorry pass that it is in now.

There is a standing order in most parliaments that requires us to have a time lapse between introducing propositions and passing them. I have not got the standing orders in front of me but it is something like—and no doubt the clerks will frown at me if I get it completely wrong—we have to avoid hasty or ill-considered legislation. When you do something like this you get the result that we have got now.

I regret that Senator Herron is in the position of wearing it for the government, but that is his job. The government's action in this respect was not just reprehensible but in real terms stupid. As I said Senator Herron, it has not only caused distress right across Australia but has also caused total confusion at the end of the financial year when they are trying to cope with the pressure that is on them.

This is the busiest time of the year for every regional office in Australia and, I might add, companies, and this gets dropped on their heads while they are trying to comply with all the accountability requirements we put on them. Out of left field comes this extraordinary proposition. There was no warning given to the organisation before cabinet made this decision.

I say stupid because it is still causing great distress and confusion and is dislocating these valuable CDEP. The minister has rightly gone on the record and applauded working for the

dole and building up community infrastructure as a result and taking less money for working than if you sat on your backside and got unemployment benefits. The real stupidity of it is that, if the government had extended some courtesy to ATSIC, it would have benefited them because they would have got professional advice from those very professional people at ATSIC as to precisely what the result would be. It was not just reprehensible, it was stupid. I am sure the minister regrets it.

Question put:

That the motion (**Senator Collins's**) be agreed to.

The Senate divided. [6.08 p.m.]

(The President—Senator the Hon. Michael Beahan)

Ayes 34

Noes 31

Majority 3

AYES

Beahan, M. E.	Bell, R. J.
Bolkus, N.	Bourne, V.
Carr, K.	Chamarette, C.
Childs, B. K.	Coates, J.
Collins, J. M. A.	Collins, R. L.
Colston, M. A.	Conroy, S.
Cook, P. F. S.	Cooney, B.
Denman, K. J.	Evans, C. V.
Faulkner, J. P.	Foreman, D. J. *
Forshaw, M. G.	Kernot, C.
Lees, M. H.	Lundy, K.
Mackay, S.	Margetts, D.
Murphy, S. M.	Neal, B. J.
Ray, R. F.	Reynolds, M.
Schacht, C. C.	Spindler, S.
Stott Despoja, N.	West, S. M.
Wheelwright, T. C.	Woodley, J.

NOES

Abetz, E.	Baume, M. E.
Boswell, R. L. D.	Brownhill, D. G. C.
Calvert, P. H. *	Campbell, I. G.
Chapman, H. G. P.	Crane, W.
Crichton-Browne, N. A.	Ferguson, A. B.
Gibson, B. F.	Herron, J.
Hill, R. M.	Kemp, R.
Knowles, S. C.	Macdonald, S.
MacGibbon, D. J.	McGauran, J. J. J.
Minchin, N. H.	Newman, J. M.
O'Chee, W. G.	Panizza, J. H.
Parer, W. R.	Patterson, K. C. L.
Reid, M. E.	Short, J. R.

NOES

Teague, B. C.	Tierney, J.
Troeth, J.	Vanstone, A. E.
Woods, R. L.	

PAIRS

Burns, B. R.	Ellison, C.
Crowley, R. A.	Watson, J. O. W.
Jones, G. N.	Tambling, G. E. J.
McKiernan, J. P.	Macdonald, I.
Sherry, N.	Alston, R. K. R.

* denotes teller

Question so resolved in the affirmative.

NATIONAL COMMISSION OF AUDIT

Senator SHORT (Victoria—Assistant Treasurer)—by leave—Senator Faulkner requested—and the Senate concurred—that there be laid on the table, by no later than 5 p.m. today, all correspondence between ministers and/or their departments and members of the National Commission of Audit and/or its secretariat, along with copies of the submissions to the National Commission of Audit which are listed in the commission's report. I have consulted with the Treasurer and the Minister for Finance on this matter. They regret that they are unable to table documents in relation to this order at this time.

In relation to the submissions made to the National Commission of Audit, the Minister for Finance has advised me that the commission's secretariat did not uniformly advise those who provided information to the commission that it could be made public. There was no written advice from the secretariat about the status of any of the information. Some information was, in fact, provided, I understand, to the commission on the express wish of the author that it not be made public. Because of this, the Minister for Finance has advised me that he has instructed his department to contact all of those people making submissions to the commission to ascertain whether or not they wish their submission to be made public.

In relation to the first part of the order, I can say that there is extensive documentation involved. Some of that documentation is covered by the exclusions for tabling, which have a long period of precedence in this place, that is, the documentation is being

examined in relation to its status as, for example, cabinet-in-confidence and/or commercial-in-confidence.

In this context, the Treasurer and the Minister for Finance have advised me that they are not prepared to table documentation on a piecemeal basis. But, as I have indicated to the Senate in complying with previous returns to order, in matters such as this the government wants to cooperate to the maximum extent possible consistent with its executive obligations. Despite the quantum of documentation involved and the timing difficulty in seeking and receiving responses from all those parties who provided information, I assure the Senate that we shall table the documents requested by the Senate immediately these issues have been resolved.

Senator FAULKNER (New South Wales—Leader of the Opposition in the Senate)—by leave—This is a good, old-fashioned attempted cover-up from Senator Short and the coalition government. It is not only a cover-up. Senator Short, you came into this chamber this morning and made it absolutely clear that you would attempt to comply with the order. You said to the Senate that you may not be able to provide all documentation but you would provide whatever documentation could be made available. You lied when you said that.

The ACTING DEPUTY PRESIDENT (**Senator Reynolds**)—There are a number of people wanting to take points of order. The shadow minister is not able to accuse a member of this chamber of lying. Would you please withdraw that.

Senator FAULKNER—I withdraw that. Senator Short, you misled this chamber when you said that. You deceived us in here this morning.

The ACTING DEPUTY PRESIDENT—Senator Faulkner, I am advised that ‘deceived’ is equally unacceptable. Could you choose another word.

Senator FAULKNER—Senator Short deliberately misled the Senate this morning.

Senator O’Chee—Madam Acting Deputy President, I raise a point of order. It is quite clearly unparliamentary to allege, except in a

substantive motion, that an honourable senator deliberately misled the Senate.

The ACTING DEPUTY PRESIDENT—I am advised that ‘misled’ is acceptable but ‘deliberately’ is unparliamentary. Senator Faulkner, would you rephrase your comments.

Senator FAULKNER—Senator Short misled the Senate this morning when he came in here and gave certain commitments about this return to order. I want to place on record what has occurred in relation to my motion that was dealt with this morning but notice had been given previously.

When notice had been given, instead of proceeding to seek formality for that motion, after informal discussions with Senator Short I agreed to postpone the motion till today. I did that on the basis that Senator Short said quite clearly, and he did not demur from this, that if I sought formality for that motion yesterday he would have to refuse formality on the basis that he did not have advice from the Minister for Finance (Mr Fahey) and the Treasurer (Mr Costello). That is what he said, and it is recorded in *Hansard*.

In that spirit I postponed the motion till today, which is when Senator Short came into this chamber, agreed to formality and made a statement in relation to the government’s approach. Senator Short, at no time did you say that you would provide documents in accordance with this return to order on a piecemeal basis. You said you would provide whatever documents were available, though I acknowledge you said that you could not guarantee that all those documents would be available by this time. Now you are coming into this chamber and saying, ‘You’ll get nothing unless you get the lot.’ That is why, Senator Short, the statement you made this morning was inaccurate, dishonest and misleading.

Senator Michael Baume—A point of order—

The ACTING DEPUTY PRESIDENT—Order! There is a point of order.

Senator FAULKNER—Inaccurate, dishonest and misleading, as we are becoming used to from an incompetent and inept buffoon like you.

The ACTING DEPUTY PRESIDENT—Senator Faulkner, there is a point of order.

Senator Michael Baume—Madam Acting Deputy President, I was going to take a point of order about the first offensive remark Senator Faulkner made but, while I was trying to take a point of order and you were calling me, the Leader of the Opposition in the Senate, who is developing a fouler mouth every day, continued to make even more offensive suggestions, which are simply out of order. Could he be obliged to withdraw all the offensive remarks he made to Senator Short and be brought to order and instructed not to persist with this deliberate flouting of the rules of the Senate?

The DEPUTY PRESIDENT—Senator Faulkner, it would be much appreciated if you would resist from using language that is unparliamentary. I appreciate that in this place senators do wish to make strong points in relation to the debate, but it is unhelpful and I believe not acceptable in this place to have unparliamentary language. The general public is indicating time and again that it does not appreciate the extreme use of certain language. So would you please refrain from using that type of language.

Senator Michael Baume—I raise a point of order, Madam Acting Deputy President. I specifically asked you to instruct Senator Faulkner to withdraw his offensive remarks. You have not done so and I ask you now to do so.

Senator FAULKNER—On the point of order, Madam Acting Deputy President: what particular piece of unparliamentary language do you require me to withdraw?

Senator Michael Baume—On the point of order, Madam Acting Deputy President: you are obviously aware of the whole range of unparliamentary expressions used by Senator Faulkner. If he is seeking to encourage me to repeat that offensive language, he will not succeed. For the Leader of the Opposition in the Senate to behave in this disgraceful manner seems to me to be inappropriate and it would be appropriate if you took the most severe action against him.

The ACTING DEPUTY PRESIDENT—The use of unparliamentary language and offensive remarks is not confined to one side of the chamber or the other, as I am sure all honourable senators are aware. Senator Faulkner, it would assist to progress the debate if you were to withdraw the personal comments that you made about the minister.

Senator FAULKNER—Madam Acting Deputy President, I am always happy to withdraw any unparliamentary language I have used. If I have used unparliamentary language, would you please identify it and I will withdraw it. But I am not going to accept for one moment someone with as foul a mouth as Senator Michael Baume coming into this place and taking a point of order to my approach to parliamentary standards and to my language in this chamber and, as a result, for me to have to withdraw a statement I have made which I believe is accurate of the Assistant Treasurer. I am not going to do it, unless you identify what words were unparliamentary.

Senator O'Chee—I raise a point of order, Madam Acting Deputy President. May I draw your attention to standing order 203, which says:

If a Senator:

persistently and wilfully obstructs the business of the Senate;

is guilty of disorderly conduct;

uses objectionable words, and refuses to withdraw such words;

persistently and wilfully refuses to conform to the standing orders; or,

persistently and wilfully disregards the authority of the Chair—

and Senator Faulkner, to my mind, has done all of that in the last couple of minutes—

. . . the Senator has committed an offence.

What I suggest to you as a resolution of this is that you instruct Senator Faulkner that his conduct has been unparliamentary and that you instruct him to withdraw his comments that constituted an unparliamentary reflection upon my honourable colleague.

The ACTING DEPUTY PRESIDENT—Senator O'Chee, thank you for your comments. It would assist to progress this debate

if we were to focus on the two words that I am advised are, on precedence, regarded as unparliamentary: one is 'dishonest' and the other is 'buffoon'. Would you please withdraw those words, Senator Faulkner.

Senator FAULKNER—I withdraw. Those of us who were ministers in the previous Labor administration often had to deal with motions that were not just some creation of an individual non-government senator, as seems to have been suggested by Senator Short in his earlier statement. This is an order of the Senate. It is not my own personal demand or requirement that these documents be provided. This is an order of the Senate that you, Senator Short, as the relevant minister in this chamber, did not oppose earlier during Senate proceedings. This is an order of the Senate for the production of documents that you, as the Minister representing the Treasurer and the Minister representing the Minister for Finance, supported in this chamber. It is not some personal whim or fancy on my part.

I make the point that time and again during the life of the Labor government these orders of the Senate were required by the Senate to be met in accordance with decisions of the Senate. If they were not, then we would regularly hear howls of protest from the then opposition—including you, Senator Short—who are on the record time and time again demanding that these orders of the Senate be adhered to.

This is an act of gross hypocrisy on the part of Senator Short. The statement that he has provided to the Senate is simply not good enough—not good enough in that the order of the Senate has not been met and not good enough in that he could not provide earlier today the Senate with any advice on this particular matter.

What we have here is a good, old-fashioned cover-up, because this government is embarrassed by the Commission of Audit. I want to make this point to you, Senator Short: I am not much interested in private submissions to the National Commission of Audit, but I am interested in government submissions to the National Commission of Audit. I say to you, Senator Short, that that does not require you to communicate with anybody to provide

those submissions. You can provide those decisions by very simple work in ministers' offices or in the bureaucracy.

For the opposition's part, we will accept that those particular submissions in the first instance would meet the spirit of this order of the Senate. You do not have to go to any individual from any place and check on privacy provisions to provide to this Senate government submissions or directions to the National Commission of Audit.

We know that the Treasurer, the Minister for Finance and the Prime Minister (Mr Howard) tasked the National Commission of Audit in relation to the pension benchmark—25 per cent of average weekly earnings—and a change to the definition of that benchmark. We know that, even though the Minister for Social Security, Senator Newman, was not let in on the secret. We know it because that particular document, under the signature of the Deputy Secretary to the Treasury, actually appears in appendix A of the National Commission of Audit document.

But we do not know—this is what people who are listening to or hearing about this debate will be more and more concerned about—what else those or other ministers might have tasked the National Commission of Audit to do. We are entitled to know that in accordance with the order of the Senate, and there are no privacy implications involved. Senator, you said this morning in this place:

The government will do its best to comply with the undertaking to the maximum extent possible.

Those were your words. Now you are saying that you will not deal with it because, if it

was dealt with in the way you committed the government to deal with it this morning, it would be done on a piecemeal basis. That is why we are saying you misled the Senate. I say to you, Senator Short, that this is yet another example of your absolute—

Senator O'Chee—I rise on a point of order. Pursuant to standing order 186, Senator Faulkner should be directed to address the chair, not Senator Short. His conduct is outside standing orders.

The ACTING DEPUTY PRESIDENT (Senator Reynolds)—Order! Senator Faulkner, please address your remarks through the chair.

Senator FAULKNER—Madam Acting Deputy President, this is another example of this minister's incompetence and ineptitude which has been so humiliatingly exposed in the media over the past six weeks of the parliamentary session. You are exposed, Minister, for yet again misleading the Senate, and for yet again being absolutely incapable of performing the most simple of administrative tasks. You are already a proven failure in this government.

Senator ROBERT RAY (Victoria) (6.33 p.m.)—by leave—I was quite surprised this morning to hear a government accede to a return to order. That is not a natural turn of events because a return to order brings out all sorts of information that governments sometimes do not anticipate coming out. But I think there is a higher responsibility on this government now, having accepted the return to order—albeit with the qualifications that Senator Short outlined in his statement this morning—to produce the information.

I tried to listen carefully to Senator Short's statement. He appeared to be saying that one of the major reasons it was impossible to comply went to the second part of the motion, where other people who have made submissions to the Commission of Audit could well have made those submissions without the knowledge that they might become public. Senator Short said that it was therefore incumbent on him and his colleagues to go back and check to see whether the material was releasable.

I find that part of what he said believable. I am surprised that this had not occurred to him or his advisers this morning. It is always possible that Senator Short was not aware of the nature and volume of the private submissions made. I certainly have no idea whatsoever. I have to concede in this debate that I did not know that the Commission of Audit was taking submissions from private individuals and institutions. Therefore, in relation to the second part, what Senator Short said today is a little believable, although it would have

been better if he and his advisers had been on top of it this morning.

However, what he has had to say about the first part of the motion is not terribly believable. Surely, it does not take too long for the secretariat to produce the submissions put to it by the government. Senator Faulkner alluded well to why this is an important issue. The independent audit commission was set up to give an independent view about the finances and future finances of government. It was not set up as a stooge of government, I would hope. It was not set up just to reflect government policy. Its credibility was to rest on the fact that here are people with no proprietary interest in these issues, coming up with recommendations for the long term for government.

The first suspicion that this commission was not going to do that was aroused by the fact that it was staffed by Treasury and the Department of Finance. Talk about rounding up the usual suspects! All the economic dries that you could find in the world, all those wonderfully sociable characters from the Department of Finance, would have turned up and pumped into that commission every view they have been running around this place for the last 15 years, some successfully, some unsuccessfully.

Initially, the commission was staffed by those two departments. I do not think you could accuse any of the commission members—the ones who actually headed up the thing—of being Fabian socialists, but they are all of a particular type. Even with those reservations, surely the Commission of Audit plays a key and crucial role in bringing out these recommendations, and its recommendations should not be discounted merely because it was staffed by Treasury and the Department of Finance, or merely because the final recommendations to government come from a set piece of ideological or academic thinking.

What is of concern to this side of the house is what tasking the commission was given through the backdoor. We know from one of the appendices that the commission was tasked to look at average weekly earnings, with 25 per cent as the benchmark for pen-

sions, and to look at all variations therein—after. If their recommendations were accepted, they could have quite serious consequences for those relying solely on the pension for their livelihood.

What we want to know from Senator Short is how many other such suggestions the government made to their independent commission to rule on and how those suggestions were framed. It is not a question of cabinet in confidence or anything else. I say to the officials of the various departments, 'Don't get your stamps out now and start stamping "cabinet in confidence" all over.' We are too smart to fall for that particular one.

The other thing that Senator Short avoided doing tonight—and what might have satisfied the opposition—was giving us an indication of when the government will be ready with part A. It may be possible to still table the part A documents in this chamber tomorrow. If that were the case, we could probably end this debate and discuss the rest of the government's business for the night. But we do have a problem with the very nature of what Senator Short has said tonight. It has been too vague. I, for one, on the balance of probabilities, accept his view of part B of the motion. If part B involves quite a number of volumes, I could understand his wanting to go back and check with individuals whether they thought their views would be made public or not. It is a bit like asking whether in camera evidence can later be published, so I understand that.

As for the documents going from departments to the commission asking them to raise particular issues, that is not cabinet in confidence and nor is it confidential material. That must be material that can be made available very readily. I think, following my contribution, Senator Short should get back on his feet to address the timing of part A. We accept that he cannot give us the timing of part B because he will not know when he will be able to finalise his inquiries into that matter. However, he should at least be able to indicate to us whether part A can be delivered by tomorrow morning or tomorrow afternoon. If not, what special arrangements can be made for that material to be made available to

senators prior to the next sitting week, which starts on 20 August? To have a delay through to 20 August would be totally unacceptable in my view. I invite Senator Short to address these two questions: can he meet part A by tomorrow and, if not, can he meet it long before 20 August?

Senator MURPHY (Tasmania) (6.41 p.m.)—by leave—I would like to raise some questions to find out why Senator Short has not been able to meet this return to order. I understand that he has said there is a problem with the privacy of some of the submissions. I think the Senate should take note of the National Commission of Audit report, because in the back it lists the submissions that were made. I cannot see any individual submissions. There are quite a number of submissions, although not a huge number, and they are very clearly identified as to which ones were made by government departments.

Senator Robert Ray—Which ones?

Senator MURPHY—The ones from government departments.

Senator Robert Ray—Who are they?

Senator MURPHY—The Department of Administrative Services; the Department of Defence; the Department of Employment, Education, Training and Youth Affairs, which made two submissions; the Department of Finance, which made four submissions; the Department of Health and Family Services; the Department of Social Security; the Department of Treasury, which made two submissions; and the Department of Transport and Regional Development. There was also a submission from the Federal Libraries Information Network and one from Victorian Treasury, which would be rather interesting.

That was about the sum total of government departments. So there is not a real lot of them. It may be worth reading some of the others: Adelaide Central Mission; Aged Care Australia; all states and territories joint submission; Association of Independent Schools of Victoria; AUSEV; Australian Association of Pathology Practices; Australian Automobile Association; Australian Bureau of Statistics; Australian Chamber of Commerce and Industry; Australian Confederation of Childcare;

Australian Council of Deans of Education; Australian Law Reform Commission; Australian Local Government Association; Australian Medical Association Ltd; Australian National Training Authority; Business Council of Australia, which made two submissions; CentaCare, Catholic Family Services; Commonwealth Department of Health and Family Services—another government department; Community and Public Sector Union; Computer Law Services Pty Ltd; Council on the Ageing; CRI Ltd; Curriculum Corporation; and P. Cuttance.

In addition to those submissions there are others from Brother Mortensen; National Catholic Education Commission; National Council of Independent Schools Association; National Tertiary Education Industry Union; Northern Territory Treasury, which made two submissions; Office of Government Information Technology; Steering Committee on National Performance Monitoring of Government Trading Enterprises; Smith Family; Victorian Treasury; and Ward-Ambler. As best as I can see, there may have been two individual submissions amongst all of those.

I think the opposition has made it fairly clear what it is seeking. I would have thought it would have taken a very short period of time, as Senator Faulkner has pointed out, for Senator Short to obtain a clearance for all submissions made to the commission by government departments. There is really no excuse for Senator Short not being able to meet this return to order.

Senator SHORT (Victoria—Assistant Treasurer) (6.45 p.m.)—I seek leave to make a brief statement in response to Senator Faulkner's comments, in particular.

Leave granted.

Senator SHORT—I do not wish to prolong the debate on this, but there are certain things that Senator Faulkner said that I cannot let go unnoticed. If anyone in this chamber has a record of failure and ministerial incompetence, it surely has to be the present Leader of the Opposition in the Senate and former failed minister for the environment. Senator Faulkner seems to think that verbal thuggery and foul loud-mouthedness in this chamber are going to cover his manifest intellectual

and political incompetence. One of the things that Senator Faulkner did, once again, was to mislead the Senate on what I said. He quite—I will use the word—deliberately distorted—

The ACTING DEPUTY PRESIDENT (Senator Reynolds)—Minister, you cannot use the word 'deliberately'.

Senator SHORT—He totally distorted what I said this morning. Senator Faulkner quoted a little of what I said this morning, but he did not quote the key words, because that did not suit his purpose. I said this morning—I am quoting from the *Hansard* pink:

The government will not be opposing this motion. In agreeing to it going forward, however, I want to make a few points. Firstly, I am well aware that even if the government did oppose the motion, the opposition has the numbers to put it through. Secondly—

and this is the point that Senator Faulkner did quote—

the government will do its best to comply with the undertaking to the maximum extent possible.

That is right. I did say that, but I then went on to say:

However, thirdly, the extent to which the government will be able to do this is still under consideration. We will approach it in a good spirit; but, given particularly the amount of documentation and so on, the extent that we will be able to comply is still under consideration.

That is what I said this morning. That was absolutely and totally clear, I would have thought. For Senator Faulkner now to accuse me, in the way that he did, of misleading the Senate in my remarks is quite reprehensible. The other point I want to make is that the impression one would get from the contributions of Senators Faulkner, Ray and Murphy was that we have said that we will not comply with the order. That is not what we have said, other than so far as the timing is concerned.

Senator Robert Ray—When will you, roughly?

Senator SHORT—What I said, Senator Ray, in my remarks this evening outlining the difficulties involved and the quantum of documentation—which you, I am pleased to note, acknowledged at least in part—was that, despite the quantum of documentation in-

volved and the timing difficulty in seeking and receiving responses from all those parties who have provided information, I could assure the Senate that we would table the documents requested by the Senate, immediately these issues have been resolved. I cannot put a particular date on that, because there is a huge amount of documentation involved.

There is also the question—as you quite rightly pointed out, Senator Ray—of getting a response from those who have made submissions and to whom we have written to see whether they are happy for the documentation to be provided. All of those things add up to making it quite impossible for us to put a compliance date on it. What I have said, and what I repeat again, is that I give the assurance that we will do that to the best of our speedy ability. As soon as those issues have been resolved, I will provide the documentation requested by the Senate—with the proviso, of course, that there is certain documentation which, for reasons of cabinet in confidence or the like, which is something that needs to be checked out—may not be provided, in accordance with longstanding precedents in this place.

I want to make it clear once again that Senator Faulkner has misrepresented what I have said. We are not saying that we are failing and refusing to comply with the order. We are pointing out, though, the considerable difficulties we have in meeting the timetable, and we will attempt to resolve that as soon as possible.

PERSONAL EXPLANATIONS

Senator CRICHTON-BROWNE (Western Australia)—Madam Acting Deputy President, I rise to make an explanation under standing order 190.

Leave granted.

Senator CRICHTON-BROWNE—Thank you, Madam Acting Deputy President. I will be brief because of the logistics of tonight. I refer the Senate to a very unsavoury article in today's *Australian*, which is headed 'Wild men of the West shoot themselves in the foot', written by Frank Devine, who reeks of prejudice. In the same way as the loony left reek of prejudice, this guy reeks of prejudice

from the right. I do not quite know why I am in the gun from him, except that in this chamber some time ago I made some ungracious comments about one John Hyde. I described him as an intellectual cripple who could do nothing else except parrot words that he had learnt from Burke and other intellectuals. Of course, Mr Hyde writes for the *Australian*, and he has now set up a little faction in Western Australia, with about as much aplomb and efficiency and effectiveness as he ever demonstrated when he was in this chamber. I think they describe themselves as 'those for Liberal values'.

Mr Devine takes exception to my opposing Mr Hyde. In fact, he takes particular exception to the fact that I criticise senators in this chamber who, with intellectual and political skills, think they are reinforcing their arguments by quoting some hack journalist. I would have thought that was unexceptionable. But what Mr Devine does is then promptly repeat what other journalists have said to reinforce his arguments.

Some time ago an advertisement appeared in the *West Australian*, condemning members of the Liberal Party, and me in particular. The advertisement was illegibly signed by a number of disaffected ex-Liberals and was followed by an article written by former senator Peter Durack. None of these people are serving parliamentarians, yet they have been distributing material which has clearly come from a party database. Given that they describe themselves as ex-Liberals and make much of their non-membership of the Liberal Party, perhaps they could enlighten the Liberal Party as to from whom they improperly acquired their list.

Let me from the outset make two things clear. First, none of the dissident MPs involved have made more than a most modest contribution to the party since retiring on their government pensions, and most of them have made no contribution whatsoever. Secondly, each of these members was successfully endorsed by the Liberal Party, without complaint of the process or of their successful selection. The only significant changes to the process in recent years have been made during Keith Simpson's presidency in Western

Australia—a period when Chaney, Durack, Filing, et al had a very considerable influence in the Liberal Party in Western Australia. To complain about the process in which these signatories have participated and formally supported is utterly absurd.

It is also interesting to note that, of the four preselection outcomes at a state level of which they complain, not one of their favoured sons was successful. Yet the same process that selected their candidates—rare as they are in Western Australia these days—is apparently faultless. It seems that they have a reluctance to accept their minority position within the organisation and will not be satisfied until they devise a system in which the minority is successful and the majority is unsuccessful.

They resort to arguments bereft of fact and long on innuendo and smear, in order to generate doubt in the minds of the public about the efforts of decent, honest, hardworking Liberals. They contribute little or nothing to the Liberal Party, yet they collect a government pension, courtesy of Liberal Party endorsement.

This small group's hypocrisy is absolutely outstanding. Their public campaign of attack upon the party through the media says more about their integrity than it does about the party. The loyalty of this group has been extended in most cases to supporting or working for non-Liberal candidates. It saddens me to see the organisation to which I contributed 25 years of my life captive to a small group of wreckers who seek to destroy what they cannot control.

You will see from the attached list, which I seek leave to table, that the committee for the practice of Liberal values, as it calls itself, is made up basically of Chaney, his friends, relations, supporters and a handful of ex-parliamentarians and members from one or two dissident branches.

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

Senator Hill—Could I have a look at it?

Senator CRICHTON-BROWNE—It is a list of names, mate—and you are not on it

either, by the way. I have talked about ex-parliamentarians.

Senator Robert Ray—We will want to know why your name is not on it.

Senator CRICHTON-BROWNE—Senator Hill is not in the dissident group yet. The party's destructive habit of creating committees of review and rewriting its constitution every time some group loses a contest in the party, and excusing itself by calling foul, is distracting and debilitating and creates a public perception that the party is incompetent at best, and unfit to govern at worst.

Mr Clough, who has been set up to form this magic committee in WA, can see nothing wrong with the preselection process. It is all about perception, apparently—a perception the troublemakers in the Liberal Party create themselves.

The Liberal Party does not need a review of how it selects its candidates; it needs a review of who it selects as candidates. Without being too critical, if one reflects upon the recent ministerial appointments from WA—and there has been some criticism that there were not more appointed—the question I beg, not in this house because by a process of elimination there was no eligibility, is: who in the House of Representatives who was not appointed should have been appointed? Surely nobody is suggesting that Mr Cameron—Mr Eoin Cameron—is capable of being a minister, or the plagiarist or anybody else. The ones who were appointed as struggling as it is.

The vast majority of decent and committed party members, who ask for no greater reward for their tireless endeavours than a better society for themselves and their families, are simply crying out for leadership. (*Time expired*)

The ACTING DEPUTY PRESIDENT—Senator, there is a request before the chamber for a document to be tabled. Senator Hill, do you wish to see the document?

Senator Hill—I have seen it.

The ACTING DEPUTY PRESIDENT—But do you object?

Senator Hill—Senator Crichton-Browne said it was a list of names, but it is a bit more

than that. If he is prepared to limit it to a list of names I have no objection.

Senator Crichton-Browne—I seek leave to make a brief statement.

The ACTING DEPUTY PRESIDENT—Is leave granted?

Senator Hill—The document is not acceptable in its present form, but I am trying to be cooperative.

Senator Robert Ray—He is asking to make a short statement to clarify what he wants.

Senator Hill—I see, that is okay.

Leave granted.

Senator CRICHTON-BROWNE—In terms of my previous colleague—only he and I will know the struggle we had to get that extra vote to have him sitting in the chair he is now—

Opposition senators—Oh!

Senator CRICHTON-BROWNE—Well, do you want some history?

Opposition senators interjecting—

Senator CRICHTON-BROWNE—No, it was not history, it was rigor mortis; it was poor old Peter Durack that Sue Knowles once said—

Opposition senators interjecting—

Senator CRICHTON-BROWNE—Sue Knowles once said that making love to Peter Durack is a definition of necrophilia.

The ACTING DEPUTY PRESIDENT—Order! Senator Crichton-Browne, continue.

Senator CRICHTON-BROWNE—It is no secret that, for reasons best known to themselves—I can only take it that it is out of fear and not stupidity—the government have sought on every occasion to prevent me either tabling documents, reading documents in the chamber, or speaking. I have had one question in the last three months.

Senator Forshaw—And you still vote with them?

Senator CRICHTON-BROWNE—Because my heart is where it should be; their bodies are where, on some occasions, they should not be. Today I sought to ask a ques-

tion. While Senator Teague and Senator Baume were congratulated for the contribution they made, I sought to ask one simple, inoffensive question and I could not get up, could I, Senator Hill? I sought yesterday to speak at lunchtime on the matters of importance, and I was put last on the list. I sought to speak on the adjournment last night, and I was put last. I can only assume that there is some craven fear that I am going to say something that is going to damage somebody. I remind Senator Hill that I am to speak on the adjournment tonight whether he likes it or not. I will be speaking on the valedictories whether you like it or not, and I will give a history which will itself create a book on the spot. But I am saying to you now, Senator Hill—

Honourable senators interjecting—

Senator CRICHTON-BROWNE—I am asking Senator Hill now out of decency and respect, if there is nothing else you have done for me in the last six months, that you allow me to table a simple, harmless document. I remind you that you even took a point of order when I mentioned in unkind words the name of Viner QC, who in a despicable, corrupt way perverted the decency of a client-lawyer relationship with my wife and caused our family enormous pain and suffering. Yet you found it necessary to stand on your feet and defend him. All I am asking you to do is allow those damn documents to stand on their merit and to sit on their merit.

Senator HILL (South Australia—Leader of the Government in the Senate)—by leave—I cannot give leave at the moment in this form but I am happy to go and have a talk with Crichton-Browne to see if we can reach agreement.

The ACTING DEPUTY PRESIDENT (Senator Reynolds)—Senator Crichton-Browne, Senator Hill has indicated he will discuss the matter with you and it can be held in abeyance and we can table it at a later hour.

Senator CRICHTON-BROWNE (Western Australia)—I need leave to say this, Madam Acting Deputy President, and these days one wonders whether that is possible. But, just so

Robert Hill and I understand each other—
Senator Robert Hill—

The ACTING DEPUTY PRESIDENT—
Just one moment, Senator Crichton-Browne.
Is leave granted for Senator Crichton-Browne
to continue his remarks?

Leave granted.

Senator CRICHTON-BROWNE—Thank
you. All I want to say, through you, to the
Leader of the Government in the Senate is
that the document I have given him is what
I want tabled. I am not going to have it
censored like everything else that this govern-
ment finds offensive and is unable to cope
with. It is factually correct, it is inoffensive
and it does not relate to one current serving
member or senator. Senator Hill, if you are
saying to me that that is not acceptable to
you, you ought to review your position as the
Leader of the Senate and the values and the
standards that you have previously endorsed
and embraced as being intrinsic to that role
and to the functioning of this parliament and
of this chamber in particular.

Senator KNOWLES (Western Australia)
(7.02 p.m.)—I seek leave to make a statement
as a personal explanation.

Senator Crichton-Browne—Point of order:
what is your personal explanation about?

The ACTING DEPUTY PRESIDENT—Is
leave granted for Senator Knowles to make a
personal explanation?

Senator Crichton-Browne—Leave is not
granted. This follows the precedent of Senator
Hill that that in particular is her problem.

Leave not granted.

Senator KNOWLES—I asked for leave to
make a personal explanation.

The ACTING DEPUTY PRESIDENT—
Leave has been refused on the basis that one
senator has objected, Senator Knowles, I am
advised.

Suspension of Standing Orders

Senator KNOWLES (Western Australia)—
I seek leave to suspend so much of standing
orders as would prevent me from making a
statement to clear my reputation.

Senator Faulkner—Madam Acting Deputy
President, I take a point of order. I do not
intend to enter into these internecine difficul-
ties.

Senator Hill—You are.

Senator Faulkner—No. Madam Acting
Deputy President, you cannot seek leave to
suspend standing orders. I understand that
Senator Knowles obviously wants to make a
contribution, but I ask you to ensure that this
is done in accordance with the standing orders
of the parliament. That is all I am asking.

Senator KNOWLES—I move:

That so much of the standing orders be suspend-
ed as would prevent Senator Knowles making a
personal explanation.

The ACTING DEPUTY PRESIDENT—
Senator Knowles, I am advised that you can
speak for 5 minutes.

Senator KNOWLES—The reason that I
am moving to suspend standing orders is
because I have been besmirched by a creature
in this place just once too often in relation to
another person. I thoroughly repudiate—

Senator Crichton-Browne—Point of order.
I know that Senator Knowles is new and
naive in standing orders, but ‘creature’ is not
a definition or description acceptable under
the standing orders to anybody who happens
to be a senator in this chamber.

The ACTING DEPUTY PRESIDENT
(Senator Ferguson)—Senator Knowles, I will
have to ask you to withdraw that comment.

Senator KNOWLES—I will withdraw that
comment and I will say, so that it is perfectly
clear to whom I was referring, that I have
been besmirched by Senator Crichton-Browne
in relation to another person to whom he
attributes comments that I have allegedly
made about that person. I simply wish to state
that the comments that he has attributed to me
about former Senator Durack I thoroughly and
utterly repudiate. It is the common, dirty,
filthy gutter language for which someone—

The ACTING DEPUTY PRESIDENT
(Senator Ferguson)—Senator Knowles, I will
have to ask you to withdraw those comments.

Senator KNOWLES—Which comments?

The ACTING DEPUTY PRESIDENT—Your description of those comments.

Senator KNOWLES—The reason I wished to make the personal explanation I think I have made quite clear, and therefore I rest my case.

Senator FAULKNER (New South Wales—Leader of the Opposition in the Senate) (7.06 p.m.)—The position that the opposition will take on this motion by Senator Knowles to suspend standing orders is to support it, but only on this basis: I believe that there has never been a case in this chamber where the Australian Labor Party has not given leave for a personal explanation to be made. I believe it is appropriate that a senator wanting—

Senator Teague—That is right. You are 100 per cent right.

Senator FAULKNER—Thank you, Baden. Thanks very much.

Senator Robert Ray—You should never, ever compliment this bloke.

Senator FAULKNER—Thank you, Robert.

The ACTING DEPUTY PRESIDENT—Order, please!

Senator FAULKNER—The opposition takes the view that a senator has the right to make a personal explanation. Leave has never been refused by the opposition. In these circumstances, the opposition will support the suspension of standing orders. The matters that go to the internecine travails of the Western Australia branch or division of the Liberal Party are not matters of particular concern to me, although I know that they are of interest to others.

Senator Alston—Not like the old New South Wales division.

Senator FAULKNER—Only of the Labor Party. These are not matters of interest to the opposition. But I make this serious point, through you, to Senator Hill—

The ACTING DEPUTY PRESIDENT—Order, please! Senator Faulkner has the call.

Senator FAULKNER—I make this serious point, Mr Acting Deputy President, to Senator Hill. You have an opposition attempting to cooperate with a government in relation to the business before the chamber—a government

whose management of business in this chamber can only be described as in disarray. But the substantive motion before the chair is a suspension. The opposition will support the suspension because we believe that Senator Knowles, or any other senator in this chamber, has the right to make a personal explanation; such are the conventions of this place.

PERSONAL EXPLANATION

Senator CRICHTON-BROWNE (Western Australia) (7.08 p.m.)—I utterly agree with what has been proffered by the Leader of the Opposition in the Senate (Senator Faulkner). I have, myself, been subject to refusal of leave to make a personal explanation time and time again since I departed from the ranks of my illustrious colleagues. I find it utterly offensive, intimidating to some, certainly perverse, and having absolutely no merit. What I said to Senator Knowles—it is not her fault that she has got limited scope of this sort of understanding—was that I wanted an explanation as to what she wanted leave for. When she refused to provide it, of course she was refused leave. I support the motion for the suspension of standing orders, and I will be delighted to speak to it.

Question resolved in the affirmative.

Senator KNOWLES (Western Australia)—Mr Acting Deputy President, I wish to take but a few minutes because that is all that it needs to state that I thoroughly repudiate the filthy description that Senator Crichton-Browne alleged that I had used against former Senator Durack. It is thoroughly untrue. It is symptomatic of what has been history rewritten over and over again over the last 12 months. I do not wish to enter into the debate any further than to simply say that it is untrue—like everything else he has been saying in relation to me, and to present and past colleagues, over the last 12 months. Maybe he would much prefer to tell us about his recent trips to Broome and to Norfolk Island with people travelling at taxpayers' expense under other names.

Senator Crichton-Browne—I never thought I was going to have so much fun on my last day.

The ACTING DEPUTY PRESIDENT—
Senator Crichton-Browne—

Senator Crichton-Browne—I am going to actually miss this place now. For a moment I thought I would not.

The ACTING DEPUTY PRESIDENT—
Senator Crichton-Browne, that was not a motion moved by Senator Knowles. She moved to suspend standing orders so that she could make a personal explanation, and she has made her personal explanation.

Senator CRICHTON-BROWNE (Western Australia)—Well, I seek leave—I seek similar leave.

Leave granted.

Senator CRICHTON-BROWNE—Thank you, Mr Acting Deputy President. There are two matters. The first is that Senator Knowles seems to be incapable of comprehending the definition of truth. I did not wish to labour the point, and the great mistake you ever make in politics is to pick up somebody's trivial comment and make a big deal of it because, in itself, it becomes a big deal. Senator Knowles is known widely in Liberal Party circles for describing a relationship with Senator Durack as a definition of necrophilia. I had just flicked that past as—

Senator Alston—Mr Acting Deputy President, I rise on a point of order. My understanding is that Senator Crichton-Browne has sought leave to make a personal explanation in response to remarks made by Senator Knowles. That is consistent with the view that we all adopt—that where people feel themselves maligned they ought to have the opportunity to explain themselves. But I do not think that licence extends to repeating comments about other members of this parliament. That is not a personal explanation; that is simply an opportunity to make criticisms of others. I would therefore ask that you confine Senator Crichton-Browne to explaining matters that have reflected adversely upon him.

The ACTING DEPUTY PRESIDENT—I uphold that point of order. Senator Crichton-Browne, if you wish to make a further personal explanation you must confine it to those remarks that were made by Senator Knowles.

Senator CRICHTON-BROWNE—With the greatest respect, Mr Acting Deputy President—and I admire your intrinsic wisdom—I thought I was doing that.

The ACTING DEPUTY PRESIDENT—
Those remarks that reflect on you, I should say.

Senator CRICHTON-BROWNE—For goodness sake, they do, because Senator Knowles has alleged that what I said was untrue. Of course it reflects on me. A man of dignity and of integrity can easily be offended by any suggestion that he is doing less than telling the full truth.

The other matter—having dealt with the first which demonstrates the way that Senator Knowles struggles with the truth—

The ACTING DEPUTY PRESIDENT—
Senator Crichton-Browne, you cannot debate the issue. You can—

Senator CRICHTON-BROWNE—I am not debating the issue. I am responding to her allegations. She has made certain assertions against me and I am responding. That is pretty clear, with the greatest respect. Senator Knowles alleged in the media, nationally, that she was under police protection as she had received death threats from me. Of course, the Federal and state police both put statements out which demonstrated that it was a fabrication of hers and a flight of fantasy in her mind. Subsequently—

The ACTING DEPUTY PRESIDENT—
Senator Crichton-Browne, you cannot reflect on another senator.

Senator CRICHTON-BROWNE—I am not reflecting on her.

The ACTING DEPUTY PRESIDENT—
You can make a personal explanation.

Senator CRICHTON-BROWNE—I will just tell you the truth. The Federal Police, contrary to Senator Knowles's view, put out a press statement saying it was all nonsense. And so did the state police. What she said was a reflection upon me—utterly and totally untrue, unsubstantiated and without a shred of evidence, and in fact deserves to be referred by this chamber to the privileges committee. I would be delighted to see that happen, I

would be delighted to give evidence, and I would be delighted to have Senator Knowles do exactly the same thing.

I can think of no less unpleasant allegation against a senator than to have that sort of assertion made. She made it on the ABC and she subsequently made it on Radio 6PR in Perth. As far as I am concerned, that demonstrates the level of integrity, honesty and fairness, and the capacity for truthfulness—

The ACTING DEPUTY PRESIDENT—That is not a personal explanation. You are now reflecting on another senator.

Senator CRICHTON-BROWNE—Thank you for that wise advice. I might say that Senator Knowles's claims are utterly untrue and I am looking forward, with both hands in deep pockets, to having that tested in the appropriate forum.

WORKPLACE RELATIONS AND OTHER LEGISLATION AMENDMENT BILL 1996

First Reading

Bill received from the House of Representatives.

Motion (by **Senator Kemp**) agreed to:

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

Bill read a first time.

Referral to Committee

The ACTING DEPUTY PRESIDENT (Senator Ferguson)—Pursuant to the Order that the Senate agreed to on 23 May 1996 the Workplace Relations and Other Legislation Amendment Bill 1996 stands referred to the Economics References Committee for consideration and report by 22 August 1996.

DEVELOPMENT ALLOWANCE AUTHORITY AMENDMENT BILL 1996

Consideration of House of Representatives Message

Message received from the House of Representatives acquainting the Senate that the House has agreed to the bill with amendments in which it desires the concurrence of the Senate.

Motion (by **Senator Short**) proposed:

That the message be considered in committee of the whole immediately.

Senator CARR (Victoria) (7.17 p.m.)—I move:

Omit all words after "That", substitute "the Senate now proceed to valedictory speeches and responses in accordance with the order of the Senate of 26 June 1996 and that no other business be considered before the question for the adjournment of the Senate is proposed today.

The Senate has had a long and trying day.

Senator Alston—You have been trying, but you have failed.

Senator CARR—Senator Alston, there are some difficulties, I would suggest, for the manager of government business, who has sought agreement around the chamber. The difficulty has been that there have been matters raised in the chamber which have thrown the program out of whack a little. There have been matters, in terms of what Senator Short has done this evening, which have tested the patience of the opposition to a considerable degree.

We approached today's proceedings with the intention to be cooperative and flexible, and to provide assistance to the government in providing an orderly routine of business. It is unfortunate that events have occurred this evening that have not allowed that to proceed. We have reached the point where, I think, the patience of senators is sorely tried.

There have been discussions about the prospect of a dinner break. That, of course, has been put to one side. I think it would be appropriate, though, to allow the senators who wish to participate in the valedictory speeches to do so, and to allow those senators who wish to undertake other duties to do so. There are staff members who have not had any breaks at all today. There are senators here who have not had any breaks at all today.

There are important matters that need to be considered. The retirement of senators from this chamber is one occasion on which important business is conducted; that is, colleagues are able to say a few words on their passing. That is the matter that ought now to take precedence in the Senate. I understand that there is support across the chamber—

although not necessarily on that side of the chamber—for such a proposition to proceed.

Senator HILL (South Australia—Leader of the Government in the Senate) (7.19 p.m.)—We, on this side, are a very cooperative lot. But I think it is a bit rich, given that three hours of the day was taken up by your censure motion. That is what has made the day different in its timing to that which was expected. I would have thought that you would not have thought it was unreasonable to do a bit more of the government business which would have been done during that time.

However, we are realists and we can count. You have told us that you have counted already; you have the numbers for that motion and that is the only business that we will be transacting tonight. If that is so, then that is the case. But there is some important legislation that could have been considered. The first bill, the development assistance bill, could have been done expeditiously and concluded. That would have been sensible programming. I am opposed to your amendment but, with the numbers, you can hijack the business as you see fit.

Senator FAULKNER (New South Wales—Leader of the Opposition in the Senate) (7.21 p.m.)—Let us be absolutely clear about this situation. Senator Kemp moved a variation to the routine of business. Included in that variation to the routine of business was this paragraph:

(2) That from approximately 4.30 p.m. on 27 June or, if no proposal pursuant to standing order 75 is received—

none was—

from approximately 3.30 p.m. on 27 June, valedictory speeches and responses may be made without any question before the chair.

Your manager moved that motion, Senator Hill. It is true to say that there was a censure motion; the Senate did see fit to censure Senator Herron, the Minister for Aboriginal and Torres Strait Islander Affairs, today. But I say this very clearly: there had never been anything other in the Senate than the intention to deal from either 3.30 this afternoon, given no urgency motion or MPI—

Senator Hill—That is not right.

Senator FAULKNER—It is right. What you said in your contribution a few minutes ago was simply not true.

Senator Hill—Ask your manager. There was an understanding that we would deal with messages if they came back.

Senator FAULKNER—Read page 46 of the *Notice Paper*. You cannot have it both ways. That is the government's motion. I want to make this clear: there are still a number of items on the government's legislative program that you wish to deal with before the end of this sitting, as I understand it, and this motion does not preclude those matters being dealt with.

For its part, the opposition will be facilitating all those items being dealt with before the conclusion of these sittings. The way that will occur is through the Senate's sitting tomorrow. That is how it will occur. That has been planned for a long time, again through a motion moved by the manager of government business in this place. So it was not fair and reasonable for you to make the contribution you did; you know it was false.

Senator Hill—I will make another one—

Senator FAULKNER—You may make another one, if you like. But, if you do, try to make it accurate. Try to tell the truth.

Senator Alston—I raise a point of order. You are not at the Sydney Town Hall now. You know that you cannot get up and say, 'You know that is false.' That is casting an imputation that clearly transgresses the standing orders. I know that you reckon anything goes, where you come from. But you happen to be in the Senate, where we do have some rules for the game, and you should do your best to comply with them.

The ACTING DEPUTY PRESIDENT—I think that the suggestion of a motive of untruth could perhaps be withdrawn.

Senator FAULKNER—I withdraw that, Mr Acting Deputy President. But I think the record is clear on this. Let us also make clear, from the opposition's perspective, that the matters that the government wishes to deal with will be dealt with. It seems to me that, in the circumstances, this is a sensible approach that will not in any way prevent the

business from being dealt with before the conclusion of this sitting, being 3.45 p.m. on Friday. This is absolutely within the spirit, and the letter, of what was proposed by the manager of government business.

It is for that reason that I think the suggestions that have been made by the Leader of the Government in the Senate do not stand any scrutiny; they are obviously outside the spirit of the proposals the government has put before us in relation to the days and hours of meeting of the Senate and the Senate's routine of business. I think that the record is absolutely clear in relation to that matter. As a result, I commend the motion that has been proposed by the manager of opposition business to the Senate.

Senator KEMP (Victoria—Manager of Government Business in the Senate) (7.26 p.m.)—I listened with interest to Senator Faulkner's contribution and perhaps I can shed a little more light on this matter. In relation to the motion that Senator Faulkner mentioned that I moved—that, at least, is correct. The wording of that motion evolved after a number of days of quite detailed consultation—which I am sure everyone will agree—with the leader of opposition business and the whips of the minor parties. What we were seeking to do was to recognise that this was an important day, both in the sense of attempting to wind up the business of the sittings and also to farewell 10 senators who will be leaving this place—and I think that a majority of those senators who are leaving are Labor Party senators.

We recognised that the day was important. Senator Faulkner, you may be interested because you mentioned the spirit. The spirit was to see how we could accommodate a reasonable farewell to those colleagues and, at the same time, make sure that we could deal with the wash up of government business. So, when we reached general agreement on that, that motion was moved.

Last night there was another meeting which the Labor Party, the whip, and the whips of the minor parties attended. In that meeting we went through the program. We recognised that in some circumstances it was a bit hard to predict the time required because we do not

know how much time will be taken on bills. Sometimes, bills can take far longer than one expects, and sometimes they can be dealt with in an expeditious manner.

We felt that it was important that the Senate should make sure that it dealt with the business that was before it in an efficient manner so that the other place, which may be waiting for our responses to various messages, could deal with those responses effectively. A very clear understanding emerged from last night's meeting that we would conduct the valedictories, but at the same time, as messages came from the other place, these would be dealt with in a speedy and efficient manner. That was spelt out clearly, I think, to the understanding of all people.

We recognised, first of all, that this was an important day, being the end of the sittings, and that we were saying goodbye to so many colleagues. We recognised that we had to deal with government business in an effective and efficient manner. We recognised that the other place would be waiting for our responses to messages that came up here. So we all agreed that we had to be flexible in dealing with the issues that came before this chamber today.

That is what we are still seeking. We are not seeking to change the spirit. We think that it was a pity that so much time was lost today in relation to the censure motion. But I think all colleagues would say, and senators would agree, that an awful lot has been done to try to ensure that the communication flows freely, and that people are well informed of what is happening.

We will oppose the motion, and then I propose to move another motion which, in essence, would allow us to move rapidly on to the valedictory speeches but deal quickly and effectively with messages that have come up from the other place. There is the Development Allowance Authority bill message. There will be a Customs bill message, which I believe is on its way. There may be others. We will have to wait and see. So what I would suggest is that we keep to the spirit of the agreement, which was hammered out over four or five days discussion, so that we can say farewell in a sensible way to the senators who are leaving and at the same time make

sure that we deal with the government business, which I think the community expects us to deal with, and make sure that the messages we receive are dealt with in an expeditious fashion.

I know that the Labor Party will not be supporting this. I think that is a pity. People are coming from different directions on this. We understand the complications. But I think Senator Carr would confirm that an awful lot of work was done to try to nut out a reasonable agreement. So my appeal, Senator Carr, is also to you; but I hope that the Democrats, whom we consulted very carefully, will choose not to support this motion. If the motion fails, I will move another motion which will, hopefully, allow us to deal with the valedictories but also make sure that we can deal with messages that come up from the other place.

Senator ROBERT RAY (Victoria) (7.31 p.m.)—This is an ideal opportunity for a backbench senator to make an unctuous speech on the failure of the Manager of Government Business (Senator Kemp) and to point out how far he has mucked it up. But I will not.

Senator Hill—Have you heard those speeches before?

Senator ROBERT RAY—Yes. I know them word for word. Senator Kemp has let the cat out of the bag. I thought that he wanted to get his particular way because of something to do with the Senate; but it has now become apparent that the stick has been put to him by the people over in the House of Representatives, who do not like waiting on the Senate's pleasure. That is a pleasure that they had for 13 years, and I do not want to deprive them of that any more. They can sit there waiting right through tomorrow, as far as I am concerned, because they were forced to so often.

I think the problem with what Senator Kemp has had to say really goes to the question of when we are going to start the valedictories. Do not think that we on this side are that keen about valedictories. We are never as sentimental as your side about those particular things, and we have other methods of farewelling people that are far less tortur-

ous than the valedictory system in the Senate. In general, if you took a survey of the Senate, you would probably find that half of the people in their heart of hearts would say that they want to disappear when the valedictories are on and go out and have a nice meal. You are threatening us, Senator Kemp, with actually bringing on business to drag us back here, and that is what we are objecting to.

It is less serious on this occasion than it could be, inasmuch as we know that you have from nine o'clock tomorrow morning until 3.45 p.m. Frankly, if you do not complete all your business tomorrow, including this, in that time, you are never going to. At least one item—if you do not complete it it will not be our fault and it will not be yours—I suspect will be talked out. All the rest will be done tomorrow morning. So what the Senate is voting on now is really this decision: do we start valedictories at a reasonable hour now and finish them by about 10 o'clock, or do we accede to Senator Kemp's view that we will have interspersed government business amongst all this? Everyone has to hang around for something we could easily do between nine and ten tomorrow morning.

I think the argument is overwhelming to at least get up at a reasonable hour. I have never been accused of being someone dripping with sentimentality, and I am not doing that yet, but if you look around the chamber you see the departing senators poking their heads in the door. I think we should at least let them have all of that out of the road. Then the only choice is whether you go on to government business or not later tonight, which will be about 10 o'clock. I think that is foolish. You can get rid of all the rest of the formalities built up tonight between nine and ten in the morning. Then, I understand, there is one other major piece of legislation to consider. We do not know whether that will be talked out or not.

It seems to me that we should support Senator Carr's motion. I do not think the motion that Senator Kemp has foreshadowed moving, Mr Acting Deputy President, can be put because it is a contradiction of this one. Really, they should throw the dice on this one and get on with the rest.

Amendment agreed to.

Motion, as amended, agreed to.

VALEDICTORIES

Senator HILL (South Australia—Minister for the Environment)—The Senate will be a different place when we return; some 10 senators from different parties, reflecting very different points of view, will not be with us. It is appropriate that we take a few minutes to acknowledge their contribution to this Senate and to public life generally and to wish them well as they move on to the next phase of their lives.

I want to mention each of them but I will do so briefly, because I understand that there will be a lot of speakers in this debate. I suspect the 10 retiring senators would like to take the chance to have their last word.

Senator Jones—Change the numbers!

Senator HILL—And possibly give us a bit of advice for the future, Senator Jones. I will mention senators in order of seniority, except for the President, whom I will deal with first—I will give him that extra recognition of his stature as President. Mr President, you have risen to high office in this place; few have that opportunity and we acknowledge your contribution as such. The role of the President of this chamber, I think, is much more difficult now than it once was. It is more difficult now than it was when I started in the Senate. The nature of the Senate has changed substantially. I will not say it was just with the advent of Senator Faulkner, but it is a vigorous chamber now in a way that perhaps it once was not. Particularly during question time it no doubt stretches the President's capacity.

We do recognise your achievements and wish you well. I wanted to specifically acknowledge some of the work that you have done for the Senate out of the chamber, particularly some of your international work, specifically Burma. I know that you have been prepared to use the stature of your office to try and help bring about change in Burma towards democracy and an improved human rights environment. I admire you for having been prepared to do that.

You are retiring in circumstances that may not be particularly happy, but you cannot blame us for that. In this instance we are not the guilty party. In some ways such circumstances possibly make it harder to face retirement from this place. Be that as it may, we, on this side of the chamber, certainly wish you well in the next phase of your life.

Secondly, if I go down in order of seniority, I have my friend and colleague Baden Teague. Baden was elected in 1977. I gave a little speech the other night for Baden in which I concluded that he was never really suited to politics. I reached that conclusion because, firstly, he is a gentleman; secondly, he comes from the intelligentsia of our community; thirdly, he is a man with a conscience; and, fourthly, he is committed to advancing public policy, which probably disqualifies most of us. Certainly, Baden, you have demonstrated that the qualities of being a gentleman and of being fair, reasonable and thoughtful, still have a place within Australian politics and we appreciate that contribution that you have made.

That you have brought to us your intellect has been useful in so many ways. You have always been a thoughtful contributor who has given careful consideration to what he has to say; a man with a very real conscience; a moral man, which does not do any of us any harm, and someone dedicated to public policy. I think of the contributions that Baden Teague has made in areas of foreign policy, particularly in areas of education, and more recently in areas of constitutional reform, which I think might have come to Senator Teague a little late in his parliamentary career. But, if Australia does move to a republic, he will probably be recognised as one of the fathers of that republic.

It is appropriate at this time to recognise the work that he has done in so many different areas, those that I have mentioned and those within the Senate itself. He is someone who has always respected and appreciated the Senate committee system and what it can do to contribute to better legislation and appropriate accountability of government. Baden Teague is someone I admire and someone I particularly wish well for in the future.

Thirdly, I want to mention Gerry Jones, who has snuck up pretty high on the list now. He came in when I did, elected in 1980. Gerry Jones, from my observation anyway, is actually another gentleman of the Senate. I recognise Gerry's sense of political history; I recognise some of the missions that he has adopted. I think of his attitude to gun control, which is a good lesson to the Australian community. He is someone who really is prepared to put into practice what he believes. I was reminded of the fact that he said that when he retired he believed there was a strong argument that he should be replaced by a woman parliamentarian. We all very easily claim that there should be a better proportion of the sexes in this place but it is another thing to go one step further and try and put it into practice. I acknowledge the work that Gerry Jones has done in the years that he has been here. I think he has been a strong asset to this place and he can be very proud of his contribution also.

Noel Crichton-Browne came in at the same time. Noel and I came in together; we were the only two Liberals. We had known each other before. We had both had long organisational backgrounds in politics, we had both been party presidents in our respective states, and I guess coming in together and learning the game together we really built quite a close friendship. I have to say that I regret that things ultimately went so wrong and I regret the circumstances in which Noel is now leaving us. Nevertheless, as Noel moves on to the next phase of his life I wish him well in that regard.

Michael Baume came to us from the House of Representatives, a dogged politician I think I would have to say, someone who has demonstrated since he has been in the Senate how you can extract every opportunity from the Senate practices to advance your political objective. That has been a good lesson to all senators, that this chamber does provide more than adequate opportunities to press a political point of view and, particularly in Michael's case, to ensure to the fullest extent accountability of government and government administration. Michael has given us a lesson since he has been in the Senate as to how to go

about that task and use the full opportunities that are open to a senator.

Very experienced, Michael Baume has contributed to this place in such areas as arts, heritage, sport and youth. He also has considerable experience in the area of health. He retires from politics having contributed at the local electorate level in a marginal seat, knowing the needs of a community and being prepared to service that community as a parliamentarian, and now, at the level of the Senate, recognising the contribution that this chamber can make to better improve the legislative process.

We will miss his determination and his skills. He did serve, very ably, recently as a parliamentary adviser to our mission in New York. I understand he found himself quite attracted to the city of New York. I do not know whether that is related to his plans for the future, but I am sure that, whatever service he fulfils for the community in the future, he will do it well. So I wish Michael Baume all the best.

I do not know Bryant Burns as well, but you do not need to know Bryant Burns well to appreciate his sincerity and his commitment to his roots and to the values that he brings to this place. They are never hidden far from view. Whenever those values are tested within debate or in any other way, Senator Burns is on his feet, and I respect that.

He is very much a Labor man, committed to traditional Labor ideals, who, as I said, brings a particular set of values and skills to this place which helps us in the sense that we seek to reflect the community as a whole. As the Labor Party has changed over the years towards what I might describe as the technocrats and the intellectuals, I think it is critically important—though it sounds a bit gratuitous of me, doesn't it, Senator Faulkner?—that the old Labor men still have a place within the game, and that is important for Australian politics.

Senator Burns has carried out his Senate functions very professionally—too professionally one night. I can remember he got very close to throwing me out of a committee when he was chairing it. I thought it was practically impossible to throw someone out

of a committee, but it was the closest I ever came. I learnt from that that you do not cross Senator Burns when he is in the chair. Senator, I wish you well in your retirement also.

Robert Bell has not been here for so long, coming in 1990. He is a Democrat from Tasmania. He is somebody who is also dedicated to his beliefs. He is not afraid of hard work and makes a lot of sense in what he says. I guess I had most contact with Robert Bell in the education portfolio. I have to say he was well informed and always presented a good argument, even if I did not agree with it on all occasions—although on some occasions we actually did agree with each other. It was back in the days when, occasionally, the Democrats voted with us.

Senator Boswell—Gee whiz, can you remember that?

Senator HILL—It seems a long time ago now. Robert Bell's interests in education and industrial relations matters have left their mark on the *Hansard* record. I would not be at all surprised if we see Robert Bell back in the Senate some day in the future. I do not know whether it will be as a Democrat; I am not sure about their future. Robert, I wish you well in whatever attack you decide to take from here on.

Sid Spindler I have known a bit longer because Sid and I—another Democrat, this time from Victoria—have been here longer. He was elected in 1990. Senator Spindler and I shared a number of committees over a number of years, particularly in the legal area. He is, I have to say again, a senator who is always dedicated to his views, consistent in his views and a very determined person, but I find that most people who come into politics—who are prepared to suffer the trauma of getting here and the type of life that it provides—have a certain steel, and Senator Spindler certainly has that.

I have to say that he had a little bit of trouble in catching up with the economic realities of the new world, but, nevertheless, I guess there has got to be someone in this place who will never reform and who still believes that tariffs are the answer—and he will never be convinced otherwise. That is something that we do know about Senator

Spindler. I do acknowledge that he was always very committed to the Senate and the Senate processes, and that has been a very worthwhile contribution to this place which we recognise tonight. I wish you well in the future as well.

Senator Christabel Chamarette may not have been here long, but we will all remember her. I suspect that my predecessor in this seat, Gareth Evans, will probably remember her more than I will. She did seem to frustrate Gareth somewhat.

Senator Chamarette—You could never understand it.

Senator HILL—I could not understand why when I was on the other side of the chamber. Again, she is a very stubborn person. It is interesting how many senators seem to fit that pattern, Mr President. She was very stubborn and very strong in her beliefs, and, if I might say, with respect, influenced a little by her background in the service profession when she worked in prisons and so forth. Therefore, she is very much a fighter for the underdog. Senator, I am sorry that we were not able to persuade you to the merits of the Natural Heritage Trust because I thought there was an opportunity there for you to go out as a national hero, but, nevertheless—

Senator Boswell—It's not too late; we can bring the legislation on!

Senator HILL—Yes, if we can do a deal, we will bring the Telstra bill back in tomorrow, but I suspect we will not be able to. I know that, as Senator Chamarette leaves here, she will be looking for more good causes to pursue and more individuals within our society that she can serve. Senator, I wish you well in your retirement from this place as well.

Last but not least, and almost inappropriate to mention, is Senator Wheelwright because he has hardly got here. I suspect it will not be long before he is back again. It is not a real retirement; it is just one of those unfortunate circumstances of politics. I do not think I need to say more in that regard. It is an interesting group of retiring senators. It is a very large number in the history of this place—10 leaving at the one time. It will

mean that we come back with a very different body from the one we leave in the last few days of this session.

All senators, I believe, can be proud in their own ways of the contributions they have made to our parliament, to the Senate and to the community as a whole. In summary, therefore, on my own behalf and that of my colleagues, I certainly wish them all well in their retirement.

Senator FAULKNER (New South Wales—Leader of the Opposition in the Senate)—On behalf of the opposition, I join with the Leader of the Government in the Senate in expressing good wishes to those senators who are retiring. It is a significant number, as we have heard. I would like to say a little about all those who are retiring, in perhaps a slightly different order from the one Senator Hill used. I might deal with opposition senators first and then with the non-Labor senators who are retiring.

First, let me say to you, Mr President, in a personal sense and also from members of the opposition that you have our best wishes on your retirement from this place. I really believe that being President of the Senate is a very difficult role in our parliamentary system. I think it requires more skills than being Speaker of the House of Representatives. You are in the chamber here where no political party has a majority, where neither the government nor the opposition can be absolutely certain how any procedural matter will finally conclude. The pressures on a President of the Senate are very significant, indeed. I believe that you have conducted yourself at all times with very great dignity. You have struggled manfully to improve parliamentary standards in this place. I am not sure that I have always necessarily helped you in this task as I have interjected on one or two occasions that I can recall.

For a number of years I have been in a very disadvantageous situation in relation to the President. For three years I was Manager of Government Business in the Senate during the life of the Labor administration and I was the nearest senator to you, Mr President. Now, of course, as Leader of the Opposition in the Senate, I am just as close. We were musing

informally this morning that I tend to have a reasonably loud voice. I am sure that is the only reason that you have seen fit on one or two occasions to call me to order for interjections.

Mr President, you have made a very significant contribution to our party, not only in the parliament but also at an organisational level. I, for one, have a background in machine politics and I appreciate that. Your service to Labor goes not only to your role in this parliament, which has been a very important one, but also to your position as state secretary of the Western Australian branch of the Labor Party. You have played a very influential and key role within the Labor Party at a national level. I certainly acknowledge that and, on behalf of the opposition, I wish you well for the future. I have certainly enjoyed working with you as a member of the Labor caucus.

To my friend and colleague, Bryant Burns, I am sure we are all going to miss you very much as someone who has been a very forthright and courageous contributor to the Labor caucus. You have made a very valuable contribution since 1987, representing the state of Queensland in the Senate. You are one person who, throughout your parliamentary career, has never forgotten that you had a life before politics and that life before politics had an absolutely dedicated commitment to the principles of the Labor Party and the Labor movement. You have not forgotten that all the time you have been here.

You were fond of properly reminding the Labor caucus, and, where appropriate, Labor ministers of those fundamental principles. You are also the only retiring Labor senator who is from the same faction of the Labor Party—the left faction—that I am a member of. Bryant, I appreciate the personal support that I received throughout the time we worked together in the left of the party.

More importantly, I think your very strong commitment to our party and the principles that our party stands for, and also the fact that your long and meritorious service in the trade union movement has been important to you, has meant that you have made a very important contribution in this place and in the Labor

caucus. I know it is appreciated amongst all the Labor senators and members of the House of Representatives. We very sincerely wish you well in your retirement.

I say to Senator Gerry Jones that I had the privilege of working very closely with you for quite a long period. I do not forget the fact that one of the team of government whips at the time was off on an overseas trip. We had a Labor Senate caucus meeting and I made what I think was one of the biggest mistakes of my political life. At the time when we were thinking about who on earth could slip into the role of acting deputy whip for the government, I slipped out the back and made a telephone call to my office. I went to the telephone booth with no position in the parliamentary party; I came out and found I had been unanimously elected in my absence as the acting deputy government whip.

Senator Jones—And unopposed, too.

Senator FAULKNER—And unopposed, which did not surprise me, I might say. That began a long association of working very closely with you in the whip's office. Throughout that time we developed a very good and close working relationship which I always enjoyed. I think you made a very significant contribution to our party, particularly in your role here as government whip in the Senate. You, too, served in the party machine over a long period. You, too, served in state parliament. Your contribution to our party has extended over a very long period. You have always conducted yourself with very great distinction.

I say again on behalf of my colleagues that we genuinely appreciate what you have been able to achieve. We appreciate your loyalty to our party and, I am sure, the personal support you have been able to give so many of us in your time as government whip. We genuinely wish you the very best for the future.

The only other Labor colleague who is retiring is Senator Wheelwright. I noticed that Senator Hill, in very briefly mentioning Senator Wheelwright, said he expected Senator Wheelwright to be back in the parliament at some stage in the future. I, too, expect that that will be the case, and we will see you back in the parliament. You have only had an

opportunity to be a senator for a very short period. I think you came in in May last year. I know that you also realise how short a period of time that has been. But I also know that you have really enjoyed the time that you have had here. We believe you have made a very important contribution to our caucus, to our Labor Senate team here, and we have really appreciated working closely with you for that all too short amount of time.

I first worked with Tom quite a long time ago. Tom was the education research officer of the New South Wales branch of the Labor Party from 1981 to 1984. Those days in the Labor Party were different from what they are now and they were very different days in the New South Wales branch of the Labor Party. I do not think I would be telling any secrets, Tom, if I said we were actually in different factions then. I would not be telling any secrets if I said we are in different factions now. But the fact that you and I have been able to work closely together in the period that you have been in the Senate is very clear evidence that our party has changed and evolved since that time.

I think our working relationship back in 1981 was probably a bit rough, frankly, at times. But in the time that you have been in the Senate it has been a very, very good working relationship. Not only have I personally enjoyed working with you; I think we all acknowledge that you have made a very important contribution to our party in both government and opposition. I know that you are keen to serve again in the parliament, so I do not think this will be the last valedictory speech that someone makes in relation to you. I am sure we will see you back here again. I am sure that you will continue your long and distinguished service in support of our party.

There are also a number of non-Labor senators retiring. As I did with my colleagues from the Labor Party, let me deal with those non-Labor senators in alphabetical order. Senator Bell, you were involved in a very tough election campaign for the final Senate seat in Tasmania. I think it was a real knock-down, drag-out fight in the last election for that Senate seat. It was one that was in doubt

for the longest period of time, a tough fight on the ground, and it was a close result.

You and Senator-elect Brown really went toe to toe, because I think everyone understood at the time that that seat really came down to either you or Senator-elect Brown serving in this place for the next term. As we all know, you fell under the line. I know that you are not going to give away your political career or political ambitions as a result of that setback. I can only say to you that from the opposition's perspective you have been a person with whom we have always enjoyed working. I think we always had a very courteous and proper relationship. You have never been backward in coming forward and expressing the views that you hold.

I have certainly found that even though at times we have not voted the same way and there have been some significant political differences, we have been able to conduct our political debates in a spirited way but also in a very proper and dignified way. I believe you have made a very significant contribution to this place. We wish you well for the future.

Senator Chamarette was in a similar political battle that took place in Western Australia. There was a different result in that case. I well remember when Senator Chamarette came into the chamber on the resignation of Senator Vallentine and a couple of the early skirmishes that I had with her in relation to attendance or otherwise at whips meetings and the like.

Naturally, in the roles I have played in this place—as Manager of Government Business in the Senate, particularly, and before that as whip—I needed to talk a lot to the minor parties and the independent senators in this place. I got to know you very well, Senator Chamarette, over the years that you have been here.

We have not always agreed, as you know. In fact, on many occasions we have disagreed. I hope that our party has been able to talk to you frankly and honestly. I know that the communication we have with you has always been reciprocated in the same spirit. That is appreciated by us.

I always thought it interesting, Senator Chamarette, that your background is as what is described as a clinical psychologist. I always thought that must have been of enormous help for someone who was going to be a senator. I do not know what you are planning to do in the future. Your vote has often been very important in this place. You, obviously, have a very high public profile and have become, I think, a very well-known political figure in this country as a result.

I do not know whether you plan to be a clinical psychologist again, but I am sure that a few years in the Senate must be a tremendous contribution to that career if you intend to pursue it in the future. On behalf of the opposition, we wish you well in the future also.

Senator Crichton-Browne is retiring. We saw a little earlier in the chamber that perhaps not all is well in the Western Australian division of the Liberal Party. Much of this has become well-known in the public arena.

Senator Schacht—You are a master of understatement, Senator.

Senator FAULKNER—Thank you, Senator. I can say very honestly that in the time Senator Crichton-Browne was in this chamber he struck me as a senator who had a real grasp of the standing and sessional orders of this place. He was a very effective presiding officer. For some time he was Deputy President and Chairman of Committees. I believe that, throughout the time he held those positions, he was proactive in the role. I think he knew his way around the sessional and standing orders of the Senate.

I have always acknowledged that Senator Crichton-Browne has a machine background in the Liberal Party. Machine men in the Liberal Party are little different from machine men in the Labor Party—or machine operators, if you like. But anyone with that sort of background brings certain skills to a place like this. I think Senator Crichton-Browne often demonstrated those skills in the chamber.

I do not know what the future holds for Senator Crichton-Browne. I suspect he is still a very influential figure in the Western Aus-

tralian division of the Liberal Party. I am pretty confident in saying that I am sure he will have a continuing involvement in Western Australian politics. We look forward to seeing how that develops in the future. We wish him well in his future career, whatever it might be.

Senator Sid Spindler is also retiring. Sid, I can honestly say that you have been one of the great contributors in this place. Whenever I come back to my office after having been doing something around this building and see a debate in this chamber, more often than not there is Senator Spindler on his feet.

Sid, I will let you in on a secret. When I was the Manager of Government Business in the Senate, I found it terribly frustrating that you had so much to say about so many things. I acknowledge the good sense in many of the contributions that you made. But, at times, as we tried to roll the parliamentary program along, it could be a little frustrating. Now I am not frustrated about it at all, and now you are leaving.

Other senators would also acknowledge Sid's sincerity and the extent of the contribution that he has made in this place and in committees of the Senate. Sid, I know not what you plan to do in your retirement. Whatever it is, I wish you well for the future and hope that you enjoy the times ahead outside this place.

I can say to you, Baden Teague, that you are also a person who has really treated the Senate and your responsibilities in this place with a very great degree of seriousness. You have really taken your role as a senator representing the state of South Australia and as a member of the Liberal Party very seriously. You have also been a very significant contributor.

I have been very interested to see in recent months that you have made contributions in areas such as your commitment to progressing an Australian republic. You have put views in relation to the future of higher education in this country. Many of the sentiments that you have expressed in those debates are ones that I have shared. I cannot say that I have always shared the sentiments you have expressed in this place.

But you are a person who, while putting your views forthrightly, can very rarely be accused of being disorderly. I know that you have had to call me to order on quite a few occasions, but I have very rarely seen you go beyond the invisible line in that respect. We acknowledge what you have been able to achieve in this place and the way that you have put your point of view. We certainly also acknowledge that you have been a very courteous, albeit a very committed, member of your political party. We also wish you well for the future.

I also understand that Senator Baume is retiring. I first heard about this by reading it in the paper. Senator Baume is not the first politician to represent his country overseas. It is a very important responsibility for anyone, irrespective of whether they have had a background in politics and parliament. As Senator Hill said in relation to Senator Baume, I am sure that many of us will remember his approach to his parliamentary responsibilities. I think I can say that I will, not the least because of one or two things he said about me this afternoon. Senator Baume is not retiring from public life. His role in New York is an important one not only for him but also for his country.

I say again to you, Mr President, and the other senators who are retiring that this is a very significant turnover in the number of senators leaving us at this time. To the 10 senators out of the 76 who sit in this chamber go our best wishes for the future. On behalf of the opposition, we wish you well and thank you for the contribution that you have made.

Senator KERNOT (Queensland—Leader of the Australian Democrats)—We are all very mindful that this is the last sitting day for 10 of our senators. On behalf of the Australian Democrats, I wish you all well wherever your lives lead you outside this place. While some of you are leaving involuntarily, most of you are probably leaving with some degree of reluctance and regret now that the day has actually come. We all remember when we meet former colleagues just how healthy and happy they look within a very short time of having left this place.

I will begin by paying particular tribute to my two Democrat colleagues, Senator Sid Spindler and Senator Robert Bell. Although we will return in the spring session with two new senators to replace them, today marks a sad day for the Democrats. It is a day of loss for us. As I said last night at a private function when we farewelled Robert and Sid, their departure and the departure of three of their long-serving staff members—Lee Rivers, Bev Irving and Brian Austen—marks to us the loss of some 45 years of parliamentary experience. For a small party like us, that is a wealth of experience that is not easily replaced. We know that we will sorely miss it.

Sid Spindler retires after six years—it seems much longer; it is true that we have been around together for a long time—as the Australian Democrats senator for Victoria. As others have said, it is fair to say that Sid is one person who has passed through this place who can honestly say that he has made a significant difference during his time here. In his six years as a senator, Sid has never once wavered in his commitment to redress inequality, injustice and exploitation. He has battled against this country's decade-long obsession with economic rationalism with determination and grit, as others have attested to this evening, with intelligence and energy and with consistency and courage.

Sid has never been afraid to stand up for what others would think might be unpopular causes and issues. He has never been afraid of a good fight. He said to me in the party room yesterday, 'I am going to keep trying', even when he knew that nobody else was going to vote for the amendments. He was going to talk to them just one more time. As he said in his own valedictory speech yesterday, a person is defined by one's opponents as much as by one's friends. If that is the case, Sid has much to be proud of on both counts.

Sid was a founding member of the Democrats. Since the very beginning of our party he has played a critical role in its development and growth. He has been a party official, a staffer and a senator. He has been loyal, not just to the Democrats, but to the

notion of a strong and united alternative political force in Australia.

Sid's capacity to work is legendary, and some of that legend will have to remain unsaid. I have to say that I really cannot see Sid retiring in any sense of the word. For a start, he will, as he said yesterday, be taking up a position as chair of the Anti-Slavery Society, a role from which he will be able to pursue matters such as the exploitation of child labour, an issue in which he led this parliament. I am sure there are many other issues Sid does not intend simply to let go by because he is no longer a senator.

Sid's greatest contributions, in my opinion, have been in the areas of industry policy, trade and taxation policy, labour exploitation, support for migrants and refugees and pursuing the goal of bringing an end to discrimination based on the grounds of sexuality. In all of these areas, Sid has made a major and significant contribution to national debate. And in all of these areas, I think the years ahead will show that he was a politician who was ahead of his time.

Perhaps most significant of all is the energy, the passion and the single-mindedness with which Sid has opposed intolerance and injustice. It was not always an easy or a popular path to go down. Many of you will know of the famous statement of the Lutheran theologian Martin Niemöller, who said of Germany during the war, 'When Hitler attacked the Jews, I was not a Jew; therefore I was not concerned. When Hitler attacked the Catholics, I was not a Catholic; therefore I was not concerned. When Hitler attacked the unions and the industrialists, I was not a member of the unions, and I was not concerned. Then Hitler attacked me and the Protestant Church, and there was nobody left to be concerned.'

It is that sort of apathy and lack of vigilance against which Sid has fought for most of his life. That is why he has stood up for people with whom he does not necessarily personally identify, because, like Martin Niemöller, he knows from personal experience just how short is the distance between a relatively civilised society and the descent into an oppressive and intolerant one.

On behalf of all the Democrat senators and on behalf of all our party members, I say to Sid that his long record of opposition to exploitation, discrimination and oppression is one of which he and we are very, very proud. I will miss his intellectual and personal support in the party room. I wanted to put that on the record tonight. We wish him and Julia all the very best for their future.

As you know, Robert Bell leaves the Senate involuntarily, despite recording the Democrats' second highest ever vote in Tasmania. He, too, leaves behind a strong record of action on a diverse range of issues, many of which reflect his great love for and commitment to his home state. Robert is truly passionate about Tasmania, about its people and its industries and about its economic and environmental potential.

That enthusiasm for all things Tasmanian, combined with the fact that he genuinely believes in getting out and talking to his community—his mobile office is a very good example of that—has led Robert to be one of the most effective representatives that that state has had for a long time, and I think Tasmanians will miss him. I think they will come to wish he was still in the Senate speaking out on their behalf. I think they will come to appreciate the value of having a representative who is not focused on a single issue or limited spectrum of issues, but who understands and cares about the wellbeing of Tasmania as a whole.

I do not want to imply that Robert's contribution has been limited to Tasmanian matters. He has also made a major contribution in many other areas—in particular, his record in opposing the dumping of toxic waste, in opposing woodchipping in native forests, in speaking out against the use and effects of hazardous industrial chemicals and in raising the dangers from electromagnetic radiation. These are all issues where Robert has led national debate.

As our education spokesperson, he has led the Democrats' fight against fees for higher education and against fees in state schools. He has been a vigorous defender of the Australian state school system. He has also been one of the strongest advocates local government

has had in this place. Perhaps most importantly, Robert has always been true to the philosophy of which he spoke when he gave his first speech in the Senate six years ago. The 'Ringarooma Kid' told the Senate of his time as a teacher at the Friends School in Hobart and how much he admired the Friends' philosophy of a gentle, caring, humble and humanitarian concern for all people as equals.

Robert is a living, breathing example of that philosophy. That is a great credit to him. It may not have helped him win an election, but it says a lot about the sort of person he is, and why we will miss him. On behalf of the Democrats, I extend our very best wishes and thanks to Robert and Jane, and Sally and Christopher.

I want to say something briefly too about our other colleagues who are retiring. Firstly, to Senator Christabel Chamarette. Senator, I do not need to tell you that we have not always seen eye to eye—often on matters of process—but I have to say that native title was truly, spectacularly, Cecil B. De Mille memorable. Even though we have not always seen eye to eye, the Democrats respect your commitment to social justice and the environment. We thank you for your support on a wide range of issues, support which I trust you feel has been reciprocated on occasions. We wish you well for the future.

To Senator Michael Beahan, on behalf of the Democrats, I extend my thanks for your time as President of the Senate. We really appreciate that you have always been approachable and even-handed, and that you have carried out your duties fairly and honestly. That has been a very difficult task, particularly in the last few months.

To Senator Baden Teague, you have always conducted yourself towards the Democrats with none of the venom, misrepresentation and shrillness that we note in some of your other colleagues. We thank you for that.

Senator Panizza—Start naming a few.

Senator KERNOT—Tonight is not the night, but there is a certain absent senator for whose valedictory I am really waiting. You will have to work that one out for yourself, Senator Panizza.

Senator West—Are you sure there's only one?

Senator KERNOT—Mainly one. We have often wondered and said to Senator Teague, 'What are you doing in the Liberal Party?' We were glad to have the opportunity to have that conversation with you in our party room yesterday. We trust that your liberation from this place will enable you to pursue more freely those interests which are close to your heart, particularly your passion for seeing Australia become a republic—a passion that we share.

To Senator Noel Crichton-Browne, if he is listening, we want to say that you too did credit to the position of Deputy President when you occupied it. You were fair and impartial and conducted yourself with dignity. We thank you for that. My best wishes go to you and your family in surviving what I think was a pretty tough year.

My major memory of Senator Michael Baume is that he has spoken on more reports in this place than anybody else. We recognise his passionate commitment to the arts and other cultural pursuits. I guess most people remember him for his interesting taste in pig ties and his pursuit of porkies. We wish him well in his New York appointment and hope that he is glad to leave his preoccupation with pigs behind him once and for all.

I was reminded today of when Senator Bryant Burns and I shared the charter of a small plane to western Queensland for one of the rural rallies and how a certain Senator Ian Macdonald gave a very vocal account of himself at that rally. I remember that we were a pretty good team act on that occasion—a most unlikely pairing I thought, having never had much of a conversation with Senator Burns before. But in the words of one of my colleagues, 'For an old metal worker and a leftie, Senator Burns had an admirable commitment to all things rural.'

I always thought Senator Gerry Jones was such a cheerful person for a whip. He is so calm and has such necessary qualities. I know a little of Senator Jones's personal circumstances and his responsibilities to his grandchildren, for which he has my deep admira-

tion. I wish Gerry and Rita a most rewarding next phase of their lives.

Senator Tom Wheelwright was here for such a short time, that is true. I think you have made a vigorous and intelligent contribution to the economic debate in this chamber. You were never afraid to challenge some of that comfortable rhetoric that your party moved into in recent years. I admire you for that. When you say, as you did 10 times, 'This is not my last speech,' I really believe you. I hope you will be back here, but not at the expense of any New South Wales Democrats.

Finally, from a personal perspective, I extend my deep thanks and my deep wishes to Sid Spindler, Robert Bell and their staff—Lee Rivers, Bev Irving, Brian Austen and Leonie Godridge. I warn all of them not to look too healthy and happy when next I see them.

Senator BOSWELL (Queensland—Leader of the National Party of Australia in the Senate)—I rise to join in the valedictory debate and make a contribution on behalf of my National Party colleagues. Tonight we are farewelling 10 senators. Some are retiring involuntarily and some are retiring voluntarily. The President, Baden Teague, Michael Baume, Gerry Jones, Bryant Burns, Sid Spindler, Robert Bell, Christabel Chamarette, Tom Wheelwright and Noel Crichton-Browne are all leaving us tonight. Some have been here a long time. Baden Teague has been here since 1977 and, at the other end of the spectrum, Senator Wheelwright has only been here for a short time.

I suppose it is a day that we all have to face sooner or later. It would be a day of mixed feelings—sadness, regret, nostalgia and, perhaps, relief—when you walk out of the chamber for last time, as you will tomorrow, and leave this place. I hope you will all leave with happy memories and positive feelings for the Senate. I know that many friendships are forged in this place. While the friendship may not be personal friendship between the different parties, I know that we all get on well together when we are out of this chamber. There are a few exceptions, as

the Leader of the Democrats alluded to in her speech.

I extend my best wishes to you, Mr President. In my opinion, you have been a good and fair President. I think that the chamber owes you a vote of thanks. You have been the President for over 2½ years—in good times and rough times. There have been a few rough times. You have kept a cool head. You have tried to keep rulings fair and give both sides of the house a fair go. You entered the Senate in 1987. You were the victim of pre-selection in Western Australia. It seems to happen a lot in Western Australia. It must be something in the water. You have served on numerous committees. You have earned your place as President of the Senate and you can go out with pride. You have done a good job over the last 2½ years. I wish you well in your retirement in the beautiful state of Western Australia.

Senator Michael Baume leaves us tonight. He will be continuing in public office. I am not sure whether his position is official as yet. Whether you agree with Senator Baume or not, you have to admire his absolute tenacity for standing up in here and never taking a backward step. I know that he got under the skin of the Labor Party when in government, but I suppose an effective politician is one who has the tenacity to keep coming back all the time.

If ever there was a tenacious politician, I think Senator Baume has earned that reputation. He was in the lower house from 1975 until 1983 and he came here later on. He has been a great contributor on all matters. As someone else said, he has been up on many reports and has certainly contributed to many debates.

Baden Teague has to be acknowledged as the gentleman of parliament. I don't think I have ever heard Baden Teague say an unkind word to anyone about anyone. That is an unusual attribute in here. Baden, you are a Christian and you practise Christianity in the true sense of the word—you never say anything bad about anyone. I hope that you do not succeed in your endeavours to make Australia a republic and I will be opposing you in every way, but I also admire your

commitment to that strategy. I cannot quite understand why you have it. Maybe in the fullness of your retirement you will sit down and explain to me what is good about a republic. I will be prepared to listen.

Senator Teague—I have put in a private member's bill. Read the speech.

Senator BOSWELL—Baden, you have made your contribution to this place. You have been here a long time. I wish you all the best. I think you are going to do a bit of writing and I hope you, your wife and your family enjoy a long and happy retirement.

Gerry Jones, my Queensland colleague, joined the Senate in 1980. He was born in a country town in Queensland and served for one term in the state parliament, where he was an angry young man. He has mellowed into a different person now. He was the state MLA for Everton from 1972 to 1974, when the Labor Party went through one of the most troubled periods in Queensland. I believe he was also the state secretary there for a number of years. Gerry, I have never heard you say a cross word about anyone. You have always had a very cheery disposition and I think you have served this parliament well. It must have been difficult to be the government whip, as Senator Panizza is now finding, and trying to get the legislation through. I think you had a bit more help than we have had lately. Gerry, we wish you all the best.

I would like to make a comment on Senator Kernot's comment that we acknowledge what you have done for your grandchildren. I have always admired you for taking charge in those difficult times. We say to you and your wife: have a long and happy retirement.

Bryant Burns, elected in 1987, born in Rockhampton, is one of those rare commodities in the Labor Party—Senator Lundy is another one—a person who actually used Solvol on their hands, a worker who wears that tag with pride. Senator Burns is a man who has actually picked up a tool. He is a former stockman, boilermaker and unionist; and he was a trade union official of the Amalgamated Metal Workers Union.

When Senator Burns came down here, for the first four or five weeks he was very

aggressive with everyone, particularly anyone in the National Party. After the first four or five weeks Senator Burns mellowed and he was always very friendly around the parliament. We have travelled on committees together—in fact, we went into the heart of National Party country at one stage, into Kingaroy. I have been on Aboriginal and Torres Strait Island committees with him. My notation says, 'Quintessential representative of the old style, blue-collar worker and the Labor Party'. Senator Burns, you can wear that tag with pride. You have never forgotten your roots. You have stood up for the working class people and I wish you all the best in your retirement.

Senator Wheelwright: as Senator Hill said, I don't think we should farewell you. I think you are going to be back. Whether it be in this place or the other place, you have got parliament marked all over you. You like it and you will not walk away from it. So it is not goodbye but just goodbye for a short time.

Sid Spindler: Sid, while you live, McEwenism will never die. I would class myself as not an economic rationalist, but I think you go a lot further than I would on the issue. I think you would be 30 years behind McEwenism. Things move on but you are entitled to your opinion. You have pushed that opinion vigorously in the parliament and I know that you go because of ill health. When someone said you had been here six years, I thought I couldn't imagine this place without you. It seems to be indelibly imprinted on my mind that Sid Spindler has been here for a longer time than six years.

Senator Kernot—He is always on the monitor.

Senator BOSWELL—Yes, maybe that is right. I can remember Senator Bell's first speech, where he informed us that his first brush with public life was when he won the radish growing competition at school. I think he thought that made him an expert on primary industries. Rob, you have been a great friend and colleague. You have always given us the support we needed in rural and primary industry debates. Our views vary a bit on

some of the social issues, and we disagree on some of the environmental issues.

I have spoken to you since the election and know that you are committed to re-entering this place. It was a hard fight, as the previous speaker mentioned. It was the hardest head-to-head battle between the Greens and the Democrats in Tasmania. It was always going to be a difficult fight for you against such a high profile candidate as Senator-elect Brown, but I expect to see you back some time. We will certainly see you in some parliament, whether it be here or in Tasmania. You have made a contribution to education and many other issues.

For as long as I live, I, too, will remember Senator Chamarette for the Mabo debate. That will always be the height of political debates. I have never seen such twists and turns. As I have said before, it reminded me of a tin of spaghetti. No-one knew where anyone was going for four or five days.

You have an interesting background—born in 1948 in India and a clinical psychologist and community worker. You have been a battler for the underdog and for the Aboriginal community. You leave this place with my best wishes, and I hope you have a happy retirement also.

Noel Crichton-Browne was elected in 1980—about three years before I came here. He was Deputy President and Chairman of Committees from 1993 to 1995. He has held a variety of offices with the Liberal organisation. Noel was always very friendly to me. In fact, at certain times we were neighbours, it being that our offices adjoined. I say to Noel that politics is unkind, it is hard, it is tough. Very few people escape politics without taking a few knocks and without a few scars. It has been a hard two years for you, and I wish you a retirement where you can relax and refocus your life. I wish you all the best.

Mr President, this is a time of mixed feelings. For some it is both a sad time and a happy time. For many people there is sadness that they are leaving their friends in their political party. For some people it will be a relief. But I hope all of the people who are leaving the Senate tomorrow will remember the happy years, the friends they have made,

and the victories and losses they have had. Keep those memories with you throughout a long and happy retirement.

Senator MARGETTS (Western Australia)—I rise this evening on behalf of the Greens (WA). I know that in normal circumstances the leaders rise on this occasion. People would realise that in the Greens we do not have leaders, and that is an important part of our process. It is in greening the process that Christabel has exemplified that. In her time in the Senate she has made a very important contribution, which, from what I hear tonight, will be memorable. I believe the most important function tonight is that those people who are leaving will have a chance to make their last remarks, so I am not going to take up too much of the Senate's time.

To Senator Michael Baume, Mr President—Senator Michael Beahan, Senator Robert Bell, Senator Bryant Burns, Senator Noel Crichton-Browne, Senator Gerry Jones, Senator Sid Spindler, Senator Baden Teague and Senator Tom Wheelwright—travel well. I hope that when you are away from the Senate there is a healing process of any of the damage it may have done and you find that any of the joys you got from this place continue throughout your life and help in whatever path you decide to take.

I would like to take just a few minutes to honour my colleague. As I mentioned, Christabel's contribution here is in greening the process. We have had talks tonight about gentlemen of the Senate. I am not quite sure what 'gentlemen' means, although sometimes gentlemen turn somewhat other when women disagree. Christabel will leave us as the great anarchist of the Senate. Some people take that as a term of insult. In the Greens we take that as a great honour. The true meaning of 'anarchist' is a person who devolves power to the community, and that is what Christabel has done.

When I joined Christabel in the Senate, we found that we shared the balance of power. People tried to find names for us to try to belittle the contribution that the Greens made to the Senate process, so they called us such names as the 'gumnut twins'. We appropriated the term and wore it proudly. Christabel

has left me in awe on many occasions with her ability, her determination and her courage. Nobody could say that was not in evidence during the native title debate and in all the great debates in which she has participated.

I wish to pay tribute to Christabel's staff, because none of us are what we are without the people behind us—to Theo, to Bryan, to Andrew, who was our shared staff member, to Franci, to Jacqui and Cathcart, and to many of the people who, as they say, came to help and stayed, like Rosemary and Libby. They also appreciate the courage, determination and sheer hard work of Christabel, as do the Greens (WA).

Senator BEAHAN (Western Australia)—I think there is an informal agreement that the retiring senators will now speak in turn and that I will open up for them. I was going to start by washing the Solvol off my hands, but I won't. It is an interesting phenomenon that the length of service of senators is becoming shorter. If you look at the statistics of the last five decades and the average years of service of those senators elected, you will see that from 1941 to 1950 it was 12.4 years; 1951 to 1960, 13.7 years; 1961 to 1970, 11.4 years; 1971 to 1980, 10.7 years; and—get this—1981 to 1990, 6.3 years; and I think it is still going down. So my time of nine years in the Senate, although it seems very short to me, is above average based on recent trends.

I came to the Senate in 1987 with a fairly cynical view of its role. As one of those with strong and bitter memories of 1975, I was no enthusiastic supporter of the Senate. However, while I still believe that the Senate should not have the right to block supply, I do have a greater respect for it as an increasingly effective and necessary check on the power of the executive—any executive. I believe the Senate is developing and refining its role as a house of review and that, while petty politics frequently distract it from an effective use of its powers, much useful work is done in scrutinising and critically appraising the decisions and activities of government.

Among the more rewarding aspects of my time here as a backbencher has been the committee work that I have been involved in. Most of my involvement has been in refer-

ence aspects of committee work because the legislative aspect was not as significant before I became President. I was also involved in chairing a number of estimates committees, which kept me up very late at night on a number of occasions—I think one of my committees broke the record for the length of sitting in one session.

I chose at that time to focus on joint committees. I still believe that these are the best vehicle for the reference function of committees, because I think the breadth of representation brings with it a breadth of perspective. I was a member, for example, of the Joint Committee on Foreign Affairs, Defence and Trade, which I believe is one of the best committees in this parliament. I was a member of its trade and human rights subcommittees. I must say that I am appalled that there is talk of the human rights subcommittee being absorbed into the foreign affairs committee. I think the human rights subcommittee has done very good and widely respected work.

Senator Teague—We have managed to rescue it. It will continue.

Senator BEAHAN—That is very good; it would have sent a very bad signal around the world. I am very glad, if that decision has been made. I was also a member of the Joint Committee on Electoral Matters over a number of years. That committee did a great deal of useful work in refining and improving the electoral system.

I was the founding chairman of the Joint Committee on Corporations and Securities, along with Senator Spindler and Senator Cooney and others. We were able to carve out in that early period a role for this committee, essentially charged with the oversight of the operation of corporate law. I believe that the committee has done much in a very quiet but useful way.

I am also proud of the fact that I was a member of the Senate employment, education and training committee when it tabled its report *Education for active citizenship*. I believe that was a very useful activity for that committee, with very positive outcomes. It was useful because it was dealing with a

discrete, manageable topic including a plan for the implementation of recommendations.

It is an example of how a Senate committee can have considerable influence in leading debate in the community. It created a round of debate within the community which lasted for some time. It was followed by a second report, which reviewed that debate and took it a stage further. Then we saw the establishment of the Civic Experts Group, with a report by that group, and finally the funding commitments made by government to the whole area of civics education, which I hope will be honoured by the new government, because it is a very important area.

One of the best parts of committee work was the camaraderie involved in it. You are forced together, working towards common goals, usually finding consensus, travelling together and getting to know each other well. Some of the firmest friendships on both sides of the chamber I have made have been through the committee work and through overseas travel when I have gone on delegations.

It was a great honour to be elected President of the Senate in February 1994. I suppose it is not surprising that many people outside this parliament—and I suspect a few inside—view the role of President simply in terms of chairing question time. This is, as senators here know, thankfully a very small part of a much more complex job. The other elements of the job I have found very rewarding.

Administering the four departments, for example, three of them together with the Speaker, is a demanding, time consuming but most enjoyable task. The multimillion dollar budget and large, highly skilled and varied staff provide plenty of challenges. It is like a small ministry, which is where I really would have liked to have been, so it was a part I enjoyed very much.

I was very pleased in the role that, with the support of the Speaker and others, I was able to introduce the art acquisition program to redress an imbalance that was created by the budget cuts of a former Western Australian minister to the art collection. There was almost no Western Australian art, very little

Queensland art, no urban Aboriginal art, and very little Northern Territory art. We set about redressing that imbalance, first of all, then maintaining the collection as a living collection and not one that was rooted in 1988 as a static, dead collection, and, finally, honouring the integrity of the original concept, which was to do just that.

I was disappointed that I was unable to finish the job of creating a unified corporate identity for the parliament. There are a multiplicity of images going out of this place—in the form of letterheads, booklets and all sorts of things—which give a very confused image of what this whole place is about. It makes it very hard to choose, if you are getting gifts made, what emblem to put on them because we do not have an emblem that really represents this place. That is work that was started but will probably be aborted at this stage because of cost. I hope, Senator Reid, that you can pick that up at some stage in the future.

I also would have liked to have made two minor changes for which I could not muster sufficient support. I refer firstly to Prayers. I believe the Prayers in our standing orders are an archaic and anachronistic form of words that really should be changed. I believe that the South Africans have the best idea with a minute's contemplative silence. That appeals to all faiths, or non-faiths. Or you could have an evocative poem, or something like that. But I could not get support for that idea so the change was not possible.

The same applies to wigs and gowns. While I think that the staff would very much like to rid themselves of this outmoded garb, as the Federal Court has, I again could not find support for that change. I was pleased, however, with the introduction of saner and more healthy hours, which I hope you will retain in the new sessional orders, Senator Kemp.

The third role, the ceremonial and protocol role, I thought would be stiff, starchy and formal—and some of it is—but most of it has been rewarding and interesting. It is rather like being an ambassador for the parliament. That is what trains us so well for ambassadorial positions if our side happens to win

government. Just remember that I am well trained.

Part of this role involves representing the parliament overseas. While overseas trips for members and senators are often seen as perks of office and as junkets, they are a very important part of parliamentary activity, particularly with the advent of a globalised economy and the increasing interdependence of nation states. They are also important in fostering greater understanding of cultural and other differences between people, in supporting and furthering the government's foreign policy and trade interests—which do not vary much between governments; we are reasonably bipartisan on those things—and to selling Australia overseas.

I have made this the focus of my visits overseas. I have made the point strongly wherever I have gone that Australia is no longer simply the distant woolshed, granary or quarry that it once was; that we are indeed a clever country, increasingly involved in elaborately transformed manufacturing and in industries involving cerebral rather than muscular activities.

I am dismayed when I and other presiding officers still have trouble convincing the bureaucracy that there are some tangible benefits in presiding officers leading delegations. Rightly or wrongly, access for presiding officers in many countries is greater than for ministers or parliamentary secretaries. Our foreign affairs posts find it much easier to organise high level appointments for delegations if they are led by presiding officers. They invariably report their gratitude for the access and opportunities this gives them.

So it was that on various visits, either with delegations or on my own, I met, for example, with Vice-President Gore in the USA, President Salinas in Mexico, King Hussein in Jordan, King Juan Carlos in Spain, the late Prime Minister Yitzhak Rabin in Israel, President Rafsanjani in Iran, President Mandela and deputy presidents Thabo Mbeki and F. W. de Klerk in South Africa, Vice-President Miyanda in Zambia, former President Kaunda recently, and with many others. I hope, Senator Reid, that you do not have to fight the same battles that I and the previous

Speaker had to fight to convince the bureaucracy of our value in helping them do the job better. That is what it amounts to.

As to the chamber—I have already intimated this—I cannot say that it has been the most enjoyable part of my job. But, as I have already said, it is only a small part. It is not that I object to some passion and fire in the proceedings of the Senate, particularly at question time—which has become a sort of jousting pit for opposition and government more than a place where information is seriously sought and expected to be received—but I do urge senators to ponder the effect of the often low level and crude interchanges which have become all too frequent. It is not a question of comments being unparliamentary in a strictly technical sense; it is simply inappropriate in the national parliament to speak in this way—and it is hated by the public.

Every time there is a noisy question time, there are a large number of calls to my office, and following that there are a large number of letters that come to the office, which all get replied to in detail. Every time I speak to community groups about the role of the Senate President, that is the constant call—the people just hate it, they cannot understand it at all, and it is having a very damaging effect on us.

I believe that—I do not think I am overstating this—it is one of the major factors in the low standing of MPs and senators, because the televising of question time is the most visible part of the parliament. I find particularly objectionable the very personal attacks made in question time in the preamble to questions, in answers and in interjections, but also in other debates at other times. The Senate, honestly, would be a much better place if we stuck to the issues—as some people do, I must say.

While not in any way wishing to curb the freedom of senators to probe the activities of those in positions of power and to demand proper behaviour and accountability, I also believe that we should bear in mind clause 9 of our own resolution on parliamentary privilege agreed to in 1988. It enjoins us all to, among other things, ‘exercise [our] valu-

able right of freedom of speech in a responsible manner’ and, secondly, ‘have regard to the rights of others’.

In all of this I think the Senate has placed the President in an impossible situation, given the multi-party nature of the Senate, with no clear majority for any party. I am frequently called upon to throw people out, and people outside cannot understand why I do not do this. But senators know that I am effectively rendered incapable of doing this by procedures in our standing orders which make it effectively impossible. I do not have a standing order 304A like they do in the House of Representatives, the so-called sin bin. Nor can I call, as they do in the House of Representatives, under standing orders 303 and 304, for a direct and immediate vote of the Senate to expel a senator. In the end, even if I do go through the long and almost impossible processes that we have under our standing orders, I do not know whether I have the numbers to support me.

If senators want to give the President workable powers of sanction, they should amend the standing orders to bring them into line at least with those in the other place. But, as I have said many times before, this should not be necessary. Senators should, in the interests of the standing of the Senate and the parliament, apply appropriate standards to themselves without the need for external sanction.

I apologise, Senators, for ending on such a didactic note. It is not the way I actually feel. While I am sad at the termination of this part of my career—and it is only the termination of this part of my career; I have got plenty of working life left—I also feel elated, both at the opportunities which lie ahead and at the prospect of freeing myself from the shackles and constraints of parliament.

I also feel very privileged to have had the opportunity to have served as a senator for the last nine years. I thank the people of Western Australia for their support. I thank the Labor Party. While I have good reason to be angry with a number of people in the party in relation to my preselection, I still retain a high respect and affection for the party, which is both older and stronger than some of the

people who rise to power from time to time within it. I will continue to support it, and it is inevitably true that, without the Labor Party, I would not have had this experience which I so value.

I thank my Perth staff, Peter McKerrow, Lesley Grill and Ian Thomson, who do such wonderful work for me and for the party, and my Canberra staff, Fred Peppinck, Frank Nugent, Derek Abbott—who was there before Frank—Deborah Walsh, Kathleen Griffiths, Sue English, Gordon Kirschner and, before him, Harry Menzies. They are all loyal and dedicated staff. But I pay special attention to Anne Neary, who has been with me now for 13 years as my personal assistant and who runs just about everything around here, certainly in the party sense but also she has found her way into the parliament and seems to run much of that now too.

I thank the Clerk of the Senate, Harry Evans, and your team. I think you display a very high level of professionalism and, I must say, total and absolute loyalty—whether to me or to this position, I do not know, but I like to think both. You are champions of the Senate. That is a legitimate role which you carry out well. I think you deserve credit for that.

I thank the officers and staff of all the other departments: the Joint House Department, the Department of the Parliamentary Reporting Staff, the Department of the Library. We have a very professional group of people we have in this parliament—from the gardeners to the *Hansard* editors, from library researchers to finance clerks, from maintenance workers to attendants and guides, to the transport officers who look after our daily needs to get to and from home. I have become very proud of them all and made many friends among them.

To my fellow departing senators: Senators Baume, Bell, Burns, Chamarette, Crichton-Browne, Jones, Spindler, Teague and Wheelwright, I wish you all well and look forward to joining you as former senators at some stage. It has been a great privilege to have had the opportunity to serve as a senator and as President of the Senate, which, for strange reasons and at a reduced salary, I retain until 20 August. I thank you all and look forward

to maintaining contact with the many friends I have made in this place.

Senator TEAGUE (South Australia)—‘I would rather go a little early than stay a little too long’. That is the way I began announcing in this chamber a year and a half ago that I would not be contesting the March 1996 election. I have no regrets, I have the more enthusiasm for going on to new activities, starting on Monday. I wish to say that the 18 years I have spent in the Senate has been a pleasure for me and a great privilege to represent the people of South Australia, to contribute to national policy debates and to get to know so closely not only most of the senators who are now serving but many over the 18 years that I have been here.

The time has come for me to pursue with more focus some writing and research interests that I have had for many years and, like leaving school, like leaving university, like leaving my work on the staff of the University of Adelaide, I now leave the Senate thankful for excellent opportunities and looking forward with great vigour to the next phase. I am certainly not going to retire.

One task that I wish to take up is to write a book about Australia’s relations with our APEC partners and the initiatives we need to take in foreign affairs, trade and regional security to safeguard Australia’s prosperity in peace. In particular, I want to write a book about China, including my own experiences there over the last 28 years.

I also see it as another challenge for my wife Kathy and I to attempt to write a comprehensive history of my own state, South Australia, and to build upon all that has been published about the development of our state and its distinctive characteristics as an exciting part of Australia. I look forward also to contributing to the universities in my own city, and I have been glad to have been involved in pretty well all the education debates over the last decade or more.

I have been elected these last six months to be on the Council of the University of Adelaide and I look forward to an academic association with Flinders University in an honorary capacity. I will be involved with any

education matters that need my services in the future.

When I announced that I would not be contesting the last election, I said this:

I will continue to pursue the political principles and policies that I have advocated within the Liberal Party and the Commonwealth parliament. Among those principles are truth and justice, compassion, excellence, practical commonsense, equality of opportunity and the Australian sense of a fair go.

I refer to these words. They mean a lot to me, and I know that they mean a lot to all of us. No one of us has a monopoly on any of them.

I note the careful, heartfelt remarks of Senator Margetts for her close colleague, and the meaning that she invests in that, and of Senator Kernot for her two close colleagues Sid Spindler and Robert Bell, again taking up some of these words. Similarly, there were the remarks of the Leader of the Opposition (Senator Faulkner) about his colleagues, and Senator Hill's kind references to not only those of us on this side but indeed all of us who are retiring.

I think Senator Boswell said that the years ahead will give room for some of the hurts of this place to be healed. I have to say, very carefully, that you have been all so kind to me that the hurts I have suffered here have been outnumbered by a great sense of victory—100 to one. The hurts that I have suffered have rarely lasted till the next morning. I do not have any sense of offence from anyone in this place, and I have a great deal of friendship.

For me, who happens to be on the liberal and reforming side of my party, I am amongst the most loyal to the party. I seek to continue to contribute to my party, the Liberal Party. It was formed the year I was born, 1944, and I will not be giving up on putting forward my point of view in the forums of the party, at least in South Australia.

Indeed, with the new energy of starting a new career at my relatively young age, I actually feel sufficient energy and young enough to return in some years to this parliament, perhaps as Prime Minister. I will not be looking to be here, but if I do see some national need in the future, particularly five

or seven years away, I will be back. I say, in principle, I am ready to come back.

Senator Hill—President of the Republic.

Senator TEAGUE—Certainly my support for an Australian head of state remains undiminished, and I will enjoy the wider freedom of the coming years to go on in step with the Australian people to achieve this historic change to the Australian constitution. I also hope, as many from this place have done, to make a positive contribution to Aboriginal reconciliation in this country. I happen to believe with the psalmist:

The earth is the Lord's and the fullness thereof: Commit your way to the Lord and He will direct your path.

Saint Paul has added:

... the God of grace and peace will be with you.

One of the areas I will miss is constituents. I know that it makes for a lot of hard work and that patience is sometimes needed, but thousands of constituents have come to all of us, not least to me in these 18 years. I gained a great deal of enjoyment in trying to gain some justice or solution to those who have come to me.

I have valued mixing in every area of the community in South Australia, both in the city and the countryside, and I will continue to do this with my wife as we attempt—maybe it is a 10-year task—to write a history of the development of South Australia.

I have thoroughly enjoyed my involvement in the Liberal Party. Right from the beginning, within a few months of joining, I was invited to nominate for an election to the state executive, and I eventually became the policy coordinator of the party. I served for more than 20 years on the state council of the party, and I have been in endless federal election campaigns. I was once president of the Sturt campaign, was campaign manager for Hindmarsh, and contributed to campaigns in Adelaide and Kingston—often in Kingston—and in other seats, including Grey, Boothby and so on.

My involvement with the party leads me to the view that, whilst I will have irritations from time to time and I will not always have my argument accepted, the great majority of

the Liberal Party members in my state are of the salt of the earth—wonderful citizens of this country—and we, in the political process, need to recognise that there are bona fide genuine Australians in every political party in this country.

I wish to refer to a few of the activities that I have been privileged to be involved in here in Canberra. To have been for many years a member of the Senate Privileges Committee, which I see as the leading committee of this chamber, and to have then been, for a period, chairman of that committee, is a great honour. To have served with those who are now there with me is a great pleasure. I see in the chamber Senator Childs, Senator Coates, Senator Ray, who has succeeded me as chairman, Senator Knowles and Senator Panizza; and there have been a number of others. There have been some 50 reports that I have participated in, and the secretary to the committee, Anne Lynch, is thoroughly professional and a great friend to the Senate. I will miss Anne and all of the members of the Privileges Committee.

I see the Privileges Committee as undergirding democracy in this country, ensuring that there are rights for citizens that cannot be trampled upon and ensuring their access to the parliament and that there are rights for elected members of parliament to go about the democratic process.

A second area is Aboriginal affairs. Throughout my time here I have tried to speak for justice and for the rights of the Aboriginal people of this country. I served as an undergraduate as the director of the Aboriginal scholarship scheme, and when I first arrived here I found myself on a committee in the Fraser government period with Alan Missen, Neville Bonner, who became a lifelong friend, Kathy Sullivan, Phil Ruddock and others. I have, for more than 20 years, been a good friend of Charles Perkins, Lois O'Donoghue and many other Aboriginal leaders who I count as part of my family.

I have tried to visit the Pitjantjatjara communities as often as I could, perhaps a dozen times during my time in this parliament. At one stage my wife and I had begun to learn Pitjantjatjara. Certainly, Joshua, my son, who

is in the gallery, has travelled with us as well to the Pitjantjatjara many times from when he was a very small boy.

I served for five years on the Council of the Australian Institute of Aboriginal and Torres Strait Islander Studies. From the outset I supported the Mabo decision and I support reconciliation with all of its objectives. I believe it is possible to gain assent to that proposition from all of us, as we go about this as constructively as we can, consulting with the people of Australia as much as we can.

Some of the foci of my time in Senate committees have been education, science, the arts and communications. I was chairman of the Senate education committee and of the coalition's policy committee on education. I was acting shadow minister for seven of our shadows during the Hawke and Keating period and was involved in the debates. Robert Bell knows that we were able to move and gain majority support in the Senate for many education motions and amendments to legislation.

For three years I was on the Council of the National Library of Australia under the chairmanship of Sir Ninian Stephen—and thoroughly enjoyed it. Another area which has been at times very contentious is immigration. I was chairman of the coalition committee on immigration and ethnic affairs. It was called ethnic affairs then but we now rightly refer to it as multicultural affairs in the ministry that Phillip Ruddock represents. I was a foundation member of the Parliamentary Joint Committee on Immigration Regulations in Robert Ray's period as minister.

There was a gigantic debate arising from various events in August 1988. I was in the thick of it and I am very proud of the arguments I put during that year, in particular in that month, within my own party and throughout the nation—and we have a multicultural Australia. I will continue to support it. That victory has been understood by my party and, I think, by the nation.

All the time I have been here I have been really excited to be involved in foreign affairs, defence and trade. One of the consolations of being in opposition for 13 years—I have to say that losing five elections is no

way to go—is that you can apply yourself to the detail of national policy debate in an area like foreign affairs, defence and trade, and are able to be sufficiently free to go on parliamentary delegations to pretty well everywhere in the world and to learn from that and bring the knowledge back to the advantage of Australia. It has been my pleasure to have had more than my fair share of those involvements.

During the time I have been in the Senate we have seen the end of the Cold War, a more effective United Nations, the end to apartheid, China's open door policy from 1979, democracy return in Latin America, the establishment of APEC and much greater stability in Indo-China, with developments in Vietnam and Cambodia. Australia has played a part in it and parliamentary debate has played a part in it. I have fond memories of contributing to many reports and debates in this area.

Committee work has also been a great opportunity for all senators. I value very much the more than 100 reports that we have written—a whole library of material with recommendations, in my case mostly bipartisan. I believe in the mirror of the argument and that you can win, even if you are in a minority or in opposition, if you do the homework and if you put down the reasons why your conclusion should guide the public policy of Australia.

I want to refer in particular to just half a dozen of those reports: *A national language policy for Australia*, *Peace and disarmament in the nuclear age*, *Australia's relations with Latin America*, *Sexual harassment in the Australian Defence Force* and, only yesterday, *Australia-China relations*. There have been others of which I am very pleased to have been a part. They relate to human rights, India, the United States of America, Russia's perestroika, Japan's defence policy, Burma, Bosnia and so on. I thank senators who have participated with me in those committees. They have become firm friends through the processes of our meetings.

I have to give my thanks to scores of members of the Department of Foreign Affairs and Trade. I acknowledge Senator Evans

and his predecessors; and Mr Downer, the current foreign minister, who have given me, as one senator, enormous access to the department, both here in Canberra and in all our posts overseas. I have many friends throughout the department, again on the basis of the mirror of the argument.

I thank Australian ambassadors overseas in many countries. I will only mention those in China: Ross Garnaut, David Sadler and Michael Lightowler—whom it has been a pleasure to work with. There are about 80 ambassadors in Canberra representing overseas countries. For many years now I have exchanged Christmas cards with all of them and have got to know all of them in literally hundreds, maybe thousands, of receptions—some of them very well, through our discussions.

It is an honour for me that the President of Chile gave me their highest honour. I will wear that proudly, as I did the other day at the Queen's birthday reception, I think for the first time—some thought I should be wearing it right now. I certainly appreciate it as a symbol of the dialogue that many of us seek to carry out positively, in Australia's interest, with representatives of other countries.

I wish to thank the Senate staff who have really contributed positively and professionally to my time here in the Senate; most of all to Harry Evans, the Clerk of the Senate, and to Anne Lynch, the Deputy Clerk. I also thank Rosemary Laing, Cleaver Elliott, Peter O'Keefe, John Vander Wyk and Terry Brown, with all of whom I have had many associations.

I thank the library staff, especially John Brudenall, June Verrier, Andrew Chin, Michael Ong, and all of those in the foreign affairs, defence and trade area; in Hansard, John Templeton, Bernie Harris, in particular, and all the *Hansard* reporters; the attendants, led by Alan Platt, and all the attendants in this chamber and around the building. Your service is acknowledged by us and we thank you very sincerely. Alan, I still remember my 10 years in the chamber in the old Parliament House and your great concern for that chamber—and your even greater concern, if I can put it that way, for this chamber.

I thank those in the Parliamentary Education Office, with which I have been involved throughout its existence; and the Parliamentary Relations Office, as I was on the executive of the CPA, the IPU, the APPF and the PGA. They facilitated my overseas travel enormously. I also wish to acknowledge the friendship and service of the Black Rod, Robert Alison, and the Secretary of the Joint House Department, Michael Bolton.

I calculate I have had about 10,000 Commonwealth car journeys and the drivers have been absolutely superb. In the Senate Transport Office, Bruce Greentree and Kearen Finn, being those who currently coordinate that, are superb in the personal service they give to senators. I think I have had about 3,000 air journeys and there is always a Commonwealth car waiting at the other end, whether it is Adelaide or Canberra.

Finally, I will refer to my own staff and then to the departing senators. I wish to acknowledge Liz MacKellar, who served as my secretary for 12 years; Lynton Crosby, my first research officer, who is now the Deputy Director of the Liberal Party; Robert Reid, who is now policy adviser to Premier Richard Court; Christopher Gardiner, now aged care services coordinator in New South Wales; and Rohan Greenland, who is in the gallery, a most excellent officer and a great friend. Rohan is now, after a period advising the President of the AMA, the press secretary of the Minister for Health and Family Services, Michael Wooldridge.

I also acknowledge Dawn Crosby, who is now a director of the Liberal Party in the ACT; Bruce Edwards, who for seven years was my research officer and is now a senior officer on the staff of the Liberal Party in New South Wales; and Joanie Waterford, who begins next week as research officer for Senator-elect Coonan. I now refer to my most recent staff: Paul Evans, who is in the gallery and who is now a staff member of Trish Worth, my very close friend and my local member; Christopher Argent; Naomi Moylan; David MacKay; Elizabeth Morrow; and, not least, my own son, Joshua, who has nearly graduated in law and who has been coordinating my office in the last couple of weeks.

I wish to acknowledge those departing with me. There are 10 of us. When I came here after the 1977 election there were 10 of us who were newly elected. I especially wish to thank, for their friendship, Senator Watson and Senator MacGibbon. We came in together. There are only two senators currently serving who have been here longer than the three of us. Also elected at that time were Gareth Evans, Don Chipp, David Hamer and some four others.

Let me turn to my very close friend and a person who I greatly respect, Senator Gerry Jones. We have travelled together in the Middle East and in China. We served as chairman and deputy chairman of the Senate Committee on Foreign Affairs, Defence and Trade. It has been a superb experience for me to have a great Australian involved with me in all those undertakings. I wish you and Rita every happiness.

Senator Baume preceded me in the parliament, having been elected in 1975. Michael and I have contributed to the Liberal Party in all the debates. I have great respect for Michael. The Liberal Party inherits both the conservative tradition in politics and the liberal tradition in politics. We both share something of each. I know that in some debates we will be removed from each other, but I assure not only my colleagues but also the Senate that at no stage has there been any difficulty for us to cooperate. I wish Michael and Toni every happiness in Reykjavik—or is it New York? I also acknowledge that we have travelled together in Indonesia. We will remember Java, West Irian, Irian Jaya and other places. We celebrated Anzac Day with all solemnity in Turkey together just a year ago, with our wives—and the Governor-General happened to be there as well.

I must mention Senator Bryant Burns who I respect very highly as I think the last of the old Labor Party in this parliament. I say it with great affection. Bryant and I became very close personal friends because he and I were leaders of the China-Australia friendship group in this parliament. We understood each other on lots of issues. I wish him every happiness.

I disagree with the President, Senator Michael Beahan—every day, I have sought to be here for prayers. I believe it is right that after 96 years, we continue for another 96 years, and more, in opening our sittings, as representative of the Australian people, with prayer. But I agree with his remarks about the deterioration of behaviour in question time. I know that it upsets the Australian public. I agree with him, too, that the role of President of the Senate is an enormously important one. It is one that he has filled well.

I look forward to Senator Beahan's successor contributing in every positive way to his position. I look to my close friend—she is like a sister to me in this place—Senator Margaret Reid. I had the privilege in my party room of nominating Senator Reid to be considered for the position of President. It was carried unanimously. I also acknowledge—as everyone in my party knows—that, had we won the 1993 election, I would have been glad to have been nominated to be President of the Senate. We did not win and those days have long passed.

May I refer to Senator Noel Crichton-Browne. I remember earlier days, and I wish Noel all the best in future days.

Another Western Australian, Senator Christabel Chamarette, was one of the very happy and welcome guests at the wedding of my wife and I nearly 25 years ago, as was Senator Chapman. Christabel and my wife Kathy were classmates at school and they were also well known to each other all through university. I really respect Christabel's bona fides. I have said more—we all said more—in the Christian Fellowship meeting on Wednesday morning. I wish you well, Christabel. I heard and understand what your colleague Dee Margetts said about you.

Senator Spindler, Senator Bell and Senator Wheelwright have always been in my view in recent months. They were in a similar orientation when I was sitting for 13 years on the other side of the chamber. I wish you all well. I recognise in particular Robert Bell's partnership in many education debates in this chamber.

To the remaining senators, let me say a few things. Continue to serve Australia well. I

particularly look to my immediate friends. Senator Robert Hill is my closest colleague in this place and my best friend in the Senate. We have gone through thick and thin together in my party. We have had great triumphs and we have also had some setbacks. I respect Robert enormously. I know the Senate is in good hands when he is the Leader of the Government in the Senate.

Going across to the other side, I mention Robert Ray. I have always got on very well with Robert, not least when he was a minister. I regard him as the most credible senator sitting opposite. I believe we should all be consistent and credible in this place. It helps a great deal in our contributions and to the outcome.

I have already mentioned Margaret Reid. There are many other personal friends, David Brownhill, for example—a great friend and my tennis partner to whom I handed this week the cup that the Senate has held in the tennis competition between the Reps and the Senate over all the time I have been here.

I also mention as personal friends Amanda Vanstone, Jocelyn Newman, Richard Alston and Winston Crane. Winston sat next to me in that top corner, and we are friends forever. I mention Sue Knowles. There are so many on all hands—everyone I see about me amongst the Liberal and National Party members and opposite.

Senator Brian Harradine sent me a note today saying he was sad that he was missing this discussion in the Senate. Brian has become a personal friend of mine in every respect. I regard him a very honourable senator.

I recognise other more recent friends like Kay Denman. I really have enjoyed getting to know Kay. I really have enjoyed one of the most recent senators here, Natasha Stott Despoja. I really look forward to the contribution you will make in the parliament in all respects.

I also mention other friends like John Woodley, the current President of the Parliamentary Christian Fellowship. I have mentioned Bruce Childs already. Barney Cooney, you are a brother, mate, and I will miss you.

I wish you and all of those I have mentioned well.

Senator West was in the chair a minute ago. We have been on committees together and travelled together in China and other places. We both happen to have a Cornish heritage.

I talk too much. I am sorry, I should sit down. I do not wish to omit anyone because, frankly, I do not know that I have an enemy in this place. I really have an enormous number of friends here. I will miss you, but I am going on to fresh things. So from Monday, feel free of any of our obligations; get on with serving Australia in your way.

I cannot conclude the list without mentioning at least a few former senators: Peter Baume, my great soul mate; Peter Durack, whom I respect enormously; John Carrick, who was my first Leader of the Government in this place and who sat next to me in his last year; and a great South Australian, Senator Sir Condor Laucke, now deceased, whom I have always respected and who was the most senior when I was the youngest in the Senate. I acknowledge the contributions of all South Australian senators who have served with me here.

Finally, I come to the best people in the world—my wife, my sons, and my mother and father. I would not have been here without them. I would not have survived 18 years had it not been for the enormous contribution to my thinking and to my personal life of my wife Kathy. In the first five years especially I often thought she could equally have been elected to this Senate. She has the same skills that I have and she is a superb Australian. I thank her most sincerely.

I have three boys. Joshua, who is in the gallery, was only three when I was elected. He is now 21 and about to finish law. Matthew, who is a medical student, is a great mate. Nathan, my very good friend, is still in year 11 at school.

I wish to take a sentence from my parents' letter to me today. My mother, who is in her late 70s and has always been a great supporter, says, 'It will be just great to have you at home here more often in the days that lay ahead.' My father, who is now 85 and plays

golf every week, said, amongst other things, 'I feel that you will be like a bird set free. It is a great feeling being really free.' My father does not know it, but I have been saying to a lot of people that I am looking forward to Monday when I will be free to have energy to apply to this new set of activities.

Last of all, I thank the people of South Australia for electing me here. I will return to be in the midst of the South Australian people and to contribute something towards the history of the South Australian people. It has been a total pleasure to be a senator in this place. I thank all senators for making it such a happy time for me.

Senator JONES (Queensland)—First of all, I am very grateful for the remarks passed by the Leader of the Opposition in the Senate (Senator Faulkner) and the Leader of the Government in the Senate (Senator Hill) and other senators who have spoken. I thank them for the remarks that they outlined. We were talking about members of the Labor Party. I think I owe the Labor Party a great debt.

I remember when I first joined the Labor Party. When I look around the chamber, I think how some people may not have been born when I joined the Labor Party. I joined in 1957 when the Labor Party split. That means that I have been a member of the Labor Party for 39 years. On Sunday, my wife and I will celebrate our 40th wedding anniversary. I do not think there can be a better combination than 39 years in the Labor Party and having to survive for 40 years. I did not believe my wife would survive 40 years with me being in the Labor Party.

Senator Forshaw—You get less for murder.

Senator JONES—That is right. I have scribbled a lot of notes. I decided that I would say this. As Baden, the President and John spoke, they reminded me of different things that happened, so I made little notes. I have now decided that I will try to stick very strictly to what I was going to say in the first place and not be tempted, because the hour is late. I am standing here, as Baden said, amongst friends.

When I came to the Senate 15 years ago in 1981, it was a different place. It was in the old chamber; that was the first thing.

Senator Alston—It was a lot more civilised.

Senator JONES—I am not so sure about that. Malcolm Fraser was the Prime Minister, which was one great change. Hayden was Leader of the Opposition. There was an election between Hawke and Fraser. Of course, Hawke finished up leading the government. From 1983 until the last election, we were the government.

Senator Brownhill—Too long.

Senator JONES—Not long enough. There were other things we should have done. In 1988, we moved to the new house, the new building for the new parliament. I do not think it really changed. A lot of people think it has changed the place, but I do not think so. In the old house there was a bit more comradeship, where you met people as you walked down hallways. The hallways were full and there were other members. You could always find out what was happening about the place. Here you could look down a hallway and fire a cannon safely. You probably would not see anyone in the hallway at that time. There have been some changes.

The one sad moment I have is not that I am leaving this place. I think we are sitting an extra day. I am told that the government cannot manage their legislative program.

Senator Patterson—That is unfair!

Senator JONES—I thought so.

Senator Faulkner—Or anything else.

Senator JONES—Or anything else, yes.

Senator Brownhill—But you were a good and honest whip.

Senator JONES—That is right. I can remember Robert Hill saying to me on a number of occasions, 'I don't know why the government cannot manage their legislative program.' Robert, I say the same thing to you now. I do not know why you cannot manage the government's legislative program.

Senator Crane—The whips do.

Senator JONES—That is right. As I was saying, the one sad thing about leaving here is that when I came here we were in opposition and now that I am leaving we are in opposition. Mr Howard is now the Prime Minister. What I also have to remember is that he was the Treasurer under Fraser when we came in here in opposition. The political wheel has turned. I do not believe that things have really changed from the point of view of the government at this stage. I do not want to go on with that, because I do not want to start a fight tonight.

One thing that did give me a lot of pleasure was being the whip in this place. There are a lot of stories I could tell about people asking for pairs, the reason they gave me and then what I found out afterwards was the real reason.

Senator Alston—Write your book, Gerry.

Senator JONES—Everyone tells me to write a book. If I wrote a book, it would be a funny book. I would try to pick up the funny bits. During my period here, I kept a lot of notes. Deputy presidents, presidents and other members of the chamber used to write little notes to the whip and comment on certain things. I have a drawer at home. I used to take all the notes home and throw them in the drawer. The other day I started to go through the drawer and date the notes. As I said, if I ever attempted to write a book, it would be a beauty. I must say that I think you would get some fun out of it, because I do not think I would write it with any venom. I would write it as the notes were given to me and in the way that they came out.

Being the whip was very important, from my point of view anyway. I believe that this place is different from the House of Representatives. Every day the parliament sits, there is a meeting of whips. You have to talk about the day's program, find out what is going to happen, see if there are any surprises. I know the whip is now the whip in opposition. In government, we used to have to call meetings and get the people together.

The good thing that came out of it was that I got to know most people in the chamber very well. I also developed a fairly strong friendship, I believe, with the other whips—

Senator Margaret Reid, who was the opposition whip at that stage; Vicki Bourne from the Democrats; Senator Chamarette from the Greens, who at first did not arrive but then did arrive, and then gave us a reasonably interesting but hard time; Dominic Foreman, who was the assistant whip; and John Faulkner, who rose to great heights and is now the Leader of the Opposition in the Senate. John, to you I say thank you for your help when I was the whip, particularly when I was overseas and you were doing things that I should have been doing.

Senator Brownhill—I was the other one—your old sparring partner.

Senator JONES—Yes, that's right, my old sparring partner from the United Nations. I should talk to Senator Baume and tell him about New York and all the things that should happen, but I am afraid that I might—only might—tell him the wrong things. Sorry, Senator Baume.

At 12 o'clock on Sunday night, when I finish being a senator and become Gerry Jones again—not Mr Jones but Gerry Jones—there will be some sadness, the sadness of missing colleagues and people on the other side as well. There will be some sadness in missing the process, the way that things work here—and I think only senators understand how the place works. I am not sure that one could say the public completely understands the Senate. I think Senator Chamarette, or someone else, said that if you go back, you will certainly have some material to work on that you never believed you would have. That material is unique to the Senate.

I really think that tonight is a time when I should thank people. First of all, I thank the Labor Party for the time that I have spent in the Labor Party, for the endorsement that I had, for their confidence in me, and for the fact that I came here and represented the party and the people that belonged to the party.

I want to express my gratitude to my staff: Karen Thompson, who has been my secretary for nine years; Ian Ross, a former editor of the *Australian*, who worked the media for me; Natasha Thompson and Sacha Berry, two young girls who used to split the week between them—that gave them employment and

allowed them to undertake other things that they wanted to do. I must also mention Joan Harvey, my former whip's clerk, who I think everyone, on both sides of the chamber, agreed did a very good job. She was an excellent employee and she will be a loss to this place.

I have a list of people, and I know that Baden went through a lot of them. I want to thank the transport officers, Bruce and Kearen. They arranged for cars to pick me up on time at various places throughout Australia; I forgive them for all the cars that were late. Cleaver Elliott, John Vander Wyk, Terry Brown, Bev Orr and Angie Lilley work in the office just outside and assisted me during the time that I was the whip.

I must mention the PLOs. The late Rob Jones did a tremendous job and was a loss not only to this parliament but to everyone in the parliament. George Thompson, who is now chief adviser to John, did a great job and was of great assistance.

And of course there is Nhan Vo-Van, who is still there. I must say that John Panizza has probably got one of the best PLOs that this Senate has ever had. He showed professionalism when I dealt with him as government whip; he shows the same type of professionalism now. But it is a pity that they cannot win a division from the other side.

I thank the attendants, Allan and his band in the chamber, for all the work that they do; the attendants throughout parliament; the *Hansard* reporters; Harry Evans, Anne Lynch, Black Rod and all the people that work with them. If I have missed anyone, I am sure that Baden has covered them.

Finally—and it is finally—I will not mention all the comments made by the President. He said that presiding officers should go overseas because they meet more people, and he listed all the people that we met. I have had one or two trips overseas—only one or two—and I suppose, of the people I have met, I put first the Pope. I had a private audience with the Pope. I did well for a backbencher, I thought. I met Yasser Arafat and discussed the peace plan before it started to take place in the Middle East. I went to South Africa recently and met Mandela after they had

discussed their constitution. Backbenchers, do not feel bad about it. I think backbenchers do very well when they go—

Senator Brownhill—Shevardnadze.

Senator JONES—Shevardnadze at the United Nations. I think backbenchers will do very well when they go overseas. I must also say that when I went to Chile, I represented Australia at the inauguration of the president.

Senator Alston—You didn't meet Baden, did you?

Senator JONES—No, Baden didn't do it; I did it. That was the one thing that he was crooked on me for—that I represented Australia.

It is important that I thank my wife Rita. I think anyone who can put up with someone who has been in the Labor Party for 39 years and last 40 years together deserves a lot of credit. When I started my political career, which was in 1963, I ran as a candidate against Ceb Barnes in McPherson. The electorate stretched from Southport to Boonah, Warwick and so on.

Senator West—That is the year Senator Neal was born.

Senator JONES—You have really made me feel good now. In 1969 I ran for the seat of Kennedy against Bob Katter Sr.

Senator Woodley—I voted for you that year.

Senator JONES—You are the first one that did. He beat me by about 10,000 votes. In 1967, I became an organiser for the Labor Party. I then became the executive officer's secretary and then a senator. Through all that time my wife was of great support to me.

I think one of the things that people do not know is that, during the anti-apartheid demonstrations, particularly during the stop-the-tour demonstrations, I led the demonstrations in Queensland. I have a photo of me sitting in the main street with all the demonstrators. The Liberal Party tried to beat me in a state seat. They had that photo and drew a ring around my head and said, 'You are responsible. You led demonstrations.' In actual fact that increased their vote so there was no real problem with it.

Prior to anti-apartheid demonstrations starting in Australia, some people may recall—you may have to go back and look this up because I know it is a long time ago—in the early 1970s that the Lions came out here to play rugby against Australia. Because they had played against South Africa, a team that was selected under the apartheid system, we believed that they should not be allowed to play in Australia. We tried to organise a demonstration in Brisbane.

I think most people know my wife. She certainly does not look like a demonstrator. She looks like a middle class person rather than a demonstrator. She started the demonstration against the Lions. There were two people there—my wife and a young teacher. They handed out dodgers in front of where the Lions were going in to play Queensland. That was the first demonstration against the apartheid system relating to sport. I went out to the airport to pick up Tony Abrahams who had come from France. He played rugby in the centres or the wing for Australia, but would have no truck with the apartheid system.

Rita and I went to South Africa. During our visit to South Africa we went to a rugby match. We watched New Zealand play Western Province. It was the first time that I had been to a rugby match since the days of the demonstrations, and it was the first rugby match that Rita had been to since the day she started the demonstration. It was ironic that it was South Africa. It was a very fitting end to the apartheid system that we finished up in South Africa, went to rugby and could see the result of the changes that had taken place and the changes that they had made in their constitution to do away with the apartheid system and bring in a fair and proper government.

During the course of my political career, in which Rita gave me loyal support, I suppose the biggest disappointment I have is that, starting as an official party organiser in 1967, I missed watching my four children—three girls and one boy—growing up. I think I have probably spent more time with my grandchildren than I have with my children. To all senators I say, 'Don't miss out on your kids.'

If you are going to waste time in the Senate, do it in such a way that you give priority to your family and your kids.' I say publicly tonight that I still love my wife and I have enjoyed the last 40 years. I hope the next 40 years are as good.

The DEPUTY PRESIDENT—Sunday, 30 June is Rita and Gerry's 40th wedding anniversary—congratulations.

Senator MICHAEL BAUME (New South Wales)—I add my congratulations on that event and also say how pleased I am to be following Gerry Jones, a man whom I greatly respect. I have informally indicated to the President that I intend to retire from the Senate before the August budget session. This is my farewell to this chamber. I wish the best of everything to the other nine senators whose terms are finishing. Some are close friends, like Baden Teague; others friendly opponents, like Senators Jones, Burns, Wheelwright and Bell; and others I simply have not had the opportunity of getting close to. I want to single out Senator Christabel Chamarette for special mention as a special person. She is someone of total commitment and integrity. Despite my almost continual disagreements with her, I certainly treasure her friendship.

When I made my maiden speech as the member for Macarthur in the House of Representatives a little over 20 years ago, I said I believed that the middle ground, the mainstream of Australia, would see the Liberal Party as its intellectual home. The mainstream left home and dumped us in 1983, and I lost my seat along with my exciting job as parliamentary secretary to the Treasurer, John Howard. My special responsibility was in helping sort out the mess the tax office had made by wrongly accepting as absolute a High Court judgment that section 260 of the tax act was not effective against a whole series of devious tax evasion arrangements. It has since been found to have been effective all the time.

John Howard was made to carry the political can for what was more a lack of skill in the tax office than a lack of will by the government. I will never forget the incredible comment by a former tax commissioner who, when called on in John Howard's office when

John Hewson was his senior adviser and I was his parliamentary secretary to justify his office's failure to bring forward anti-evasion legislation that had been promised two years earlier, said, 'Mr Treasurer, how do you explain the inexplicable?' One day I will write a fairly detailed piece. All former journalists say that they are going to write a book. I will write a book and I hope the tax office and its secret agendas and all sorts of other things get a fair slice of the book.

John Howard also had to live with the ludicrous accusation that he had left a \$9.6 billion dollar deficit for the 1983-84 financial year. The proof of the absurdity of that claim, which depended on a continuation, among other things, of what was already the worst drought for 50 years for a further 15 months, was evident when the Hawke government brought down its 1983-84 budget revealing an \$8 billion dollar deficit after it had added a net \$1.5 billion of its own expenditure. As a result, the Howard forecast of a likely deficit of about \$6.5 billion was remarkably accurate, but that did not diminish the totally dishonest continual attacks on him on this score.

These examples of the political crosses John Howard has had to bear from opponents who had little regard for the truth, and the manner in which he has triumphed over them to become Australia's Prime Minister, underline some of the reasons for my unashamed admiration for the man. His election as Prime Minister gave me one of the greatest thrills of my political career. No-one deserved it more; the mainstream has come back to its natural home.

John Winston Howard, like his middle-namesake, is the right man in the right job at the right time. He has the strength of intellect, will and character to lead Australia out of our present problems.

One of the crosses he bears at the moment is the cross-benches of this chamber, with the perception by the Australian Democrats and Greens that it is in their political interests to force a double dissolution—and so create lower electoral quotas—overwhelming any sense of responsibility to pass the legislative program of a government elected with a massive mandate of reform. John Howard's

reform program, so overwhelmingly endorsed last March, has been stalled, not on the basis of merit or sound argument but for a perceived political benefit. I think the Democrats and the Greens are wrong on all scores, including politically. In my maiden speech to the Senate almost 11 years ago I said:

The role we have here is a most important one, ensuring, if we can, that Australia is being well governed, that our laws are just and that the rights of all Australians are protected. As senators, our responsibilities, like our privileges, are substantial. It is our duty, and certainly it is my intention, never to shirk those responsibilities or abuse those privileges.

There are two points I would like to make about this. Firstly, on the question of responsibilities, I believe I have worked hard to fulfil mine. I am concerned that the cross-benches here are not living up to theirs. Secondly, I want to say something about the abuse of privileges. On that score, I strongly defend my actions in this chamber, which have been criticised. On all occasions I believe they were in the public interest. I note that the truth hurts most and I have always spoken what I believed to be the truth.

It is remarkable that what the media describes as 'investigative journalism' when they do it magically becomes muckraking and mudslinging when a politician does it. My own view of my responsibilities rests on my hope in my maiden speech here that I would be:

... judged here on my contribution to the Senate's performance in making or, in some instances, unmaking the laws under which we live. I hope that that judgment will be on the substance of what I do because it is substance that really matters. The dependency on demagoguery and the reliance on rhetoric that has so often diminished political debate in this Chamber no longer carries weight among thinking Australians.

Unfortunately, all but a few months of my Senate life I have spent in opposition, but I can look back with pleasure at some changes I have made, for the better, to government legislation from opposition, particularly on the Australia Card issue and its replacement. The role I have most enjoyed is using some of the forms of the Senate to bring a greater level of detailed scrutiny of government than had apparently previously existed. This was an

urgent need at a time when the government was diminishing the role of the House of Representatives to little more than an electoral college for the executive, a situation now being reversed by the Howard government.

No doubt people will find different things to remember me by. Some will see no further than their snouts and will think only of pigs. I would say here that I am proud of my performance in revealing—despite a persistent campaign of personal abuse—matters that go to the heart of ministerial and prime ministerial duty and questions of potential for conflict of interest. The accuracy of my revelations of illegality and impropriety has been confirmed by the successful prosecutions of some of the persons involved. This matter is far from finished and others will pursue the improprieties involved that are still emerging.

To my mind, my greatest contribution to this place was to add an extra dimension to the use of notices of motion and the tabling of Auditor-General's reports and government documents as methods of keeping a check on the exercise of increasingly authoritarian power by government. I hope my colleagues will continue to pursue matters in these areas, even though the need now has been significantly diminished.

The Senate estimates committees have provided me with opportunities to examine questionable government spending programs, particularly after John Howard, as opposition leader, in 1986 appointed me as foundation Chairman of the Waste Watch Committee. I am proud of the achievements of that committee in exposing ludicrous examples of waste and vote buying by pandering to fringe groups with indefensible hand-outs of government money. The female surfboard fiasco, song-writers in residence and all the rest of this nonsense are now things of the past as a result of the efforts of that committee. Senate reference committees, particularly the arts, education and soccer inquiries on which I served, were good examples of the positive contribution the Senate makes.

I should mention, in passing, that in all these Senate activities—and I imagine I am one of the most frequent speakers in this chamber—

Government senators—No, no!

Senator MICHAEL BAUME—I do not know which interjection to acknowledge. They are all accurate. In all these activities I have never read a speech. I am tonight, however, referring to copious notes only because I have many things I want to say in a very limited time and I want to make certain I get it right. I have always taken the view that, if I did not know enough about a subject to talk about it without reading a speech, I should not be talking at all.

Senator Bob Collins—You could have fooled me!

Senator MICHAEL BAUME—I acknowledge that interjection because it reflects the sort of attitude I would expect from Senator Collins—I should not be talking at all, and I wish Senator Collins would not talk at all. I commend that view to my colleagues and to the Manager of Government Business in the Senate as a method of possibly diminishing the time spent on some matters.

The job here has not been all boring examination of legislation, the great bulk of which, until this session unfortunately, had been passed with only modest or no amendment, despite the false impression given by the media that the major parties spend all their time here in massive disagreement. As a former journalist, I despair at the inadequate and often misleading nature of so much of the press gallery's cover of our activities—yet for most Australians it is the only method of being informed about what is happening in this the democratic process.

My greatest thrill here was in my three years under John Hewson as shadow minister for the arts, heritage and sport, where my hobbies became my job and where my dear late friend David Parker and his wife, Marie Van Hove, encouraged me to put my mouth where my shadow ministry was and sing the role of the Judge in *Trial by Jury* in the Canberra City Opera's production in parliament's Great Hall.

Senator Patterson—‘And a good judge too’.

Senator MICHAEL BAUME—‘And a good judge too’, I hear my friend Senator

Patterson interject. Among the many exciting non-parliamentary events in my political life have been duties overseas, such as my three months as our parliamentary representative to the United Nations General Assembly in 1993, where I had the remarkable thrill of speaking to the General Assembly from the dais at which so many leading figures of the world have spoken.

Senator Teague—Which city was that, Michael?

Senator MICHAEL BAUME—In New York—and the official or party visits to the parliament of the Council of Europe, to South America, China, South Korea and Taiwan, and to the UK and other European nations.

Another highlight was playing for this parliament in a cricket match at the Sydney Cricket Ground against the New South Wales parliament, where the old SCG scoreboard read ‘Baume 47, Hawke 2’. Perhaps I should add that Senator Chapman scored 42. We still got beat. I have enjoyed many other cricket matches, and I have often wondered whether my close friendship with the Prime Minister may have something to do with the fact that I stumped a bloke off his bowling in a match against the builders—and it was a very good ball too.

I feel proud of the number of schools I have encouraged to visit parliament and the number of national flags I have presented.

It was not, however, roses roses all the way. During my first two years in the House of Representatives, I was held under water by the Labor opposition, who subjected me to unfair and false attack on the basis of the failure of a Sydney stockbroking firm in which I had previously been a non-owner partner. An official inquiry under a Labor state government into this failure had specifically exempted me from any criticism relating to the firm's failure. That put some iron in my soul and gave me a view of the lack of integrity of those who in those days deliberately falsified that report to attack me.

After all that, there was nothing I felt the Labor Party could do to me that hurt. Most of the abusive remarks about me I took as an accolade, considering the character and

credibility of those making them. Some of those opposite who will be glad to see me go are, I hope, endorsing my effectiveness over the years in exposing what should have been exposed and in commending what deserved to be commended but vigorously opposing what was not in Australia's best interests.

Spending 20 years or so in this profession imposes enormous pressures on one's family. I am very lucky indeed to have a wife, Toni, who enjoys the political process and who was a member of the New South Wales state executive of the Liberal Party before we married six years ago last Sunday. We have proved that the parliamentary and organisational wings of the Liberal Party can at times get along very well indeed, despite evidence to the contrary elsewhere. Unfortunately, this week she suffered the tragic loss of her mother in a car accident, and I thank her for being here with me today.

So are my three sons—Andrew, Nicholas and Patrick. As young children, they put up with my commitments to my marginal seat of Macarthur, but at least I made sure we had quality time together by attending their sport, their debates and their school events. To all parents in this business—I plead with you to ensure you do not become separated from your children. I treasure the close relationship I have with my now adult sons, and I remember fondly the unrehearsed endorsement in Nowra by a 10-year-old Nicholas on a microphone in the 1975 election: 'Vote Liberal for Michael Baume because he's my dad'.

Senator Alston—Pretty desperate.

Senator MICHAEL BAUME—Actually, that was the best reason for voting for me. To my grandchildren, Alex and Max, my stepchildren, Jo, Kim and Rob, and my step-grandchildren, Madison and John—my love.

There are many people I would like to thank for their support of me, particularly in the New South Wales Liberal Party, in my old Macarthur electorate organisation, my friends and colleagues in both chambers, and my staff. John Ryan, since 1977, has been a trusted and loyal aid. How he has put up with me, I will never know. I cannot thank him enough. Others include Solveig Dewhurst,

also in the gallery tonight, and the late Margaret Noakes. To all—I thank you for your patience.

Thanks to parliamentary staff, particularly the old hands we do not see any more like Carole—although we do see her husband, Frank—Jan, Josie, Norma and Col from catering; the Senate transport team and Comcar drivers; Indra Kuruppu and her colleagues from the library; Tony Kryger and his group in Statistics; and my old Nowra mate, John Seyffer, also sitting in the gallery, for his voluntary assistance for many months.

I regret leaving the Senate. It is a vital part of the democratic process. I have enjoyed my membership of it and the friendships I have made on both sides of this chamber, at the clerks table and in the attendants room. I hope it is not the kiss of death, but I have a very high regard for opponents like Robert Ray, Barney Cooney and former Senators Doug McClelland and Kerry Sibraa, and I have a whole host of wonderful friends on this side. Thank you, Harry and Anne, Alan and Hansard.

And thank you, Liberal Party, for selecting me for the honour of representing you and my state in parliament. Now I look forward to serving the Howard government in a new and exciting role. Thank you.

Senator SPINDLER (Victoria)—I am rather glad that Senator Faulkner earlier tonight gave me permission to speak as often as possible now that he is in opposition, because in a sense I cheated: I gave what I called a final speech yesterday and my valedictory today. I gave my final speech yesterday because our four children were able to be present. I am glad that Julia is still able to be here, together with Beverly Irving, my long-suffering assistant in the office. They are the two women who run my life at the moment, or have until today.

It has been a great privilege for me to be part of the process of making the Senate a more effective house of review—for the last six years as a senator for Victoria and, before that, as senior adviser to former Senators Don Chipp and Janine Haines when they were leaders of the Australian Democrats. That process for the Democrats includes assessing

every clause of every bill to determine whether it should be passed, amended or rejected—perhaps Senator Michael Baume could take note of that—on the basis of the merits of that legislation, as defined by the policies and principles of the Australian Democrats.

That issue touches on the debate we have had in the community about mandates. I believe it has now been finally acknowledged that the definition of 'keeping them honest' means keeping them accountable in terms of the common good rather than on the basis of whether a government mandate for a particular measure has been created by including that measure in the party's election speech. Clearly it is the task of executive government to propose laws and, if passed, to implement them. To reverse that order and to suggest that the government of the day has the right to tell parliament which laws to pass is an arrogant denial of parliamentary democracy.

There is of course also the increasing pace of economic, social and technological change, the resulting uncertainty about our future and the complexity of the challenges facing governments which make a mockery of any rigid three-year program, as indeed all governments are experiencing. But being a legislator is not enough. One of the reasons I entered parliament and am leaving with mixed feelings is that there is potential for pursuing one's own aspirations for our individual and collective futures.

Senator Bob Collins—We'll miss you, Sid.

Senator SPINDLER—Thank you. Let me quote briefly from my final speech earlier this week:

I owned up to my agenda in my first speech—to push us closer to a society which is socially and economically just for all its members, regardless of colour, creed, gender, sexuality, disability or wealth; a society which is ecologically sustainable and which is accepting of our responsibility to reduce inequality globally.

I have, I went on to say:

... the strong belief not only that inequality in people's life opportunities is—
inherently and—

morally wrong, but also that such inequality, injustice and intolerance ultimately leads to conflict, oppression and violence. This was reinforced

by my childhood experiences in war-torn Europe and the enormity of the Holocaust. I determined that I wanted to do all I could to ensure that such events did not occur again.

Further, I said that I wanted to make sure that we made every effort to leave a world to our children and their children where such a prospect could be excluded with some confidence. I then proceeded to thank my family, my own staff and the staff of the other Democrat senators. No doubt senators will be relieved that I do not intend to repeat those comments.

But I must express my feelings about all the other people who make our work possible. One of the most positive experiences of my term in the Senate was the utterly professional yet friendly support provided by the staff of the Senate. One incident stands out from my early days with former Senator Don Chipp. I called on the then Clerk of Procedure, one Harry Evans, to get an amendment drafted. Once he had elicited exactly what I wanted—in itself no mean feat—Harry Evans walked across to his assistant, who was sitting at an electric typewriter, and dictated then and there a number of word-perfect clauses amending several acts of parliament.

That incident has stayed with me as the symbol of the quality of the service we enjoy from the other clerks—Anne Lynch, Peter O'Keefe, Cleaver Elliott, John Vander Wyk and Rosemary Laing—the Usher of the Black Rod, Rob Alison, and the Deputy Usher of the Black Rod, Andrea Griffiths, the quiet and much appreciated professionalism of the attendants and Comcar drivers, the Table Office, the printing shop and all the other services which make our work possible. Two aspects continue to fill me with some awe: how on earth Hansard can be accurate yet make one's garbled output look so elegant in print; and how often one can ask the same procedural question and still receive a friendly, patient and accurate answer.

Earlier I said that being a legislator is not enough and perhaps the most important avenue to explore new directions is offered by the Senate committees and their staff. And here I have participated in many inquiries that have given me great pleasure and great

satisfaction, starting with mergers and acquisitions; my own inquiry into industry, development and tariffs; cost of justice; outworkers; treaties; and more recently indicators and benchmarks.

Senator Bell interjecting—

Senator SPINDLER—Thank you. Of course there are the couple of landmines that I am leaving behind—the unfinished business of the casino and sexuality inquiries. I have always counted this work as a critically important part of my work in this place. I have found the committee secretariat members not only of legal and constitutional affairs, which probably was my preferred home of all the committees, but also of the NCA; family law; corporations; economics; foreign affairs, defence and trade; and migration committees to be unfailingly hardworking, efficient and competent.

Two chairmen stand out: Senator Barney Cooney has shown himself to be one of the great civil libertarians of this chamber and a friend; and Senator Chris Ellison has displayed such even-hand yet goal-directed fairness that he could have come from any party. I trust this is not the kiss of death, Chris. One of the pleasant surprises was that we could disagree quite strongly on issues—Senator Alan Ferguson and Senator John Panizza come to mind—yet work together constructively and cooperatively, even regard each other with a degree of respect and civility, perhaps with Senator Ian Macdonald providing one of the rare exceptions.

It is one of my regrets that a backbencher's resources simply cannot be stretched to do justice to six shadow portfolios, five committees and, just as importantly, the pursuit of issues not currently on the *Notice Paper*. In my case, the attempt has affected my health and confirmed the need to leave. More generally, I am sure, it is short-sighted policy to deny the resources to so many motivated and capable senators which could multiply the contributions that those senators could make.

It should not be beyond the capacity of the parliament to find resources to extract that extra value out of senators willing to shoulder additional responsibilities. Unfortunately, we are moving in the opposite direction, with a

finance minister reluctant to provide funds for select committees of inquiry established by this chamber—a clear and, I believe, regrettable example of party political considerations overriding the principles of government accountability.

Mr President, I wish to pay tribute to my colleagues. The Australian Democrats, being a small team, have to work as a team and have to work well together. Cheryl Kernot is known to us not only for managing the political process and the presentation of the political process but also for showing steel and commitment to what is right and just, as I described yesterday.

Robert Bell is returning to community activities but I am sure he will be back. Much has been said about the contributions he has made to our process here. Certainly, he has provided a very weighty anchor to the debates in our party room.

Meg Lees has always been capable, energetic and committed—the 'whirling dervish' is one term that comes to mind. Vicki Bourne, once known in the far off days when she worked for then Senator Colin Mason as the 'party girl' has become 'Madam Lash', our whip. She is a very efficient, very effective and most enthusiastic defender of human rights, both in Australia and overseas. We all jostle with her to get a word in because that is a topic dear to the hearts of Democrats.

With John Woodley we were delighted to be finally respectable enough to have a reverend in our midst. John has added a certain aura to our team which will not be forgotten. John, the dignity and wisdom that comes with it is much appreciated.

Natasha Stott Despoja is the latest addition and is proving that youth is no bar to achievement and no bar to a fantastic future. I believe that we will hear a lot from Natasha.

I should mention Lyn Allison. She is not yet in this chamber but I am delighted that as I am leaving it has been possible to ensure that there will be another Democrat senator from Victoria. I have come to know Lyn as being extremely capable and as having a strong will. She also has a somewhat dubious past, having been arrested at Albert Park

during one of the demonstrations against the raceway. Previously she was an independent councillor of the City of Port Melbourne. I can assure senators opposite that she will be a handful to deal with.

Andrew Murray I do not know very well. He comes to us from Western Australia. He is a Rhodes Scholar. I am sure he will add a lot to the intellectual debate of this chamber.

Mr President, I will mention briefly some of the other senators who are leaving and essentially associate myself with the remarks made by others who have gone before me, in particular Senator Kernot on behalf of the Australian Democrats. Let me first say something about Bryant Burns.

I share the respect that others have expressed for the conviction that Bryant has exhibited in many areas of his work in the committees. I cannot remember, Bryant, one occasion where I felt I should disagree with you. It was a good, useful and cooperative relationship.

Tom Wheelwright—a very brief presence, but we went together to Mururoa. That was a memorable occasion.

I have always respected Christabel Chamarette. I have not always agreed with Christabel. My wife claims that she is an anarchist, so to some extent—

Senator Chamarette—I've never met your wife.

Senator SPINDLER—Julia claims she is an anarchist, so I can appreciate to a large extent how the mind of an anarchist works. I have a great deal of respect for that. The chamber and the government process are not easily adapted to anarchist mode, as I am sure, Christabel, you have found out. But it is challenging for us sometimes to give some thought to how things could be done differently and better. I think you have provided us with some ideas on that, and I am sad that you are leaving.

Baden Teague, I will not compete with you for the office of head of state, but I may meet you at the constitutional convention, I hope.

President Michael Beahan, I have always had a great deal of respect for the way in which you have handled this chamber. May

I say that, apart from the Anti-Slavery Society, I expect to be spending some time at the International Centre for Conflict Resolution and also to hang out my shingle as a mediator. Mr President, if your successor finds that question time does not improve I might be back with some business cards and distribute them around the chamber.

I will leave the Senate deeply concerned about the future of our society, and in a sense I am regretful that I am not able to stay. The present government, I feel, is embarking on a cost cutting spree outside any conceivable policy framework and devoid of any rational substantive basis for the cuts that are being made. All we get is, 'We must reduce the budget deficit and fill this black hole of \$8 billion'—a figure which has now been largely discredited.

We know that it is based on necessarily uncertain economic growth forecasts. We also know that these forecasts have already been revised upwards, thus significantly reducing the deficit. The black hole has now become the grey hole, possibly even with some white edges, yet this does not stop the government in its destructive frenzy. The day after the revised growth estimates were announced, the Treasurer, Mr Peter Costello, was all over the media saying that the cuts will go ahead anyway.

Australia's economic future depends on our industries increasing their capacity to compete internationally—that is, to replace imports and to export more to reduce unemployment—yet the Howard government is cutting industry assistance, export promotion and labour market programs. Australia needs to become the truly clever and innovative society, yet Mr Howard is cutting funding to education, research and development. Our society needs to become the civil society, as Eva Cox called it in her Boyer lectures, concerned about justice, the collective good and government accountability, yet Mr Howard is reducing the Ombudsman's budget by a third. The vandals are not only at the gates, they are well within the gates.

Australians need the Senate and the Senate needs the Australian Democrats to make government accountable, to scrutinise the cuts

to services dictated by the economic rationalists in Finance and Treasury, and to protect Australian citizens from the destructive consequences of these ill-considered cuts. It will be a tough job, but I am sure the Senate is up to it.

Senator BURNS (Queensland)—I would like to indicate right at the very beginning that as Bryant Burns, and someone who may believe in certain issues and care about fairness and equity in the community, people's civil rights, their right to good education, to good health care, it would mean nothing if I were not involved in the labour movement. I speak about the labour movement as the trade union movement which built the Labor Party; and they both, of course, make up the labour movement. So I indicate my appreciation to that great body of men and women who have made it possible for me to come here to the Senate to play a role in the development and the future of this great country of ours.

I have been proud to be part of the Labor achievements over the nine years that I have been here—although I have not supported all of them; I am not one to sell assets that are good profit providers. However, I have not had to really search my conscience and suggest I should walk across the floor because I guess I have a great appreciation for solidarity and commitment to the majority view and the majority decision. I think without that, democracy is nothing. If you are not going to be part of an organisation or a body of people if they disagree with you, if you only want those occasions when you get your way, then the whole of society has a real problem.

I guess one of the highlights of my experiences in the Senate was very late at night when the Mabo native title legislation was finally put through the Senate. I knew at that time that while there was much debate and criticism from the opposition about the way in which the legislation was couched, the terms and the language, and some of the ways in which it provided for the native title to be administered, really no-one was opposed to seeing some benefit by way of traditional land going to Aboriginal people. It was a great

experience for me to see that happen. I guess it was against the tradition of the Senate that everybody got up and clapped, even people in the gallery, and I appreciate the fact that most people in the gallery did not object to that: they understood the emotional occasion.

I had excellent experience on a number of committees which I chose to go on and was fortunate enough to be able to go on. I was able to work with people within the Labor Party who also had a commitment in those areas and also people from the opposition who had a real commitment in those areas as well. I guess it was my first experience in the Senate of what they call split personality where people on the other side would get up and no matter what we said they would cane us and get stuck into us, but suddenly on a committee when we talked about issues in a detailed way and we were given evidence about what had happened and the direction in which some issues were going, we could all come to agreement.

It was rather strange, but it was a good experience to see that that could happen. Most of the committee work that I was involved in resulted in unanimous decisions. Even when there were some minority reports, they were not of any really great substance where the matters were important to this nation.

In foreign affairs, in particular, I recall when Graham Maguire was chairman and we did a report on India. Many reports are just left in piles to gather dust but this one was a little different because it was of great substance and I believe it was well thought out in its recommendations. The description of the evidence that had come to us by way of submissions was very helpful and constructive. Indeed, there was a request from India for hundreds of copies of the report so they could analyse our attitude to the relationship between the two countries. When Graham Maguire visited India, he had an audience for one hour with the Prime Minister, which is quite unusual for people at those levels of government—one to the other.

There was an excellent report on South America. The ambassadors in those southern American countries decided it would be useful if we continued the dialogue and attempted to

make the relationship we had even better and just make suggestions of how that could be strengthened and made more productive.

I was involved in the report on our relationship with China. The Chinese government, in its usual generous way, invited the committee to go there and see for ourselves the way the government operated and the prosperity that was accruing to the people there as a result of the opening up of their, as they call it, socialist market economy. I recall a very interesting visit, which was set up by Baden Teague, to the military university. It was a pleasure to talk with the people there about the need to enhance what we had in terms of regional defence, where each of us could cooperate, how there could be an exchange between the military forces from both countries, and the fact that we should be transparent in the things that we do and that we should be showing that we are really no threat to each other. I really enjoyed that occasion.

These are not the only views I share with Baden Teague. Baden had been to China long before I had but I had studied the history of China quite a bit. We are both very good friends of China. If your friendships are genuine, you are not friends with someone because they think all the time the way you do or because they do everything you want them to do. You accept them, warts and all, while at the same time trying to encourage them through debate and discussion to come across to your way of thinking. In the process, they may very well convince you that you might have to change your views.

On the question of the republic—I might get thrown out of the Labor Party for saying all these nice things about Baden Teague—I believe he is a fairly objective person, even though he is very misguided in many things he has said in the chamber and the many derogatory remarks he has made about the former Labor government.

On many occasions when I travelled throughout the country for regional and rural affairs I was asked, 'How come a bloke who is a trade unionist, and a leftie at that, ever became chairman of that committee?' All I could say was that it was because I care about rural people as I do about workers in the

cities and that I had a capacity as a chairman to get the best out of the committee, to encourage them to be part of the debate and to put forward suggestions that would be enlightened and in the interests not only of the rural community but of the whole of the Australian community. I think I did that fairly well.

As I have always said, if as a chairman you want to get a result from a committee, you really have to encourage the members of that committee to put their points of view. You have to be fair in the way you deal with them and you have to recognise the constructive views they express. I guess, also, that it is important, when people have sincerely held views, that even if you do not agree with them, you have to think about it. I have sincerely held views, as others do. If you want people to take you seriously and give you the right to hold those views, you have to give them the same right to hold views that are different from yours. If you do that, mutual respect can be developed and a lot of good work can be done in the community.

On the question of the policy of the previous government and the policy of the government that is now in power, I guess the electors will finally judge either side at the next election. I would just like to say that I intend to put quite a bit of my effort and time into assisting the trade unions as much as I can in what I believe is going to be a very big dispute in the community about industrial relations.

I have been amazed, when discussing the policies with people in the opposition, at their honestly held belief that some of the changes in industrial relations that have been suggested by way of the legislation that has come before the Senate and will now be looked at by a committee will be good for the community. I know they will not but I am amazed that some of those people really feel that. Some do not—they just want to do the workers in—but there are many who do not want this.

Regardless of the erstwhile debate and the many words said in this chamber and in the other chamber, the decision will not be made in Parliament House; it will be made out there

in the workplace, between employers and employees, and in the community. I will be part of that struggle. I might see some people from time to time who have worked in this chamber.

I would like to thank the clerks, who have been very helpful and always reasonably fair. I recall that when we were in government from time to time people on our side were not too happy about the way the clerks helped the opposition. But now we are always very grateful for any help they might give us—not that, because of our competence, dedication and enthusiasm, we need much help, but any help is worthwhile. It was with sadness that I read about one of the clerks who operated so efficiently in this place being sacked in Queensland because she was carrying out the sort of work that she was instructed to do, to improve the way the parliament operated in that state.

I guess I am not sad, relieved or happy. I knew that I came into this place for a limited period and that I would play a role—and that that role would end and I would go on to do something else. I must say that the time I have spent here has been most interesting and most useful even though when I came here I was not a young person forming different ideas and other views, and having a great appreciation for other people's points of view. It has certainly given me more skills that I had before I entered the Senate.

People talk about the democratic process. For people to elect someone into the Senate for six years, or someone into the House of Representatives potentially for three years, is not democracy. To do that, and then follow what they do and understand the effect their decisions have on society in all its aspects and to be able to get together as groups of people to put points of view so as to tell people why they are right or wrong, support them or oppose them, and every day understand what is happening in this place and in other areas where laws and legislation are dealt with, is democracy for me. Until people in larger and larger numbers start to understand this and assert their right in that way, the sort of democracy that we deserve and should have will not be at our disposal.

Before I finish I must say that I certainly enjoyed working with people in the Labor Party. As I said today at a little gathering of Labor Party people, you do not always have to like people to work with them, and I mean that broadly. I have had many an argument in my day but I have tried on most occasions to stay away from personalities, because there are so many things that people can agree on. If you become too personal and nasty, they are not inclined to work with you when they would really like to. I think you have to take the view, 'Okay, let's disagree quite vigorously,' but give the other person the right to have that point of view.

I mentioned that the clerks have been of great help. I refer also to the people in the Transport Office. They have been of great help to me over the years. They have been very friendly and have also treated me like a human being, which I have appreciated very much. I thank all the people around Parliament House who make our job so much easier and so much more constructive and useful.

I go from here, as I said, into another aspect of my career. I am not suggesting it will be long. I think Michael Baume suggested he might have a further long career. I do not know how long mine will be; one never knows. But I will certainly do my best to pursue equity and fairness in the community. I have noticed that the Democrats have a similar view in that regard. I pay them a tribute for that. There have been times when I was really encouraged to vote with them, but there is that old solidarity thing—you can never change.

I wish everybody in the chamber the best. I know that when 10 people walk out of here, they may have a lot of experience, they may have a lot of knowledge, but they leave behind them a lot of people who have also got knowledge and will maybe acquire better knowledge. The Senate is in good hands as long as it lasts. I do not think it is a house of review and I do not think it should really last for a long time.

Senator CHAMARETTE (Western Australia)—Today I celebrate the end of four years in this place. I am at the end of the six-year term to which I was appointed following

the retirement of Senator Jo Vallentine. I use the word 'celebrate' in its fullest sense. I celebrate the great debates and historic outcomes in which I have been privileged to participate. I celebrate the end of my time here, including my sadness at not having been elected for a further term to represent the people of Western Australia, the Greens (WA) and many who have supported and relied on my voice. I celebrate all the wonderful people whom I have met, worked with, argued with, laughed and cried with, during my time in the Senate. Tonight I express my appreciation to all of you, my Senate colleagues. I particularly wish all the best to those who, with me, are departing. It has been a fascinating, challenging and at times frustrating experience.

I, too, want to express my appreciation to the clerks—to Harry, Anne, Cleaver, Peter, Rosemary and John. When I came as a solitary senator in 1992 they were a tremendous help to me. It was a very invidious position, and I am also very grateful for the model provided by my neighbour in my previous place in this chamber, Senator Brian Harradine. I do not think I could have had a better teacher for some of the procedures that were used in this chamber.

I want to express my gratitude to the parliamentary staff in this place, and to the Parliamentary Library, and my tremendous appreciation and respect—in particular to the clerks and all the supporting staff—for the way in which they approach their very important roles in this place for this country.

I really appreciate Hansard. If we had to talk about bloopers, I could talk about my speech during the third reading debate on the native title legislation and how my comment about Henry Reynolds's article on native title being 'prophetic' came out as 'pathetic'. But I had better not go into too many of those anecdotes in case there would ever be the opportunity to return the compliment in the memoirs, for example, of Bernie Harris, Malcolm McGregor or any of the others. I know that we all really appreciate their hard work, their long hours and their unfailing courtesy and professionalism.

My Senate team has been an avid user of technology. Our very limited staff resources

has meant we have relied heavily upon the full breadth of the services available to us. We have helped coax the parliament, we believe, into the 20th century by supporting such things as electronic copies of bills, use of the fax gateway, access to laptops and connection to the Internet.

I would like to thank all the information services support staff in this place, especially user support, which I know is heavily relied upon by my staff. In particular, thank you to Bill Adam, John Kerr, Graham Fawns and John Dyer for their patience and invaluable expertise. Thanks also to Lorraine Kearney and Joyce Clarke for keeping us connected by fax to our constituency networks. I hope that other honourable senators will take up the challenge to ensure that the parliament keeps pace with computer awareness and use in the community. We must maximise communication and consultation with the community and minimise our heavy reliance on paper, with the tragic destruction of our forests.

Thank you to the many others too numerous to name who make this parliament into less of an institution and more of a community—attendants, Comcar drivers, cafeteria and dining room staff and the many others, including, of course, the staff members of other parliamentarians, with whom we invariably develop links and friendships as we work on issues together.

I am very aware that much of the sadness I feel in leaving is at the loss of the community that is my team—my staff, past and present, paid and unpaid. I acknowledge the presence of eight of them in the gallery at the moment. I cannot express the depth of my appreciation. It has been a team. I have to acknowledge that it is very much like an iceberg—one-tenth at the top and nine-tenths at the bottom. The amount of work that both Dee and I have been able to get through would not have been possible without the dedication and commitment of the people who have become not only staff but deep personal friends.

I remember the first six weeks when my team worked unpaid, as I did, before I was appointed to this place. It has been a really interesting last six weeks. It has been quite

difficult adjusting to the fact that we are leaving, and there has been a grieving involved in that. It has been very significant.

In recognition of the fact that all I have been able to offer in this place has been a team effort, I have asked some of those nearest to me to contribute to this speech. I explained in my first speech in March 1992 that 'Green' as we use it in the movement has become the symbol for change in awareness throughout the world. In the Greens (WA) we talk about our fundamental commitments to our four pillars as: peace and nuclear disarmament, social justice, the environment, and participatory democracy. Also in my first speech I said:

The common thread that unites all those who come into the political arena as Greens, and which sets us apart from other political parties, is a profound conviction that the structures and old ways of addressing the problems will not be effective. While cynicism and apathy regarding politics and politicians engulf the Australian community, as they have done elsewhere, there is a small but growing minority that has not given up but is seeking a revolutionary change in the political system. This revolution, which may be more appropriately called a transformation because it utilises that which is good from the past, is centred on the political process rather than the issues.

The common threads that unite us come from all those areas I have mentioned and you will see them in the following quotes I bring you from Theo Mackaay, Rosemary Greenhalgh, Franci Williams and Jacquie Svenson.

This is from Theo Mackaay, who must be the most hardworking repplier to constituent letters and the most diligent speech writer. His speeches are the ones I can most easily speak from because he is so adept at writing sermons. I know we do not speak from notes. If you have ever noticed me looking as though I have got copious notes and talking very fluently, it is probably because Theo wrote the copious notes. Here is Theo's message:

I came into this position with a commitment to social justice, and have found that while I have long known that social justice is about choices—people being empowered to make choices about their lives—I now believe that the fundamental social justice is connection. We are less likely to harm people or the Creation if we have an understanding of our being connected.

When people have no connection with each other, dismissing their place in the community is easy, and the same is true of our connection with the Earth—if we have no sense of our being connected, then we can easily do it harm.

Thus, when we define people in society in categories, into "them" and "us", (or we glibly talk about 'the taxpayer will not put up with misspending on payments or programs' when we want to justify spending cuts) we are paving the way for injustice.

Thank you, Theo.

Rosemary Greenhalgh came as a volunteer to help for one day a week and stayed on full time for years. She had this message. It was her inspiration:

May the rights and inheritance of all indigenous Australians be justly recognised, and the land, their mother, not be destroyed by our greed and short-sighted exploitation.

Thank you, Rosemary. Franci Williams wrote:

We are facing ever new challenges to counter the growing social, economic, and political power of conservative thought in both major parties and others who seek to impose their patriarchal, homophobic, racist and fundamentalist values. Let us work together to foster a new politics, a politics of meaning, politics as if all of us mattered, politics that is no less than a revolution in consciousness.

Finally, from Jacquie. The scribble at the top is interesting; it says, 'This won't fit but here it is anyway.' Jacquie wrote:

I first came here as a youngen from alternative youth culture in the West, and my greatest impression on arriving in the Parliament for the first time was a lot of men shouting at each other. Not much listening, and not much desire to acknowledge all kinds of wisdom regardless of which party or person it came from, as valid wisdom that would enable the best decision to be reached.

I also saw a lot of people who didn't seem to realise the importance of their decisions on the ground, and the hardships their decisions could cause or prevent for the millions of Australians who have given them the job of making those decisions.

And a lot of people who are out of touch with what's really happening away from the world of marble corridors, chauffeured cars and first class seats on aeroplanes. Some people—people I know and still know, people who I lived and worked with before I came to this place—eat three meals a week if they're lucky and don't have anywhere to live. The decisions you make affect whether that changes to two meals or four, whether those people can afford shoes or must go barefoot. Those decisions

affect everything. They affect how much forest will be left for their children.

You are very privileged to be in this place, and the people of Australia have bestowed upon every one of you an enormous responsibility. Those people, and the planet itself, need your best and most considered decisions, made separate from ego and personal gain. In times as desperate as these, nothing less can be accepted. Much time has been spent by Christabel bringing to these hallowed halls the reality of what's happening to the Earth outside these walls, and I and staff before me have written a lot of words about that. I cannot stress more strongly the urgency of those words, because humanity is teetering on the verge of ecological collapse. These are not doomsday words from an environmental fanatic. It is hard scientific fact. If just for a moment during my and Christabel's work in this place you have genuinely heard that urgency and considered it with open eyes and heart, my work here has not been in vain.

It has been a great privilege to be in the parliament at such a significant point in Australia's history. The opportunity to participate in the native title debate was definitely the highlight of my time in the Senate. It is ironic that those who criticised the Greens during the debate now understand our concerns and are calling for the changes we made to the bill to be retained as they are in danger of being removed.

Another achievement in changing the political culture is the recognition that trading across issues is not acceptable as it sells out one issue for another and corrupts the long-term agenda for both. The media acknowledgment of this in the Telstra environment package deal was in marked contrast to the response to the 1993 budget.

But the unique and most positive contribution that we have tried to make is that we became part of a community with a vision for democracy within the Senate. This community includes members and staff of all parties, Senate staff, attendants and basically anyone who could listen and understand the need for consensus rather than the violent imposition of decisions by dint of bullying and numbers. These people were able to appreciate and support our efforts even when they disagreed with our views on the particular issue. It is this group that will miss my Senate team the most. May you reminisce with fondness over the incidents of anarchy—we call it democra-

cy—and the headaches we caused to Gareth Evans and the previous government. The new government is culture shocked to now be on the receiving end. The Labor Party is pleasantly surprised at our consistency with our previous positions.

We also created or connected with a broader community through many people who wrote to us, valued our feedback on the issues before parliament, supported us in the election, defended us to their friends when we were being slammed by the PM or the press, worked as volunteers in the office or kept us involved and informed of their particular issue or community agency activity. This community of the spirit of democracy continues to grow. I want to mention here Clarrie, Mingli and Victor, who became part of our office community along with the volunteers, Rosemary, Penny, Hugh and Jennifer.

I want to thank, as I had already begun to, in a heartfelt way my Senate team. As I mentioned, eight of them are here. Cathcart, who will certainly be memorable to you, is not. It is quite a gap. I would like to congratulate him and Jill on the birth of Loughlan Alexander Cathcart Weatherly.

Senator Kernot—L.A.W. law.

Senator CHAMARETTE—L.A.W.—not quite. We have had some wonderful times on our team. We really appreciated the brilliance as well as the bluster that Cathcart brought to us. Each person has made a contribution. It has made a very wonderful team.

I want to thank the leaders who spoke earlier for their comments and best wishes for the future. I particularly want to express my gratitude to my colleague Dee for her speech, which moved me enormously. I wish her the very best. I feel very sad to be leaving her with such a big load, but I am sure that it will be an exciting time. She is certainly capable of it. I wish her well and thank her for the experience that we have shared together.

Each of the leaders gave their analysis in their own terms of how they saw my presence in this chamber. I would like to be remembered in this way. Many of you have grown to understand the Greens (WA). We are committed to the process as much as the

outcome. We feel that in no small way we have contributed to a more consensual approach in this chamber. While this is largely due to the prevailing numbers of the Senate, it is my belief and hope that it is a cultural shift that will endure. I feel that, as parliamentarians, we have little to offer if, as we approach the new millennium, we continue to cling to adversarial politics, a politics of division rather than unity. There will always be truth and wisdom on both sides for all sides.

The community deserves no less than the best possible decisions we are capable of making. 'Group wisdom' is a term we use to describe the best thinking of a group. It is not necessarily or absolutely right. There might be one individual in a group who is right. Group wisdom is the best decision for that point in time for that group of people. Every individual has a contribution to make and a hand in shaping the final outcome. Through this process we can arrive at a way of making decisions which honour the breadth of views and feelings in the community and give people a stronger connection to the decisions that affect their lives.

My predecessor, Jo Vallentine, ended her valedictory speech with a wonderful poem called 'The Singing Hill'. I would like to end with another poem, mainly by Chris Williams, with some group wisdom thrown in. It is the aspiration that I came to this place with. I go, seeing it as something that is present here and knowing that it cannot stop by the leaving of one or 10 people. It states:

Peace has her own integrity
A song that comes ringing through
Quiet, yet clear and strong
Even in the clamour of loud and angry voices
Which claim the shining edifice as their own.
Truth needs no support from violence
In all its subtle and strident forms.
Control! Deals! Publicity! Power! Now!
For hers is Gaia's older and eternal power,
Liberating when and where she will.
Justice wears many faces
As she responds to wounded Earth and suffering Peoples
Sharing the Spirit of Democracy

Affirming old yearnings and new vision

Emerging, living, growing.

Wisdom gives rare precious glimpses of her beauty.

At the creative moment, as chaos swirls through the marble temple,

She stands there, very still . . .

The future is singing her forward

Upon the Singing Hill.

Senator BELL (Tasmania)—Mr President, you, Baden Teague, Noel Crichton-Browne, Christabel Chamarette, Bryant Burns, Sid Spindler, Michael Baume, Tom Wheelwright, Gerry Jones and I are a special group. We share a special indefinable something as we leave this place together. Cheryl Kernot speaks of the Class of '90 amongst the Democrats, and that is another special group.

During his first speech, I recall Ian Campbell referring to the total number of senators who have ever represented the states and territories of Australia in this place, and it is a surprisingly small number. An even smaller number was spoken of by John Coates only just the other day, Mr President, at your end of session drinks event. He mentioned feeling rather strange to find himself a member of such a small group of Labor senators who have ever represented Tasmania. Those who would be interested might like to talk about that with John later because it is a surprisingly small group.

We 10 who finish with this session and depart this place will remind ourselves in times to come of how important it has been to be categorised in certain ways and to find ourselves sharing certain feelings at certain times.

There are, of course, other categories that we come into when we recall these moments. There are categories that have already been mentioned by Christabel, for example. She mentioned those who shared the Mabo event—it was not far different from this time of the night either—and there was something special about that moment.

Senator Kernot—Many nights, not one night.

Senator BELL—The final night, Cheryl. The one I was thinking of was that moment of absolute electricity in the air, and it really

did mean something. There was almost a sparkle in the air when those final minutes ticked through and, even though I did not participate in the debate at that instant, I treasure that feeling.

There is a feeling that we have as we associate ourselves with issues that we have debated through this place. One example of that for me—much less spectacular in some ways, but just as important across the whole nation—was very early in my time in this place. It was the moment of the wool tax debate. I sense a recognition from some of my colleagues because it was a very powerful moment. As somebody with enough experience—but really only a little experience in this place—it reminded me of how crucially important single words can be in here, when it is either ‘and’ or ‘but’ or, in this particular case, ‘half a per cent’. Yet that had consequences of millions, if not billions, of dollars across Australia.

I am hoping that Senator Winston Crane is listening at this moment because there were moments during debates on industrial relations when words that almost became acronyms became particularly evocative. Just the words ‘contractors legislation’ will get the attention of a number of people. If Senator Cook was here at the moment, he would immediately have a reaction to those two words. I know that as I leave here there will be several pairs of words or phrases that will evoke a certain response in me.

I must say that, when I think of the term ‘contractors legislation’, I am reminded of my first experience of really concerted lobbying. You see, the question of the wool tax evoked from those affected in the Australian community—those involved in the trade, so to speak—spontaneous response and informed response. I must say that the concerted lobbying that took place about the contractors legislation had me believing that what I was about to agree to would have the sky falling in, houses across Australia costing \$20,000 more each immediately and the decline and complete disassembly of the Australian economy.

Of course, we know that that did not happen. I learnt, as I have learnt so much in this

place, that the concerted lobbying, which was rehearsed and applied in uniformity from all points of Australia, is much less effective than the genuine, spontaneous, varied and much more useful opinion expressing which takes place on nearly every issue. Having learnt that once, I do not need to learn that again. I hope the lobbyists do, though.

Another thing which springs to mind for me is the other industrial relations legislation which has progressed through this place in some form or another. Some of it has required much work for little noticeable result for this party’s participation. Industrial relations tends to be treated as an esoteric club, especially by journalists but also by other commentators. Acronyms and clause numbers are thrown about with little regard to the actual situation that the people who are affected by this legislation may find themselves in, and with little regard to what is described as industrial relations. I must say I approve of the redefining or reclassification of this as workplace relations, which is a much more accurate way of looking at.

Workplace relations are of fundamental importance to all Australians and do not deserve to be hived off into a specialist area where the acronyms can disguise the relevance to all Australians. Workplace relations have previously suffered from being the subject of specialist press and have therefore not found their way into the tabloid press for comprehensive discussion. I think the reason people should be interested in this has been illustrated well enough in the six years that I have been here to finally reveal its relevance so that people who are not in the privileged club can actually see that it may be worthwhile listening to the progress of the debate which will ensue in the next few months. I know that there are so many people who want to express their opinions in relation to this matter and make sure that their opinions are not discounted.

I know that I have had some moderate success in representing the Democrats’ concern that fairness in the workplace is a vital issue which characterises Australia. Australia is also characterised by our trust in the independent umpire, the Australian Industrial

Relations Commission. I am pleased that, after lengthy and varied negotiations on a number of bills, we have been able to defend as a party and as a team the independence of the Australian Industrial Relations Commission. I trust that that defence will continue whether I am here or not.

The other area that I would like to mention, and this reminds me of what this place is all about, is education. That has been a portfolio responsibility that I have had for most of the time that I have been here. I think the party has wisely recognised that there are different aspects of education represented by the school and higher education sectors. That recognition has come about in a natural way. I think the Senate will continue to see a great deal of activity from the Democrats in terms of education.

I do not hesitate to remind those who are listening that I have sought to defend the principle of free compulsory education up to secondary level. It should be provided by the community for the benefit of the community, which is something the Democrats have held dear since foundation. We have also held dear the principle of essentially free post-secondary education.

My party's success in this area in my time here has been modest, but consistent and persistent. On some occasions, too few I might say, we have welcomed the presence of the coalition beside us in the debate. We challenged plans to increase HECS and to decrease Austudy repayments. I will be closely watching the coalition's performance to see whether there is any consistency applied in the near future.

Most of my other activities in this place have been issue related or at least, as Cheryl indicated earlier, related to the particularity of Tasmania. In some instances, it has been sufficient to just raise the issue and suggest a suitable outcome such as, for example, asking that there be some recognition of the expenses incurred in establishing fruit trees in orchards. I asked for that to be treated as a deductible expense for taxation purposes. It was sufficient to suggest that and events took their course. With the persistence of our research-

ers in our team eventually that found a proper place in legislation.

In other instances the matters that I have been interested in have required persistence. I hesitate to remind Senator Schacht—this is one of those phrases where as soon as you say it you get a certain reaction—of the issue of quarrying at Exit Cave. Persistence was required but a result was eventually achieved.

Another area that has required persistence is the legality of the so-called voluntary fees at our government schools. Sid Spindler mentioned that he left a land mine. I am pleased to leave the employment, education and training committee with a little job—an inquiry into school funds, fees, sponsorship and so on. Off they will go and good luck to them.

I have learnt much from both the staff and other senators on the committees that I have been involved with. I hesitate to mention names, but I really cannot go from this place without acknowledging three committee staff members—Brenton Holmes, Neil Bessell and Sue Morton. They are quite dissimilar people, but I have learnt a great deal from each of them. They have showed an admirable quality—that is, to interpret my meanderings through my speech patterns and to eventually arrive at an understanding of what it was that I thought was important at a particular committee report writing process.

Those committee inquiries have also provided me with many situations that readily come to mind. I will just mention a few because I do recognise the hour. Firstly, the powerful and respected report of the employment, education and training committee entitled *Come in Cinderella* has become a great resource for the adult and community education sector. It is anticipated that this issue will be revisited.

I know that Rosemary Crowley—and I suppose Noel Crichton-Browne—will remember the surprisingly useful and effective inquiry in its report into the provision of physical education and sport in our schools. There have been several informative animal welfare or rural and regional affairs inquiries. In passing, I congratulate Bryant Burns on his chairmanship, which came through in a

number of those reports and which I remember now as I speak about the informative inquiries into the culling of feral animals in the Northern Territory and the transport of livestock.

While the inquiries have been informative, I have enjoyed the company of a varied collation of colleagues, which is really what we have here. By some sort of instinct—I do not know what it is—I have regularly taken many photographs, and I offer a friendly warning to those who are paying attention: I have an amazing collection of photographs and they include Amanda Vanstone rearranging the furniture in the Californian Research Institute—I think it was a foreshadowing of some further action later on.

I have photos of Rosemary Crowley enthusing about an equal employment program in a mayoral office somewhere in South America; I think it was in Argentina. The photo is great. I do not do her an injustice when I say I do not think she understood what the title was, but it was something about equality of women. It looked good and she was very enthusiastic about it. I have a photo of Mal Colston bushwalking on the Cocos Islands. I also have a photograph of John Coates carefully inspecting a jetty on Christmas Island. I do not know what for, but he looked very attentive at the time. It could be useful to me.

I have a photo of David Brownhill commissioning a woodchipper in Kakadu. It was not a very big one but it was making woodchips there, and that could be useful. I have a photograph of Eric Abetz astride a bulldozer in a Tasmanian forest.

I have a photograph which I hesitate to remind Bryant Burns of, but I am sure that he will put it in context. It was of me, Bryant and Paul Calvert at a dusty pub somewhere outside Darwin. It is not so much the photo; it is what was written above our heads. We had been cajoled into a position by the publican. Mine host was very friendly to us and said, 'You fellows look as if you should come over to this corner. I've got a special seat for you.' We sat down, very relieved. I was sweating. I did not really want to walk anywhere but I was coaxed into this particular place. I will not tell the Senate what was

above our heads when we finally looked up but it was very apt for three hot, dusty and tired politicians. It implied that the sort of conversation that we were likely to conduct would not be very useful and would be quite closely related to what comes out of the back end of a buffalo. We looked like prize politicians sitting in that corner. I have a photo of it and I am keeping it to myself.

I have found that photographs can be extremely useful in this place. Some of the language in here is colourful. There are many articulate professionals who do their best to convey word pictures but I have found that photographs can enhance the case that we make from time to time. There are only some senators that I have taken the trouble to sit beside during question time or at other times and share my photographs with. There has always been a purpose to it, though. Bob Collins especially found it very useful in his time as minister when I brought him photographs of all sorts of descriptions to take up issues with him. 'Look, Bob, this road is in the wrong place. See, here's the photos,' or 'This is the evidence that you should see about timber harvesting techniques.'

In particular, I have thousands of photographs of Tasmanian forests. I have brought many of them into this place. Some of them show its intrinsic beauty but too many of those photographs—this is serious—show the waste and destruction of clear-felling and other disastrous harvesting practices. I believe these photographs should be shared as widely as possible so that fully informed decisions can be made here.

I wonder whether, in this era of technological development, we can look forward to the time when we might scan into *Hansard* some illustrative photographs to either justify our decisions or explain them. Perhaps we will follow the trend that we have been following for some time. When I first came to this position the office that I occupied had two electric typewriters in it and it was full of carbon paper, Tippex and those sorts of materials. I know that we look forward to a day when we should be able to use the technology which is available to enhance our decision making, and I offer, as I go out the

door, the hope not only that the EET committee will conduct an inquiry that I have initiated, but also that the technology that is available will be used as wisely as we can to enhance our decision making.

I hesitate to start mentioning my colleagues and those others who are leaving at this time because I feel a very close bond with my team of fellow Democrats. I know if I start to list their qualities and characteristics I will not be able to finish the sentence without getting a little bit emotional about it.

I do not want to leave here. I think the team that I am part of now is one which has an honest purpose and a capacity to enhance the good government of Australia. I do not think I overstate that. I think I know enough about what is going on here now to know that we are doing important and useful things in the history of Australia—and I want to be part of it. Rather than listing you guys around me, I am going to trust you to continue what is being done—and I do not stop the boundary of friendship at these six colleagues. I trust the lot of you. I know enough of you well enough to know that you are here not for personal gain or just political crankiness. I do think there is good sense and purpose in this place. I have enjoyed the time I have been here and being part of that good sense and purpose. I trust you to do it properly—and I am going to come back soon and check up on you.

I must acknowledge the assistance and the support that I have had from the many support staff we have in this place. I thank Kearen and Bruce in transport and the attendants, whom I will not attempt to name individually. I have had great assistance and support from the Senate support staff and the attendants who are here.

I will say before I leave this place that reducing the government's contribution to the Senate's resources I believe is nothing less than compromising democracy—and I mean that. I think it is foolish to reduce the resources available to those who are trying to make the best decisions in the best interests of this country. I have mentioned technology should be used and could be explored further. I will say that those human services which are

provided to the representatives of the people of Australia attempt to ensure that the decisions are made properly, and reducing them is foolish. So as my way of thanking those who have assisted me in the provision of services and assistance I will say that those services and that assistance should not be reduced because they benefit the good decision making process of Australia.

I will leave it at that because I recognise the time. Thank you for the good wishes that have been expressed by those who have spoken before me. I associate myself strongly with the wishes that Cheryl Kernot made with regard to others who are leaving this place now.

Senator CRICHTON-BROWNE (Western Australia)—I will be brief because I think it is appropriate. I wrote a rough draft of a speech I was proposing to give tonight and sent it across to my wife. She sent it back saying, 'Do not give that. It's just not you. It is not gracious enough for you. It is not dignified enough for you. It is not the sort of speech I would expect from you.' She also said, 'In all our political career, it is the first time I have asked that you not do one single thing,' so I will not be making a speech of the substance I proposed.

But that does not stop me saying there is no excuse for lack of dignity or grace in giving speeches. I was very sad tonight when Senator Knowles came in here in the most aggressive and unpleasant way, given that my family have committed themselves to her in a very personal way. When she could not afford to be a candidate, one of my dear friends paid her salary for 18 months just to allow her to be a candidate. That is the sort of thing that hurts not me but my wife and our children.

However, having said that can I say that I have only ever held this position for the Liberal Party in trust. When they choose to remove me or I move away, it is for somebody else to hold that trust. I have never taken the view that I have some mortgage on what the Liberal Party thinks about me, but something that I have become very conscious of in recent times—and it is perhaps not so conscious in the minds of other people—is

how it affects your own family. My wife, Esther, said to me just recently, 'Noel, you never asked me, "Did you want to go into politics?"' I assumed that you would accept that I would go in.'

There is no secret we lost triplets. There is no secret that we lost a little boy of two years of age as a result of my insistence in respect of a Liberal Party meeting. It is no secret that my little baby, Andrea, who is now 24 years of age and having done law, resents the price she had to pay of having a father who was involved in politics. It is no secret that my son, who is now a pilot at 18, resents the fact that he was coerced into spending most of his time in politics. It is no secret that my little boy, Russell, who is now 20, bitterly resented the contribution his father made to politics. They found themselves in an environment which was so totally different to that of all their friends, all their relations and all their mates. When I first came into this parliament, they were babies. I have been here 15 years. My eldest child is 24 years of age. So they have paid an enormous price.

When Esther said to me tonight that she had never asked me not to give a speech, how could I not agree with her? I wanted to talk about the contribution I had made to some of my colleagues who are in here, how they got here and at what price it cost me personally to get them here. But my dear wife said, 'Noel, be gracious, even if it's not becoming of you.' So that I am going to be.

Can I just say two or three things of consequence to me. Firstly, I say to you, Robert Hill, that I know how things have been tough for you. In all the time I have been in this parliament you have been my best friend. I always assume that the decisions you have made in respect of me have been in the interests of the Liberal Party and not in my interests; but how I care for you will not change.

I have never found the Labor Party—with the exception of Peter Walsh, who had a natural aversion to me—to be offensive, or unpleasant or unkind to me. I did an interview tonight on *PM*, I think it was, and I was asked about the Democrats. I said, 'My

problem is that I find Senator Kernot a very attractive—

Government senators interjecting—

Senator CRICHTON-BROWNE—Doesn't it say something about politics when they hit the table because you say that sort of thing. What does it say about the Liberal Party? I want you to think about that. What I was going to say was that she is a very articulate, intelligent, sensitive and wise person. To have spent all their time bagging her as they have for the last two months is not a sensible way of getting legislation through. Perhaps I got it wrong; but that was the question that was put to me.

Senator Patterson—Be reincarnated as a Democrat, Noel.

Senator CRICHTON-BROWNE—I am tempted to say something unkind about you, Kay; but you are not worth it. Robert, with respect, there is something that you can learn about being in government—that is, learn to deal with the opposition. Mr President, during my time you have been a very fair and reasonable President. I know it has not been easy for you, but you have done it in a way which I am sure the overwhelming majority of us respect. I conclude by simply saying that I do not leave this chamber in a conclusive way, but I leave it hoping to have made some sort of modest contribution.

Senator WHEELWRIGHT (New South Wales)—In the last few months I have been very much concerned with those two hour-glasses which sit at the front of the chamber on the table in front of the clerks. I have been very concerned with them because, as we know, theoretically time is infinite; but, because we are all human beings, time is in fact quite finite indeed—we are all mortal. For me, time has become extremely finite and time, in some respects, finishes at midnight next Sunday.

But I do not want anybody to think that because I have been in the Senate for only a short period of time I have lacked anything of the enjoyment of being in the Senate. In fact the opposite character of finite time is intensity of experience. For me, it has been an extraordinarily intense experience.

I was talking with a friend the other night in Sydney about the problems of the world, our rumination on the problems of the world and what we might do about them. She said to me suddenly, 'You know, the world would be a helluva lot better place if everybody had happy and contented sex lives.' I thought that added a certain perspective to our deliberations here and I thought it was an idea that probably had a great deal to commend it. Without any disrespect to the Senate, I have to say that the next best thing to sex is the life of a senator.

Honourable senators interjecting—

Senator WHEELWRIGHT—I said the next best thing. I have never in my life enjoyed anything quite so much as being a senator. It has without a doubt been the happiest period of my life so far. I like absolutely everything about the job, even down to the parquet floor on which we walk. It has been my pleasure since I have been in this chamber, and it will be just 13 months, that I have seen the Senate at its worst—I have seen the Senate in the first week that I got here do only 1½ minutes of government business and in the following week do only three minutes of government business—and the Senate at its best.

I have seen the absolute white heat of debate in this chamber, where I have seen positions which are very strongly held also very strongly put. I also hope that in my participation on those occasions I have shown that I can take it as well as dish it out. Senator Vanstone earlier, when I put this view to her, said, 'Yes, well of course you've got it quite the wrong way around; you shouldn't dish it out unless you can take it.' There is a great deal to be said for that.

I have been lucky enough to see major legislation moulded on the very floor of this chamber in consultation between the minister at the table and other senators and at a level of informality which I think defies any form of procedure, but nevertheless brings out what I believe is good government for this country. The best thing of all that I have seen in this chamber is the Senate completely quiet and patient with a senator who is no great public speaker but who is nevertheless very sincere.

I have also found through the committees that there has been untold intellectual stimulation in this place. One of the great things about being a senator is that everybody wants to tell you their story. If you are a senator, every Australian who has something to contribute or something to add or has some great concern about this country wants to come and tell you about it. They want to tell you how they pushed forward the bounds of goodness in this country, of intellectual life and all the rest of it. It is a great source of stimulation and I think it is not one that could easily be found anywhere else. If you are a senator, you do indeed meet the best and the brightest that Australia has to offer.

I was lucky enough to be on the Environment, Recreation, Communications and the Arts References Committee, which is the pick of the committees. Our work on that committee did not leave us much time to consider other areas of public life. I would certainly like to thank Robert King and Frances Michaelis who worked so hard on that committee.

I have, through the committees, been able to participate in some of the great issues of public policy today. I have been able to contribute to inquiries into Australia's role in the information superhighway, which has to be, if anything is, the great future for our children; into marine pollution; and into the education of Australia's great artists. This is not to mention the ongoing inquiries that I now have to leave on Telstra, on uranium and on industrial relations.

The other great privilege of a senator is being allowed to travel and I hope it is a privilege that all of you hold dear and intend to hang on to. In travelling around Australia as a senator you get to meet your fellow Australians. In my case it has been from Townsville to Jabiru, to the Great Sandy Desert, and even to Muroroa Atoll. I believe that one of the great privileges we have is to talk to other Australians to find out what it is they feel about the country and what it is they want from you as a parliamentarian.

If I have one small regret, it is that I have had no nominated spouse equivalent to travel with me. I think that probably says something

about this place because I do not know how you could have a partner. I think it is probably one of the most difficult things of all. The great enjoyment that I have taken out of this place has been in some respects because I am a single man. I have a great sympathy for those people who have families and particularly those with young children. I think anything that can be done in this place to think more about how families fit in will benefit not just ourselves but the country at large.

Can I also say that I have loved the theatre of the place. This has to be the greatest stage in the nation. I came into the incredible boredom of question time as a government backbencher, where all you can do is sit there and look at that praetorian guard of ministers in front of you with their spears advanced, their shields up as they stand there and withstand everything that can be thrown at them from across the other side of the chamber—the arrows, the knives, the stones, the boiling oil, the kitchen sink; anything that might fall to hand. And, of course, as a government backbencher you wince occasionally at some of the very heavy body blows. You see the knees of ministers sag for a while before they recover and you just hope that that thin line does not get broken. But for the rest of the time you have got to depend upon Aussie's coffee to keep your interest up because there is really not a great deal that you can do about it if that thin line breaks.

I have also had the opportunity of being on the other side where you see a quite different sight. You see a pack of slaving hounds, bloodthirsty Goths and Vandals roaming around looking for any opportunity, any chink of light they can see on the other side; where everybody is encouraged to get up and have a go, do your best, do anything that you can think of and by all means charge in.

Having seen the wonderful order, this almost Roman imperial order of government and discipline, it has been an extraordinary experience for me to come over here and see this marauding pack of opposition who are exactly the same people! They just seem to have gone through this strange change as they cross the chamber.

To me, the minor parties have always appeared like the crowd at Wimbledon, watching the ball go from one side of the chamber to the other side of the chamber. However, unlike the crowd at Wimbledon, the minor parties are not above climbing over the fence and having a bit of a swing themselves. Even more occasionally they have had their arms ripped off for their trouble and they go back perhaps sorrier for the experience.

As everyone has said, there are too many people to thank. You can never mention everyone. Given the lateness of the hour and the time that is available, I will assume that most of the people who are going out with me have had enough nice things said about them without me adding to it. But I would particularly like to thank my very overworked and very underpaid staff who work for wages which are hopeless, who fill in overtime forms which are hopeless indications of the work they do. They are four people who are, I believe, the living proof that money is not the great motivator. It is the noble things in life that motivate people. It is questions of principle, conviction, commitment and compassion.

No amount of money can pay the four people who have worked for me to do the work they have to the standard they have and with the commitment they have shown. And in that respect, Kathrine Boyle has provided my social policy advice, Ophelia Cowell has given me advice on the environment, Rod Smith is my economic adviser and Cass Wilkinson has advised on communications and the arts. Those people have contributed more to my work in this place than anybody else and certainly me.

I certainly would also like to thank the staff of the Senate. When I first came into this place, Cass could not believe it. On her first visit to this parliament she said, 'Tom, I just cannot cope with all this deference these people show you.' And I suppose there is a certain humility that all senators find from the respect with which they are treated by the staff of the Senate and I hope all of us can say that we deserve it.

One person I must particularly mention is Cleaver Elliott. Ophelia said to me when she

first met him, and she is an environmental scientist, that Cleaver was a perfect example of a species adapting to its environment. She thought that his feet were adapted for padding down the corridor, that his ears and nose adapted to sensing the currents and eddies of the place and that his skin had entirely adapted to artificial light. But from working with Cleaver, I have to say that for me he represents the heart and soul of the place; he really does. And I think his respect for the institutions of the Senate and for the purpose of the Senate is something which befits all of us.

I would also like to thank Hansard because I believe in this place we do not work with our hands, despite the reference to Solvol at every opportunity. We do not work with our hands: we work with our words and the keeper of our words is Hansard. I must say that I am constantly amazed at the quality of work that comes back to me from Hansard. The written word is a fundamentally different form of expression to the spoken word and I am delighted by the fact that when I get stuff back from Hansard I very seldom have to make anything more than the most trivial correction. It is extremely good as far as I am concerned.

Senator Patterson—Yours is not bad to start with.

Senator WHEELWRIGHT—You are being too kind. I know it is my last contribution.

I have taken great comfort from standing order 187 which says that speeches should not be read. I think it has been one of the great disciplines of this place because not reading a speech does clarify the mind and it also reminds you that there is an audience. It instructs us that the two things we have to do is to inform and to persuade. And on the subject of the audience, I have to say too that I have tried as much as I can to be conscious of the public gallery.

Without a doubt the most unnerving experience that I have had in this place was about two weeks into my term, when a large group of people came to observe a debate about the importation of pig meat from overseas. They lined these galleries until they were full. They sat very respectfully. They did not interrupt.

They did not intervene in the debate at all. They neither applauded, nor groaned. They just sat there watching us for day after day. I have to say it was one of the most unnerving experiences I have had in this chamber. It was a humbling experience. I know only a tiny proportion of people ever come to see parliament, but I try as much as I can to remind myself that there is always someone watching us.

The other thing I would like to say, too, is that I know I have not always been able to maintain my own discipline but I have tried as much as I can not to interject. I think that one of the fundamental rights of any senator is the right to be heard. As much as I can, I have tried to respect that.

As far as my Labor colleagues are concerned, I have to thank all of them for their extraordinary encouragement and the very great support that they have shown me in my time here. Particularly, I would like to thank my colleague, Shayne Murphy. He and I used to talk across the aisle so much when we were on the other side that they decided to sit us together when we came over here. He is the unsung hero of Muroroa. The world needs to know that he was far more gung-ho than ever I was about the expedition to Muroroa. It was only the luck of the ballot that meant that I went through the 12-mile zone with Greenpeace, rather than he. His contribution to that exercise and his commitment is something that has seldom been recognised. I have to thank him greatly for his encouragement and particularly for his sense of humour, which provides a unique perspective on this place.

I have to thank my New South Wales factional colleagues, Senators Forshaw, Neal and West. One of the most remarkable things about the New South Wales Right is that, the further you get from Sussex Street, the stronger the tribal loyalties become. The closer you go to the centres of power, the more divided we are. I have certainly found that. The trip to Canberra has been a unifying experience.

I would also like to thank John Faulkner. We play it very hard in New South Wales—very hard indeed. John said earlier that our working relationship had been a bit rough—I

think that is putting it mildly. In the period that he and I worked together in Sussex Street, there was a period of over a year when we did not speak to each other at all—not at all. We did not even say, 'Good morning,' or 'Pass the salt.' It was a very difficult period and I think it says something about his sense of graciousness that he was prepared to forgive and forget. All I can say about him is that I could not have got any more support from any leader or any friend.

Another person I would like to thank is Robert Ray. When I came in here I thought, 'Anyone who frightens Graham Richardson'—and Graham said he was frightened of him—'absolutely terrifies me.' All I can say about Robert is that I have certainly been straight with him and I think he has been straight with me. He has been a great source of encouragement and, particularly, strategic advice. I cannot explain it, but it may be the fact that both he and I depended on taxi driving for our living at one point.

Another person I would like to thank is Gerry Jones. He truly is a gentle man. He is about the best person a new senator could meet for showing you through the highways and byways of the place, for catching you before you trip, and generally providing that wise counsel and stopping you from looking like a complete dork when you really do not know what you are doing.

The other person I have to thank too is our new whip, Chris Evans, with whom I sat when I first came in, and I have to share one thing with the Senate. When I first sat down I looked at the duty roster and I said to Chris Evans, 'What is this all about?' And he said, 'Oh mate, don't worry about that, I just ignore it.' I will say, though, in his defence, that a duty roster is very different in opposition as opposed to government, and so I can understand the newfound enthusiasm that he finds and the great need for us on our side to respect it.

The other thing I can say is that it has been a happy experience to find that you can have opponents in this place but not enemies, and in that respect I would like to mention two people: Senator Alan Ferguson and Senator Sandy Macdonald who have offered me

friendship, and it is something that I have been very happy to accept.

I would also like to thank my landlady and my friend Amanda Little who has added the very much needed social dimension to my time in Canberra. I am one of the happy people who can say that I do not just come here to work, I do actually have another life outside of this chamber.

And that is about it. That is my last speech, unless you all want to come back on the weekend—and if you do, I am more than happy to come. I will happily oblige. I would like to thank you all and I would like to thank all the people who put me here. You have allowed me to fulfil a lifetime ambition and there are very few people in the world who ever achieve that. Thank you.

Senator SCHACHT (South Australia)—I rise to speak on the valedictories. This is not my valedictory speech. I know that is bad luck for most of you but I rise to speak, in particular, Mr President, on the conclusion of your Senate career. We have been through the same periods of time in Labor Party politics. You have been a very close friend, an adviser, and a person of considerable substance in advising me, and you have added to the success of my political life in this place.

Even before that, we worked together on that body called the national executive and that body called the state secretaries of the Labor Party. I am not ashamed and I do not take it as a pejorative term to be called an apparatchik of the Labor Party. I believe it is an honourable career and profession, and to work with you, Mr President, in those positions has been one of the highlights of my life.

I am greatly disappointed that circumstances within the robustness of the Labor Party have meant that you are not able to end your time in the Senate at the same time as I will, and I hope that I will be able to choose to leave. We came in together. We became state secretaries almost at the same time. We served on the national executive and national conference at times when the Labor Party was going through great organisational turmoil. I believe your contribution in sorting out the arrangements to make the Labor Party a

national focus party was an extraordinary contribution. It helped in the success of the Labor Party in winning five elections and it will help in the Labor Party being able to come back very quickly to win future elections in Australia.

I certainly hope in the years ahead, when you are no longer here—I will still be here for a while—that our friendship, our companionship, and our comradeship will continue. I wish you and Margaret every success in future ventures you may have. I know that a great talent will be available for Australia outside the Senate.

I also want to acknowledge my fellow retiring Labor Party senators, some of them retiring by voluntary means and, of course, Senator Wheelwright by involuntary means. Senator Gerry Jones is also a member of the honourable club of apparatchiks—state secretaries. In fact, that is where I first met Gerry. When I came into this place Gerry had been here for a while and he was already a whip. I appreciated the friendly advice that Gerry gave me and, above all else—again, in the best sense of Labor Party tradition—for creating that comradeship that makes for the strength of our party.

Bryant Burns came in at the same election as I did, 1987.

Senator Panizza—A good year that one.

Senator SCHACHT—That was a great year. Many of us came in then and some of us are now leaving.

Senator West—Some of us got defeated that year!

Senator SCHACHT—It was a great year for some of us, Senator West. Bryant Burns came in from a trade union background. It shows the diversity of the Australian Labor Party that on the benches on this side of the chamber we have a range of people, stretching from a Barry Jones to a Bryant Burns. They are both equally valuable to the Labor Party.

I turn now to those senators in other parties who are leaving. Baden Teague is a fellow senator from South Australia. I have to say that I hope that Baden's views do not belong to a shrinking minority in the Liberal Party

because, whatever else we may say to him as an opponent, his views do carry on, in the best traditions of Hobbes, and other great liberals from the nineteenth century, a tradition within the conservative party of Australia. I do not know how he does it. I do not know how he has put up with it for so long, but I congratulate him for sticking to his guns. He probably felt very lonely at times. I also congratulate Senator Teague on being one of the very first Liberals in this parliament to stand up and declare himself in favour of an Australian as a head of state. The contribution that he is already making in South Australia to that is significant.

Sid Spindler had a different view from me in many of the areas I touched on when I was a minister in the industry portfolio. But I have to say that we did agree on one thing, and this is in the book. When we served together on the Senate Legal and Constitutional Committee, we were the only two senators from any party that recommended that the corporations law should be amended in this country to have a standing power of divestiture against big companies. I still believe that one day that will occur. I also believe that we did well on that committee to start the work to give small business a better deal through unconscionable conduct. Hopefully that bill will be carried in this parliament. I say to Senator Spindler that I did not always agree with him but I certainly understood his commitment to Australian industry.

Robert Bell gave me a hard time when I represented education in this place but I respected his commitment and understanding and, above all else, his knowledge of the portfolio. At times it made me rely very heavily on my advisers, who were leaning over the balcony suggesting that I say this or say that to what Senator Bell was putting up. I suspect Senator Bell has a fair chance of coming back and I certainly hope he will.

Senator Chamarette—I have to be honest about what I say here—when she came in with Senator Margetts, added a certain proof to the theory that chaos does work in politics, from time to time. As a minister it was not always easy negotiating an outcome on legislation in detail. Whatever else we may

have said at times about the policies that Senator Chamarette pushed, she said them with conviction and usually she could not be persuaded to change her mind when she believed her view was correct.

The last two people I want to mention both come from the Liberal Party but one of them, Senator Crichton-Browne, is no longer in the Liberal Party. He was a controversial figure within the Liberal Party and a controversial figure in this Senate. He also made controversial speeches. I am not in any way going to carry the flag for Senator Crichton-Browne. I think he is more than capable of looking after himself. In his speech tonight he gave, I think, the soundest piece of advice to the new government that I have heard.

Senator Bob Collins—I hope they ignore it.

Senator SCHACHT—And I hope they ignore it. I am sure they will because they can't constrain themselves. He said, 'Why, Robert Hill, do you keep on abusing the Democrats? You will not get your legislation through'. Every day we sit here astonished—

Senator Panizza—He has never abused them this year.

Senator SCHACHT—The opposition is astonished that we have not had it tipped over us because we are the opposition, we are the Labor Party, we are the 100-year enemy. The Democrats have only been around for a short period and they hold the balance of power, almost, in the Senate. But every day a whole range of ministers in the new government get up and abuse the Democrats in the most startling way.

I think Crichton-Browne's advice is probably, for the government, very reasonable. I hope they do not take any notice of it because they are making our job easier in this place. When I was chairman of the joint foreign affairs and defence committee, Senator Crichton-Browne was also a member. Even though he expressed views on many occasions in this place that I would have no brook with, he was a very constructive member of the committee.

I also have to say that I had a chance to get to know him through the work of that

committee, on the trips that committee made, and on visits overseas on delegations. That is where I became aware of some of the personal tragedy that Senator Crichton-Browne has had in his family. If some people could remove the hyperbole from around this discussion, it would give some aspect of understanding, possibly, to some of the personal controversy that his family has been through. I do not want to go into it, but I just want to make that comment.

Finally, Senator Baume. Senator Baume made a valedictory speech here in typical Michael Baume form. He was still throwing hand grenades; still making a political point, and still jousting. And I respect him for that. But he would not, therefore, respect me for getting up and making a hypocritical speech, saying, 'Michael, go with our best wishes. Michael, we appreciate your contribution.' That would be hypocritical. He would not expect it.

I understand that for many years he was given the job of being the head kicker. He was given the job in the Liberal Party of raising issues when no-one else would take that job, and from time to time, we strongly rejected and refuted his actions. I believe that was the role he was given.

At times he made some dreadful mistakes. He made the mistake about the consistent attack on the former Prime Minister. He made an attack, at the time of the last New South Wales state election, on the Independent member for Manly, which he got completely wrong. But that was the job that he was given by the Liberal Party, and he carried it out on the basis that, if there were no smoke, he would make smoke then claim there was fire. That was the tactic he used.

He is being rewarded for that job he did for the Liberal Party with an appointment overseas. I have to say to Michael Baume that, if he puts his energies constructively into that job, I suspect he will do it quite reasonably. I will be reasonable. I think he could do the job quite reasonably if he sticks to the form of what the job entails.

But I do want to say, as one of those who have jousting with Senator Baume in this place

again and again—and he made remarks tonight that may have been directed at me—

Senator Bob Collins—No. They were directed at me.

Senator SCHACHT—I just want to say that I do not think that it does any of us any good if we do not put on the record the fact that we understand the role he played. We disagreed with it completely. We believe that he got it wrong on many occasions. But that was the role he chose to play and, even at the end, even in his valedictory, he was still there jousting, still throwing the odd hand grenade. That was the role he chose to play, and there is a role for all of that in the Senate.

Senator BOB COLLINS (Northern Territory)—It is time to go home. I normally do not speak in valedictories, as the *Hansard* records will show. I am getting up tonight to tell a story, and the reason that I am getting up tonight to tell a story is that, after a very long and distinguished parliamentary career, Gerry Jones is leaving the Senate. Can I say to you, Senator Wheelwright, that that experience you had with Gerry Jones in the new Parliament House is the same as the experience I had with Gerry Jones as the whip in the Old Parliament House, as a new senator from the Northern Territory. I can warmly endorse the assistance that Gerry Jones has given in that capacity to all new senators in this place, and it has been appreciated by us all.

I got up because Gerry was actually going to tell this story himself. I think that he forgot, or he was overcome by emotion. I actually thought your speech was terrific, Gerry, and I could not think of a nicer way of celebrating a fortieth wedding anniversary than the speech you delivered here tonight. I hope your wife was listening to it.

But, out of courtesy, I should acknowledge very quickly all of those other senators that are leaving. Mr President, first of all, yourself. I know that I have on occasions been the bane of your life. I am really sorry. But I always thought you were big enough to handle it, so I never let it worry me. But can I join all senators tonight, and Senator Schacht particularly, in acknowledging, not just the distinguished way in which you have carried out

your office, but the contribution that you have made over the years to the Australian Labor Party.

Chris Schacht was right. You hear these stories about Robert Ray, Faulkner and yourself and, in the Northern Territory sense, me—the number crunchers. And it is nonsense. The number crunchers, by and large, are the people in political parties who are the ones who are prepared to do the work, and that really is what it gets down to.

Mr President, you have made an extremely significant contribution on the national level to the Labor Party. You have distinguished the role of President, and I am sorry to see you leaving. I have got no doubt that your association with the Australian Labor Party will continue. I wish you all the best.

Noel Crichton-Browne spoke in here, and I will simply mention Noel now in the same context. It has been said publicly by members on both sides of the house on earlier occasions, but I just want to acknowledge it again: I thought that Senator Noel Crichton-Browne, in respect of the job he did in that chair, did it very well indeed. He was an excellent chairman.

The only other thing I want to say about Noel Crichton-Browne is this, and this is not something new—I said it at the time. I am not interested in canvassing those very painful issues that Noel Crichton-Browne was involved in. I do not want to go into that. As far as I am concerned, what happened between Noel Crichton-Browne and his wife should have been left between them. Leaving aside the merits of the issues, I am not even interested in what you might think about them.

All I want to say about Noel Crichton-Browne is this: in respect of what was done, I am not even going to talk about that; in respect of how it was done—obtaining that material by whomever—I do not know who it was. Noel Crichton-Browne has named people. I have got no idea who it was. But whoever did it: it was a low act.

Those colleagues, old friends, Bryant Burns, Tom Wheelwright, young friends. When Tom first came into this Senate, all us old

roughnuts said, 'My God, an economically literate senator: how are we going to handle this?' Tom, all I can say is: short time though you have been here, you have made an extremely valuable contribution and I look forward to seeing you back here.

Sid, you are a gentleman and a scholar.

Robert Bell, I will miss you. Senator Gerry Jones mentioned tonight the habit he had over the years of collecting notes. He did it by design; I only did it by accident—I cannot collect things. But I have got piles of notes; I have got some great ones from Paul Keating that were passed down the cabinet table to me on a few occasions. There are some very funny ones from John Kerin that I have kept over the years, but some hilarious ones from Robert Bell. Robert, in terms of the entertainment you have given me in the time you have been here inside this chamber, particularly at question time, and the notes that you have passed me, I have kept all of your notes.

I will tell you something else I have kept: the present from your daughter. She saw me on television in question time and she sent me this. It has got a label on the top that says: 'Sally Bell's individual diet plan for Bob Collins'. When you open it up, it has got two little eggs in here, a quarter of an inch across. It has got a miniature meal inside the matchbox. Thank your daughter on my behalf, Robert. Again, it has been a solid contribution from you.

Baden Teague: what can you say about Baden Teague? Baden and I came into politics in the same year, 1977. You into this place, Baden, me at that time into the legislative assembly. People tonight have acknowledged the very significant contribution you have made particularly to the areas of interest in foreign affairs, and I endorse along with them the contribution that you have made to the life of this place. All the best in your retirement.

Christabel Chamarette, all the best. I am sorry, also, about all the terrible things I said to you. When I said that you were only visiting this planet, and that you actually came from the planet Zog, I did not really mean it, and I am sorry. I wish you all the best in your retirement, too.

Whom have I forgotten? Have I missed anybody? I have left you to last, Gerry.

Senator Chapman—What about Baume?

Senator BOB COLLINS—Who? Bye, bye Michael.

Gerry Jones and Cleaver Elliott—you started this, Tom Wheelwright—in the Old Parliament House, and we are a little less colourful than we used to be: there was a senator here from Tasmania called Shirley Walters.

Senator Kernot—She used to sit where Gerry sits.

Senator BOB COLLINS—Outside the chamber, Shirley was not a bad old stick, but when she got inside the chamber, it was different. I can remember in an estimates committee one night when I was minister at the table, I spent six hours arguing with Shirley Walters about why the *Dead Sea Scrolls* was shown on the ABC on Palm Sunday.

Shirley was the great interjector. The problem with Shirley's interjections was that they never varied. She was just like a great big friendly foghorn that kept delivering the same signal across the Senate. And she used to drive people absolutely mad.

Senator Kemp—And don't you, too?

Senator BOB COLLINS—We vary the interjections; we put a bit of variation in there. Anyway, we were in the Senate one day, in the Old Parliament House—that Parliament House that I love dearly: I wish we were still down there. I hate this place. I hate this place.

Senator Brownhill—What's wrong with this place, Bob?

Senator BOB COLLINS—What? A debating chamber that has got all of the atmosphere and aesthetics of a public toilet: you have got to be joking!

Senator Calvert—You can't even have corridor parties!

Senator BOB COLLINS—At this hour of the night, my attitude is that those people who want to go home can go home. The Old Parliament House: I am a new senator in the place. I am sitting up the back. My position

then on the government side of the old chamber—those beautiful old furnishings—was near the door, up near the President's chair. I sat in the back row. We had a debate going on this particular day and I was sitting up the back and Peter Walsh was the minister at the table—

Senator Burns—The old softie.

Senator BOB COLLINS—Oh, yeah! That old softie, Peter. All the way through the committee stage of the bill, Shirley was on the other side and she never let up for a minute. Peter was getting more and more irritated—and we all know what a calm, patient and tolerant man Peter was! Right through his speech, this sonorous voice kept coming across the room: 'You are a disgrace, Minister. You are a disgrace, Minister.' Peter is getting angrier and angrier and angrier. He finishes his speech, picks up his books, steps out into the gangway, goes to walk up the gangway and, as he is walking out of the chamber, says over his shoulder, 'You old harpy!' Pandemonium in the Senate! Fred Chaney, of course, is the Leader of the Government in the Senate. 'Oh! Shock, horror! How dreadful. How can you say that?' Peter gets halfway up the aisle, and President Sibraa in the chair says, 'Minister, please come back to your place.' I am sitting up the back and Peter is facing me. He has got that gimlet Walsh look on his face. I thought, 'Is he going?' He turned around, came down and took his place.

Gerry was the whip. Cleaver Elliott was having a run around the paddock as Acting Black Rod for the day. Peter withdraws 'Old Harpy'. Honour is restored. Peter picks up his books again and steps out into the aisle and walks up the aisle. I could see he had this little grin on. I thought, 'He is going to do something.' This time, he walked all the way up the aisle. He walked past me, got all the way to the door and, when he got to the door, he turned around and yelled across the chamber, 'You are a bloody old harpy!', and he took off, like a rat up a drainpipe, out the door. Absolute pandemonium breaks out. In those days—and I think it was and is still unique—the opposition hated Peter Walsh. Peter Walsh used to say—

Senator Panizza—Come on; that's not so.

Senator Calvert—No, no. We drank with him every night.

Senator BOB COLLINS—No, no: I am talking about in the chamber.

Senator Calvert—Yes, but not outside the chamber.

Senator BOB COLLINS—Peter Walsh had a great sense of humour, but he used to say the most terrible things. He used to produce a newspaper that he sent around Australia. I cannot say what it was called, because it is unparliamentary. I do not know why he was able to keep his house and his car; I do not know why he did not get the pants sued off him for the things he said. I can remember one occasion—Michael Baume, you know what I am talking about—and I must tell you this story. I was in debate in the old chamber and I wanted something nasty to say about somebody. Some-one said, 'Go up to Walshie's office.' So I went up to Walshie's office, and there was this entire bank of filing cabinets along the wall in Walshie's office. You had an entire filing cabinet for yourself. The secretary went to it, and it had all these names: he had the dirt on every single member of parliament, state and federal, in Australia, all filed away.

Senator Calvert—Including you.

Senator BOB COLLINS—Whatever. Anyway, Peter did not like Shirley Walters, and Shirley Walters did not—

Senator Calvert—But only inside the chamber, not outside.

Senator BOB COLLINS—Yeah, yeah, yeah. This is inside the chamber, I am talking about; not outside. As I say, Shirley—

Senator Kemp—Is this relevant to the valedictory?

Senator BOB COLLINS—Yes, it is very relevant; and I know Gerry wants me to tell this story. Anyway, Walshie gets to the door—let me finish!—and he dives out the door. We had permanently on the notice paper a contingent notice of motion relating to Peter Walsh which allowed the Senate to censure him at any time. Fred Chaney comes diving into the Senate. Walshie has gone, Sibraa is

in the chair and Cleaver Elliott is the Black Rod. The President says from the chair, 'Black Rod, go up to the minister's office and bring him back to the chamber.'

Cleaver stood there like a hypnotised rabbit. The clerk at the table with Gerry said, 'Go on, Cleaver; go and get him.' I thought, 'This is interesting stuff; I've never seen this before.' Cleaver went out the door. Gerry Jones said, 'Oh, my God!' and came up to me and said—I still remember it—'Listen, mate. Mind the shop. I'd better get up to Walshie's office before he kills Cleaver.' So Gerry takes off out the door.

In the meantime, of course, we are moving the Walsh contingent notice of motion, and Fred Chaney is there. Ten minutes later, Gerry comes back with this great grin on his face. He walks in on the government side. I said, 'What's going on?' He said: 'Mate, thank God I got up there. I arrived just in time. Walshie was telling Cleaver what he could do with his black rod.' I said, 'What are you going to do?' He said, 'It's okay. I've calmed him down. He will be back down in a minute. I've worked out a diplomatic arrangement.' We said, 'Oh, great.'

The diplomatic arrangement was this. Five minutes later, Peter Walsh came in. By this time, of course, the chamber is full on both sides: everybody is there. Walshie came into the chamber on the government side of the house, with a grin on his face a mile wide. Everyone applauded and clapped, of course, on the government side of the house. Cleaver, honour restored, came in on the opposition side of the house, separately; and the business of the Senate went on. Gerry, I have never, ever forgotten that incident.

Senator Brownhill—And Walsh didn't have his shoes on, either!

Senator BOB COLLINS—Senator, don't keep me here all night. That was the occasion—

Senator Kemp—You promised a short speech.

Senator BOB COLLINS—You be quiet and don't interject, and I won't tell these stories. That, of course, paled in comparison to the night we had the constitutional debate

in the chamber, and we had to have statutory majorities on every single division. Peter Walsh came into the chamber in the Old Parliament House at three or four in the morning, without a tie, without a coat and without any shoes on. That was okay. He was singing. He had his arm around Rosemary Crowley's neck—I have forgotten what the song was—and he came into the chamber singing. That was okay; everyone handled that—except Shirley Walters, I might add. He sat down at the front—

Senator Bell—'You are a disgrace, Minister.'

Senator BOB COLLINS—Yes: 'You are a disgrace.' He put his feet up on the desk and started to take his socks off. At that point, people said, 'Oh no, Peter; not the socks. Not the socks!' I indicate that the Old Parliament House was slightly more colourful than this one—just slightly more colourful.

Gerry Jones: I would say, along with Tom Wheelwright, that I have enjoyed your companionship over the years. Thanks for all the help you gave a not very young but certainly green senator, as I was when I came into the Senate.

Senator Kernot—You were never a Green senator!

Senator BOB COLLINS—No, perhaps not. To all of those senators who are leaving us, all the very best in whatever you do in the future.

Senator BROWNHILL (New South Wales—Parliamentary Secretary to the Minister for Trade and Parliamentary Secretary to the Minister for Primary Industries and Energy)—I rise to say just a couple of words. I will not be as colourful as the previous speaker, Senator Bob Collins, but I would just like to say a couple of words to a few of the people who are retiring and leaving this place on 30 June of this year.

Senator Bryant Burns: best of luck in your future career. I hope you do not buy that property you were thinking of buying, because you will be eternally broke. Even though you want to become a pastoralist, don't. I hope you might start voting National. Don't become a pastoralist. Just take your

retirement in the way you should, because that is what you deserve. You were the chairman of committees that I was on. I was chairman of a committee that you were deputy chairman of. I respected your judgment, at different times. I always thought you were rather misdirected because you were of a different political faith from mine, but I thank you for your comradeship. I wish you a very happy retirement. You replaced George Georges, whom I enjoyed as well. He was actually more left wing than you were, but I appreciated your help and support in our committee.

Noel Crichton-Brown: you are leaving the chamber at the end of this session. I am very sad that you have actually decided to leave this place as an Independent. That is really sad.

I remember you, Gerry Jones, from the first time I spoke in the Old Parliament House. You stood aside for me so I could give my maiden speech. You were a top whip. I enjoyed being the whip for the National Party when you were the whip for the Labor Party. I enjoyed your company when we were at the United Nations because I think that that was one of the most memorable things I have done since I have been in this place. You were great company, and a great support and help. I do not think that anyone who saw us when we were at the United Nations knew whether we were from the government or from the opposition. So I thank you for your friendship.

Sid Spindler: the time I spent with you on the family law act inquiry was quite something. We tried to achieve something, and you seconded the motion. We actually agreed to the inquiry together, and we got it. It took a fair bit of getting but we got an inquiry into something that actually affects so many people's lives. We tried to do something about the break-up in marriages in Australia, and that is something you can be quite proud about in leaving this place.

Baden Teague: I always enjoyed your company. We were not exactly on the same side sometimes, but whenever we played tennis, we definitely were. In some of the tennis matches we had against the House of

Representatives, we played against the best they had, the MacKellars and the Moores. Moore, of course, played Wimbledon and there were times we led them four-nil but they always beat us. One of the beautiful things about playing with Baden was that he could always serve his second serve just as hard as his first serve and it didn't always go in. I think at one stage we might have served about four or five double faults in a row. But he is a great person to play with, a great friend, and a great comrade in that area. He always played his tennis like he played it in this place; he had great character and he had great purpose in what he was trying to do.

I must say something about the tennis cup he gave me, because in this chamber we hold the cup. We have only won it twice. We won it last time in 1992. We have to be challenged now by the House of Representatives to have another match and that will happen, I suppose, in the near future. We will most probably retain it again.

Michael Beahan: our President, brought down by your own party; I am sorry you have left the chair at this particular stage. But I think that we can say some things about you.

Robert Bell: you are an honest Democrat, and I have enjoyed the committees I have served on with you. Most probably you are the most honest Democrat that I have met.

Senator Spindler—What about me?

Senator BROWNHILL—Sid, I have mentioned you already. He is probably the most honest, and it is sad that you are both leaving, just quietly, because you actually gave a little bit of purpose to the Democrats and you always had a purpose. Just last week when we put a bill through together, Sid, I appreciated the way you looked at the bill and that you gave your support to it in the end, after the briefings had been given to you.

Christabel Chamarette: you are in the same corridor as I live in. As a Green you have made a contribution, but one of the things that has got to be firmly established in this place is that you can make a contribution but you have actually got to look for the benefit to Australia.

Tom Wheelwright: you said that you are a great friend of Sandy Macdonald's. As you come from New South Wales, you must be good; but I think you are very misdirected as well. It is sad that you are leaving so quickly because you have made a bigger contribution and showed more purpose and dexterity than a lot of the people who are left in here from the Labor Party.

Michael Baume: sad to see you leave. I wish you luck in your new venture. You have been a good friend on the tennis court, in parliament and also, before you came into this place, as a member of the House of Representatives. On the cricket field, you were a great cricketer. I am looking forward to seeing you in your new venture in a different place. I hope I can visit you and do something with you.

To all those people who are retiring, it is great to have had the opportunity to know you. Even though we are on different sides of the chamber and different sides of politics and even though we have a different direction, one of the interesting things about this place is that we appreciate the difference. People come into this place from different sides of politics but everyone appreciates what they stand for and what they are going to do in the future. I wish you all the best and I hope you have a great career in that life after politics.

Senator CHRIS EVANS (Western Australia)—I would also like to make a few comments about the retiring senators. Senator Bob Collins said he would be brief. I also say that I will be brief; but I will be brief. Firstly, I start by saying that I have not had much to do with Senators Bell, Crichton-Browne, Teague and Baume in my time in the Senate, so I do not intend to say too much about them, other than to say that Senator Bell was a very good chair of the Finance and Public Administration Committee when I served on it, and that I have always found Senator Teague to be a very genuine bloke and a gentleman.

I want to make a couple of comments about the Labor senators and Senator Spindler and Senator Chamarette, both of whom I have had more to do with in my time here. While I am not much of a punter, I thought one way to make an abbreviated contribution was to do

something of a form guide. Senator Bryant Burns: metal worker, good comrade, friend of the battler, Labor stalwart—it has been a pleasure serving with you. Gerry Jones: good bloke, consummate whip, distinguished career—he will be very much missed; thanks, Gerry. Michael Beahan: a distinguished Labor career—a professional, effective president, has more to contribute. Tom Wheelwright: an enthusiast, an economist—too good to stay on the interchange bench. Sid Spindler: civil libertarian, activist, highly principled, effective parliamentarian—a good role model for a Democrat. Christabel Chamarette: genuine, committed, frustrating—cannot tell a joke—but an excellent travelling companion.

Senator CALVERT (Tasmania)—I say a few words as a senior backbencher. I have always been a backbencher; in fact, I have been a backbencher for nine years. Very briefly, I will say a few words about my colleagues. This is the best club in the world. You have to be elected here by the people of Australia, and it is an honour to serve. I feel rather sad to see some of my mates going. I will just run through a few of them.

You would never have thought that I would say some kind words about Bryant Burns, but Bryant and I were good mates on the animal welfare committee and the rural and regional affairs committee. I always respected his views about agriculture. The fact that he used to break in horses in his younger days really impressed me. Bryant, I really enjoyed my time with you and I wish you all the best in your retirement and my best regards to Nanette, as well.

To Noel Crichton-Browne: perhaps the best years are behind us, but I respect Noel's views and I wish him well in his future.

To Gerry Jones: I am still very proud to be able to send you a Christmas card. You are a real gentleman and the best chairman we have ever had—I know I can say this without any problems, because Senator Panizza is not here—of the Selection of Bills Committee. You are a real gentleman, Gerry. I have always respected you, and I hope the best happens for you.

To Sid Spindler: I really have not had a lot to do with you but I have always respected

your views. As a Democrat, of course, we were opposed on most things but I was pleased to hear what you have had to say, and I wish you the best.

My friend Baden Teague: I do not know what is going to happen to the tennis competitions anymore. When Baden was in charge of the—

Senator Teague—The Reps games?

Senator CALVERT—No, the games between us and the different agencies and embassies around the place. Once upon a time, we used to have wonderful competitions where we took on all the embassies. We always got beaten, but it did not matter because it was great for public relations and international relations. I am afraid that has all gone. But I am sure somebody will bob up along the way.

To the President, Michael Beahan: I have not always agreed with his decisions but, I tell you what, you would not meet a better gentleman than Michael Beahan. The thing I like about Michael Beahan is he likes Tasmania. I have always been very proud and pleased to know that, when he comes to Tasmania, sometimes he comes to see me.

Christabel Chamarette: a very gentle person with strong ideas and probably a great loss to the Senate. The Senate is a place where you have different views and we are all elected by proportional representation. Christabel put forward a particular point of view that probably did not always agree with the mainstream of politics—with the major parties on either side of politics. But Christabel did it in a very honourable and special way. I must say that, as a Temporary Chairman of Committees, I always respected the way she put her views.

Tom Wheelwright was here one minute and gone the next. I think he may have been a great politician if he had had the chance to hang around, because Tom had a very good economic background. That leads me to two other people—and I will first of all deal with Robert Bell. Robert Bell is not in my party, but I have to say that he is a true Tasmanian and I will always remember him for that. He

stood up for the rights of Tasmania and he pushed those views very hard.

Apart from the fact that he used to grow very good radishes and his sister has married a very good friend of mine who is in radio down there, Robert Bell, in my opinion, would have been far more advantageous to Tasmania and to this Senate than the person who is going to replace him. I mean that, Robert. Whilst in the last few weeks we have seen a succession of motions put by the government that the Democrats have not agreed with, at the end of the day at least you would have understood the rationale of what we were trying to do. I have always respected the fact that you have always stood up for Tasmania in the way that you have. I really am sorry to see you go, mate; I really am. And I am sorry that we will not be able to get any more of the radishes you grow in your backyard.

That leads me to the last person I had to speak about—my old friend Michael Baume. I will not spend much time on Michael. He is a character. He is a person I first met in Hobart—and I will not mention under what circumstances. I was not a member of parliament in those days, but I have always admired him. I always admired, in those days, his expertise in wine and, since then, I have admired his expertise in everything else that goes. He is a great raconteur.

He was my next door neighbour in this place for a long, long time. Everything I ever did I used to run past him. You would go in and he was a bloke who would have a pile of books, with a few odd socks and sandwiches and bananas underneath them. You would pull over a file and find a sandwich that was about three weeks old sitting there. He is a great beaver, worker and worrier for the Liberal Party cause.

I tell you what—Michael Baume could not go out on a higher note than he is going out on now, because everything he has ever aimed for has happened. Michael, you have achieved everything you wanted to achieve in spades. I am very proud and very pleased to see what you are doing. And I am going to miss you, because I do not think there is

anybody around this place who is ever going to listen to my weak jokes again. Good luck.

Senator STOTT DESPOJA (South Australia)—I rise briefly—as perhaps a junior backbencher if Senator Calvert says he is a senior backbencher, but certainly as a relatively new member of this place—to pay tribute to those senators who are leaving. I want to pay particular tribute, on behalf also of my colleagues Senators Bourne and Woodley who did want to speak but it got a little late, to our colleagues Sid Spindler and Robert Bell. I can assure them both that their passionate commitment to social justice will continue. You can be assured of that, Sid.

I also want to signal my respect for my former boss, Robert Bell, who has been a dear friend and colleague and supporter of mine. I will miss him terribly. I first met him at a student rally and I can assure him that that passionate defence of a publicly funded and accessible education system will continue. I look forward to working on your inquiry into school fees as a new member of the Senate Standing Committee on Employment, Education and Training.

The other reason I stand here today is because Robert Bell has dared me to read the excerpt about him from the 'Men of the Senate' calendar, and being so dared I shall read it. It is March 1993 and I believe this is Robert Bell:

A country boy born and bred, this Robert can be found sharing yarns with fellow Tasmanians over a couple of Cascade Premium Lagers. Known for his relaxed approach to chamber dressing—

I notice you did not wear a tie for your valedictory, Robert—

Senator Bell is a sensitive new age guy with a fondness for knitting. Although some would say he is a little Devil, Robert finds true happiness in a finely tossed Caesar salad. Not a purist, however, Robert indulges himself by including tomatoes.

We will miss you both.

Senator FORSHAW (New South Wales)—I rise to say a few words about my friends and colleagues in the Labor party who are leaving this parliament tonight. But before that can I just say a couple of words about other retiring senators, firstly, Senator Baden Teague.

When a person makes their first speech in this parliament as always they get congratulated by all the senators in the chamber. After I made my first speech there was one person who came around to my office afterwards when I was with my family and that was Senator Baden Teague. He came up to me and said, 'You know, I appreciated what you said in your first speech'. I had spoken about the importance of the trade union movement and its importance in a democracy. He told me that he had a strong belief in a free trade union movement as an essential part of a democracy.

I have to say that at the time I thought, 'Who is this guy?' But I have come to very much respect the genuine beliefs and commitments that Senator Baden Teague holds. It has only been in the last few weeks when I became chair of the Senate Standing Committee on Foreign Affairs, Defence and Trade that I realised the depth of knowledge he has in that area and the incredible work that he has put into that committee. I have to say that I am very disappointed that I will not have—and I know other senators on that committee will feel the same way—the services of Senator Teague in the future. Of course, the same applies to Senator Jones and Senator Burns, who are also long-standing members of that committee. So to you, Baden, thank you.

Turning now to Robert Bell: one of the first committees I served on in this Senate was the Standing Committee on Employment, Education and Training. I met Robert there and the first thing I noticed was that he did not have a tie on. I liked that about him. I have never been quite game enough to take that punt myself.

He and I and the late Senator Olive Zakharov went to the Aboriginal community at Yuendumu in the Northern Territory as part of an investigation into open learning. I learned then, and I have since come to appreciate, the expertise that Robert has in the field of education. I appreciate the hard work and the contribution that he has made to the committees in this Senate.

I agree with the comments made earlier. I think it is a damn shame for this Senate that

Senator Bell is not going to be back here after this weekend. I hope, Robert, that you can get back. I have appreciated your friendship and your company on two committees of this parliament—the education committee and the scrutiny of bills committee.

Turning to Senators Sid Spindler, Christabel Chamarette and Noel Crichton-Browne, I have not had as much to do with them but I accept that they have deeply held commitments and beliefs and I just say that I wish them well in the future.

Senator Michael Baume is a very controversial figure. People on this side of the chamber have expressed their views about Michael Baume and, in many respects, I agree with what they have said in respect of his contribution in this chamber.

Senator Baume has a strange obsession with pigs, so much so that he likes to keep them hanging around his neck most of the time. I might say that, whenever he rose to his feet to give us another one of what I thought were disgraceful diatribes and attacks upon the former Prime Minister, it reminded me of the children's story of the three little pigs and the big bad wolf. The ending of that children's story, as we know, is that you can huff and you can puff but you can never blow the house down. In all of his attempts, Senator Baume never did really make any dent in the integrity and the reputation of the former Prime Minister.

I actually also had a bit of contact with Senator Baume in other respects, because his office is in the same building in the city as my office. I would run into him quite a bit in the building and the car park. I have actually seen the back of his car, and found a few of those half-eaten sandwiches, as well.

I also used to run into Michael at the opera. Here was the guy from the Senate who was continually spewing out bile and venom at the Labor Party; yet, at the opera, we had pleasant evenings on a number of occasions, talking about opera. I think he always liked the gory bits. I just hope that some of the intelligence and obvious ability that he does really have can now be put to far better use than it has been put to in this chamber.

Ralph Willis has got the privilege of representing the opposition at the United Nations later this year—I think I can tell the Senate that, as a returning officer for the party. Ralph said to me today, 'You know, the funny thing is going to be that, one of these days, Paul Keating is going to go to New York. Certain respects are accorded to former Prime Ministers. Senator Baume might just have to go and meet him at the airport, in his capacity as the government's representative for New York.' As they say in the ad, 'Hey, I'd like to see that!'

I will now turn—very quickly, but very importantly—to the departing Labor senators. Gerry Jones, as everyone says, is just a wonderful, gentle person. He is always smiling. That is a great thing. Whenever you went to the whip's office, when Gerry was the whip, Joan Harvey greeted you with a smile and then Gerry greeted you with a smile. Gerry did not always have as good news as Joan did, with respect to particular matters such as pairs or whatever. But he was always very helpful and I always appreciated his advice.

I remember that I had just started when Gerry asked me, 'As a new senator, you are going to go onto certain committees. What areas are you interested in?' I said, 'I am interested in industrial relations and a number of other areas.' He said, 'Right, good, I will take that into account.' Of course, as always, as a new senator you get lumbered with the committees that other people want to get off, so I got put on the scrutiny of bills committee—I thought, 'My God, what the heck is that?'—and the employment, education and training committee. I am still on those two committees and I am very pleased to be still on them. Gerry, you did me a big favour, because through that I have managed to have an association with people such as Robert Bell, Barney Cooney and Mal Colston. Thank you very much for the advice. Most recently, I joined the Senate foreign affairs committee. Whilst I have just come on to that committee, I have very quickly come to learn what a great contribution Gerry Jones made to that committee.

Years ago, Bryant Burns was a union official in Queensland and I was based in

Sydney. The first time I remember having any major communication with him was when I appeared before the Senate Standing Committee on Rural and Regional Affairs. Senator Winston Crane, Senator David Brownhill and Senator West will remember this. I was then the general secretary of the AWU. The committee was inquiring into New Zealand shearers. I thought you brought down a bloody terrible report! It was a shocker! You kept telling us that all the evidence was anecdotal. I have been on a few committees in this parliament since then. I have to say that, quite often, anecdotal evidence gets a far better hearing than I think we got on that committee.

Notwithstanding the results and the report of the committee, I appreciated Senator Bryant Burns very much. He had a genuine belief in what the union was trying to put to the committee at that time. We were very much concerned about the jobs of Australian shearers. We were dealing with an issue that people said was racist and so on. Bryant and I have continued to talk about that inquiry. I know that Bryant Burns shares with me a concern about seeing workers in industries, particularly traditional industries like shearing, lose their jobs because of a range of factors, including the freer movement of labour between Australia and New Zealand, and technology and other matters. I very much appreciated the opportunity when I was on the Senate Standing Committee on Rural and Regional Affairs of continuing my friendship with Bryant and our discussions about union matters.

As everyone has said, Michael Beahan has been a superb President of a very difficult chamber. I have often sat here and wondered whether he would ever name anyone and, if so, what would happen. I was so delighted to hear the story put by Senator Collins tonight. Michael really has performed the task of President of the Senate with utmost distinction. I certainly believe that he will carry that experience on to a successful career outside the parliament.

Finally, to our New South Wales 'mate', in the true sense of the word, Tom Wheelwright. Tom took on the hardest job; that is, he was

No. 3 on the Senate ticket when he went into an election that did not look too good for us. Senator West knows what I am talking about. Tom was prepared to put his hand up and take on that task. He campaigned hard, long and with a commitment, notwithstanding that he knew just how hard the task was to get back in that election. The ALP in New South Wales, and our faction in particular, recognises his commitment and contribution.

I agree with all that has been said by other speakers, which is that Tom, in the short time he has been here, has made a tremendous contribution to the parliament. I have no doubt that he will continue to make a tremendous contribution in the political field in the future. Tom, as you know, the great thing about the New South Wales Right is that we do stick together. We get accused of a lot of things, such as being thugs and number crunchers and all that, but it is not really true. When you get people of the calibre of Senator Tom Wheelwright into this chamber and many others from the New South Wales Right who have served the parliament over the years, you can see that we actually have some pretty good people to put into politics. Tom sits at the top of that list. To Tom and all the others, I give my best wishes for the future.

Senator KEMP (Victoria—Parliamentary Secretary to the Minister for Social Security)—The hour is late, so I will be very brief in my remarks, mainly about the senators who remain in the chamber. That will be a useful way of cutting the list down a little. Senator Forshaw mentioned those dear hearts and gentle people from the New South Wales Right. I have never believed that, and I do not think anyone else has.

I will first turn briefly to two of my colleagues who are leaving the chamber. I have listened to many speeches about Michael Baume and I listened to his speech tonight. One theme which has come through is that you were given a job to do and you did it as your light saw it. Most of our time in this chamber was spent trying to control you, Michael! You had a particular passion and goal. I do not think it was a job that was given to you. You are a very courageous senator. You have raised issues that, as

someone else mentioned, many would have found difficult to raise. You have copped an enormous amount of flack in this chamber, but you have come through it all with shining colours. In my view, Michael, you have made a great contribution to this chamber. You have made a superb contribution to the Liberal Party. In my view, you will be very sorely missed in this chamber. I certainly wish you well. I hope that our paths will cross again, wherever that may be, Senator Baume.

Many have commented on the characteristics Senator Teague has which make him unusual in any party, certainly in the Liberal Party. Every party can afford to have one of you, Baden Teague, but I am not sure that we can afford to have two of you. Occasionally on the front page of the paper I have seen Senator Teague quoted as dealing with a problem with one of the Liberal Party's policies as he saw it. From time to time, we wished to see you on some front pages for attacking the Labor Party. I am sure that you did but that you just did not get that front page coverage.

Baden, you have a view of the world that you have held with great sincerity. I certainly wish you well. From time to time, we have had our disputes and differences. They have always been conducted in a very civilised manner. I certainly wish you well as the years go on.

Noel Crichton-Browne is not here. It has been a very painful period for those of us who have known Noel. I certainly hope that Noel finds more peace with his wife and children in the years to come. It is worth recording that a major factor in the development of the modern committee system that we now enjoy in this chamber was Noel Crichton-Browne.

Senator Knowles—It is a stuff-up, an absolute stuff-up.

Senator KEMP—We may well differ on that, Senator Knowles. I think it is worth recording in this chamber that, without Noel's involvement, that committee system would not have come about.

There have been a lot of compliments directed to you, Mr President. I listened particularly to your speech. I will read it with great care. One of the major reforms of this chamber would be to have an independent President. In the years to come, you may be able to share with the community some of your thoughts on that. If we want to enhance the role of this parliament, we have to enhance the role of the President and Mr Speaker. It seems to me that the way to do that is through the development of a truly independent Speaker. This is certainly what the Liberal Party is saying at the moment. I hope that that theme continues. I will look with interest at your contributions over the coming years.

I looked in vain, Senator Spindler, for anything substantial that we have actually agreed on. We have had many exchanges over the years in which you have been here. It seems an astonishingly short time. We came in together. Happily I remain, but you are leaving. The energy with which you have tackled the causes that have interested you is commendable. I certainly wish you well. You have set a cracking pace for the person who replaces you. It is, in my mind, a premature departure from the parliament. It may be a good thing for the Liberal Party, but it is a pity for the Democrats that you are leaving.

To Robert Bell: we have shared many committees together, and again we have had our fair share of debate and worked together on some reports. One thing you did not mention, and I was rather hoping you would, was one occasion where a senator was removed from this chamber in the last six years. The true story of that, Senator Bell, has never come out. I wonder whether as the night wears on and perhaps you share a drink with Sid Spindler you might fully inform him of the reasons why that particular event occurred, but I will certainly say no more.

Senator Wheelwright: I think that the contribution you have made in a remarkably short period of time has been most worthwhile. You are a bit different, I have to say, from the image that many of us have of the Labor Party as we sit across the chamber. It is very rare, and I have to say that in my own experience I do not know whether I have ever

heard it said before, that someone has spoken about the Senate with such passion. In fact, I do not think that is the tradition of the Labor Party right up to this present day, though I am sure in the coming months and years they will come to appreciate the Senate in a far greater way. But you are, I think, the first from your party to have expressed a real passion for this chamber, and I have to say it is a passion I share. On a variety of issues we would certainly have a debate, but it is that passion for this chamber, that great love of the parliament which you have acquired in such a short period of time, which does mark your views as being a little bit different from some of the views that your colleagues have expressed over an exceedingly long period of time. I welcome that change.

Senator Burns: I have often had this image of you, as political parties change, liberal parties change, labor parties change, that to my mind you have always been what I pictured as the traditional Labor man, and I think that came through in some of the speeches this evening. I think that many of the views you have put have been what I would describe as traditional Labor views. They are views which I may not share but they have been expressed with a great force and sincerity by yourself, and I certainly wish you well in the years to come.

Senator Gerry Jones: everyone has spoken to what a thoroughly decent person you are. I would certainly concur with that. My contacts with you have always been extremely constructive. From time to time we have perhaps spoken more frankly than we normally do, but we were able to do that in a way because we shared some confidences. I certainly wish you well and I associate myself with all those remarks that were made by colleagues about you.

I think that concludes the list that is before me, except for Senator Christabel Chamarette, who is not with us. I have spoken to her privately. As manager of government business, I have certainly noted what an enormous challenge it is to deal with her—in fact, the whole lot of you, to be quite frank, and certainly no-one more so than Christabel. I certainly wish her well.

Senator TIERNEY (New South Wales)—I rise, firstly, to farewell my New South Wales colleague Senator Michael Baume. Michael Baume and I have always been competitors, and this has stretched from the hothouse of Liberal Party preselection in New South Wales to the icebox of the Senate tennis courts at 7 o'clock on June mornings in Canberra—ah, the crunch of ice under the feet!

It might surprise the Senate to learn that Baume and Tierney are two of the Senate's finest athletes. I always preferred to play doubles when I was playing with Michael—rather than singles, playing against Michael—because I have found that he plays tennis the way he plays politics. Wimbledon was nothing like our games. So, after an hour of tricky little drop shots over the net, which make you undertake heart attack inducing runs; full volleys to the pit of the stomach; sudden cross-court shots that make you twist and slip over; and aces that leave you feeling humiliated, we would come away from the tennis courts very well prepared for a day in the parliament.

Michael Baume's dogged pursuit of the tennis ball and fine touch were only exceeded, I think, by his dogged pursuit of issues in the parliament and his eye for detail as a watchdog on the public service. I well remember that, in my first month in this place, Michael leaned over to me and excitedly pointed to page 16 of an obscure Auditor-General's report on the internal operations of one of our more prestigious universities. I took his advice and took the issue up, made a five-minute speech on government documents, put out the obligatory press release and actually sent the full text of the speech to the major newspaper in the city where that university was located.

To my amazement, it appeared as a page 1 story the next day. That sort of exposure, which Michael was able to bring about in relation to a whole range of public service activities, really did serve this chamber very well. His skills will be sorely missed by our democracy, because one of the greatest enemies of democracies is the impossibility of carefully scrutinising the truckloads of legisla-

tion, regulations and ordinances that move through parliament. When we lose scrutineers like Michael Baume, a lot more of this will slip through and power will, inevitably, move from the parliament to the bureaucracy.

One of the other great contributions that Michael has made to the parliament is covering a very wide range of issues. He has an absolutely encyclopaedic knowledge. When I entered this place, I was told that I might be asked, on various occasions, to come into the chamber on a moment's notice and speak on anything. Well, that prospect, at that time, filled me with terror. I used to always admire the way that Michael could get up and speak on absolutely anything.

Beyond the chamber and committee work, Michael made a great contribution to the broader life of the parliament. His sense of fun, from wearing pig ties through to appearing in cabaret acts and doing Gilbert and Sullivan, helped create a positive ambience which lifted the spirits of this place, being an institution with an adversarial format which is unnecessarily negative at times. Senator Michael Baume has been here since he entered as a member in 1975. He is one of the great characters of the parliament. We wish him well as he moves from this theatre to the world stage.

I now come to Senator Robert Bell. It is not often that we have nice things to say about the Democrats. I am very glad that my benchmate, Senator Ian Macdonald, is not here to hear this tonight. The last time I said something nice about a Democrat was at the valedictory of Karen Sowada; she had the makings of a great parliamentarian and her loss was a great loss to this place.

Robert Bell preceded and followed Karen Sowada as a member of the Senate Standing Committee on Employment, Education and Training. I found them both a delight to work with on parliamentary committees, unlike the Neanderthals who appeared and disappeared quite often from the Labor side of those committees.

Senator Robert Bell would listen to reason and listen to an argument; he would come to a sensible position. He brought to this place a very extensive background in education and

was able to feed into the debate some very useful insights. I will very much miss the philosophical discussions on educational issues we had, as we moved around the countryside on an incredible range of inquiries. He greatly assisted the work of what became a very highly productive committee and produced seven major reports last year. I am confident that Robert Bell will not be away for very long. I am sure that, after Bob Brown's brief stint in the Senate, we will welcome back Robert Bell.

Senator Baden Teague: I first heard the name Baden Teague in the mid-1980s when I was beaver away on the development of what was to become the Greiner government's education policy framework. At that time—this is in the early 1980s—I heard that Baden Teague was to come to the University of New South Wales to give an address on education. At that stage he had a very high reputation for federal policy development through his work as chair of employment, education and training where he produced a number of benchmark reports. On this side, he was followed by Senator Kay Patterson and myself, all of us PhDs in education.

All of Baden's excellent work, firstly in education and later in foreign affairs, has been a great contribution to the Senate. But what we remember particularly about Baden are his personal qualities, qualities that are rare in human beings and extremely rare in politicians. Baden is without guile, despite 18 years in the place. His nature and character have not been altered by this institution and its people. But I feel that, by his example, he has in some ways affected all of us.

He is a man of great faith. He told the Christian Fellowship the other morning that he and his wife pray together every day. Perhaps that is why he has been able to stay above the gutter that occasionally runs under this place, and to change others rather than them changing him. We pray in this place at the start of each day. Perhaps if we all took more to heart what we were saying we might take on some of the qualities that we have seen and come to admire in Baden Teague. I wish you godspeed, Baden, in the next phase of your life.

Senator NEAL (New South Wales)—I have to say that seeing a number of senators leaving here has very much brought home to me, in rather a short time in this place, the fondness you can develop for members of the Senate, even those with whom you might have very little in common and only fleeting contact.

I might start with Michael Baume whom I really have had some difficulties with since I have been in this place. I might say that I was blooded fairly early by Michael who, within the first or possibly second week I was here, got up and bucketed not only me but my family as well. I have to say that that has taught me one thing: that all vexations to the spirit eventually pass. And that certainly has come about in this case.

Baden Teague: I have had reasonably fleeting contact with him, particularly outside the house. But I have to say that your grace and your kindness very much impressed me. You are always looking for something nice to say, rather than something vicious. That has really been very much appreciated, even those brief moments.

Crichton-Browne: probably when I came in here, he was passed his prime. And, for me, maybe not having seen him in some of his evil moments—as you may believe you have seen him—I see him with some sympathy and as someone who has been separated very much from those things he was committed to and obviously admired and often loved. I feel sorry for him in that and I wish him luck.

Christabel Chamarette: one of the Gumnut Twins, as they were described to me when I first came in here.

Senator Wheelwright—By themselves.

Senator NEAL—And I think they probably quite happily describe themselves using that term. They obviously were a great vexation to the former Leader of the Government in the Senate, Gareth Evans, and I remember a particularly scathing interview about them shortly after I came in. But I have to say that, despite the political difficulties that Christabel and her partner in crime caused both the Labor Party and the business of the Senate, on a personal level Christabel Chamarette was

very genuine and very committed to what she believed in. I certainly have an enormous amount of respect for her.

Senator Robert Bell, despite what life has to offer and the goings on in this Senate, is someone who has that remarkable fuzzy innocent feel to him all the time, despite hours and hours with the Finance and Public Administration Committee. That is quite remarkable. If he can take that to what he is going to do after the Senate, he will be well served.

I spent a large number of hours with Sid Spindler on the family law committee and am very glad to see that some of the early matters dealt with in the family law committee regarding the care of children are coming into effect on 1 July. That is going to be a major positive step towards family law in this country, particularly in relation to the parenting and care of children after separation.

Sid was often the only person whom I found, even in a small part, to be on my side in many of the debates in the family law committee. I very much saw my role there as protecting the rights of single parents and their children. I felt, often, that the rest of the committee, on both my side and the other side, seemed to see their roles as being advocates for the parent without children. I saw this as something of a negative and retrograde step when we had gone so far to try and do more for children and to protect children in our community.

Moving on to my comrades in the Labor Party, so many positive things have been said about Senator Gerry Jones that it is very hard to add to them. Gerry Jones was someone whom I turned to for guidance when I first came in. Certainly, he always helped in such a way that even when there was a complete panic situation you always felt that, ultimately, it would all come out well and that no problems would be too large to overcome.

I remember asking Gerry about the committee structure, about how you were chosen for particular committees, and if I could have some input. He said, 'I'll have a look and see what gaps are available and get back to you.' Shortly after, I had a list of eight committees

on my desk, and I never went in there looking for work much after that.

Gerry was very helpful. I was one of those people who went into his office with rather ludicrous excuses for needing a pair, and he will probably know the particular situation that I am referring to. I was very grateful that he didn't choose to repeat it when he stood up earlier.

Senator Michael Beahan, you have certainly carried out your role with a great deal of dignity. Frankly, I do not think that I would have had the control and the tact that you have had in the face of what I would almost describe as abusive behaviour—certainly not the sorts of comments that I would have expected to come from senators when I first appeared here. In your difficult role, coming from one side of the chamber but having to play a balanced role, you have done well. On occasions when you have needed to be forceful you have done that, and that is sometimes necessary in a President.

What I have to say most about Senator Bryant Burns is his absolute iron commitment to the things that he believes in. Obviously with Bryant those two things are the Labor movement and, in particular, Queensland. He indicated earlier this evening that he was going to continue to play a role in those areas. That shows that no matter where he is he will always make a major contribution.

I have left Tom Wheelwright until last because Tom is one of us. He is from New South Wales; he is from the Labor Party; and also he is what could be described as, and, I think, has been described as on a number of occasions, one of my tribe. The way that Tom has behaved in making the choice to come into the Senate and how he has behaved while he has been here has only done credit to him and to the people who supported him.

Tom had a very difficult decision to make when this position became vacant when Steve Loosley resigned; it was very short term, with a high likelihood, to anyone who has any rational understanding of politics, of its being not a position he could return to the Senate from. Despite that, Tom showed remarkable courage and optimism, and certainly anyone who observed the level of his commitment in

here would never have guessed that basically he was on an eventual death sentence and he very well knew it, despite the fact that he will almost certainly have the opportunity to come back and play another role in the Senate at some later time.

Tom is pretty unusual. He did have an economics background. He did honours at the University of New South Wales. He then was an academic for a period and went on to work as education officer in the New South Wales ALP office, along with John Faulkner, who plays a role in the Senate still, and Graham Richardson, whose name, even though he has left this chamber, seems to pop up from time to time.

Tom then did something quite unusual, certainly in terms of the stereotype that is portrayed about ALP members of parliament. He left the ALP and went to do an MBA and then worked in the finance sector as a stockbroker. He did that job very well and was quite successful, but his commitment to politics and his love of politics would not allow him to stay there and he sought a greater role here in the Senate. I think he has done an incredible job and I really do hope to see him back.

Senator SHORT (Victoria—Assistant Treasurer)—I would also like to say farewell to those of you who are leaving the Senate on this occasion. A fair chunk of them are leaving; to have 10 senators out of 76 leave is a pretty high proportion. It just shows how much less than immortal we all are in terms of the total scheme of life politically and otherwise.

Mr President, I wish you well in the future. I thank you for your period in the presidency. There have been differences of view between you and those perhaps on both sides of the house from time to time, but I know that you have endeavoured to carry out your duties to the best of your endeavour. I think the thing that we would all say of you is that you have, through all of that, been very much a gentleman in the way that you have conducted yourself. To me, that is one of the most important characteristics of a person, so I do very much wish you well.

Noel Crichton-Browne and Bryant Burns are probably the two retiring members that I have had least contact with over the years. I wish them both well in their futures, whichever directions they may head.

To Tom Wheelwright: I have to apologise to you, Tom; I actually confused you with Ted one day.

Senator Wheelwright—Very different.

Senator SHORT—That was something that probably warranted a personal explanation on your part. I note that you did not do it—I am half joking there. But I think that the Senate is going to miss you, and certainly the opposition is going to miss you. With all due respect to your friends and mine on your side of the parliament, you are much more economically literate, I would have to say, than most of your colleagues. I have enjoyed the questions that you have put to me. I think I did finish up having the honour of having the last question from you directed to me. I wish you all the best. I think you have made a real contribution here and I hope the future bodes well for you.

To Robert Bell: I have not had as much to do with Robert as have many of you. Through the little contact that I have had with Robert Bell, I totally endorse the remarks of those who have already spoken about you tonight, Robert. You are a very straight shooter. You are a good guy. You have made a big contribution here and we are very sorry to see you leave. There are two reasons for this: firstly, you are a good guy; secondly, perhaps, because of your replacement. You have made a real contribution to the Senate, certainly from the point of view of the Democrats. You had an ability to relate to all of us and we have felt that we could talk to you on a rational and sensible basis, and this has been very important. I hope things go well for you, and I am sorry that you are leaving.

I want to say a few things to your other departing Democrat colleague, Sid Spindler. I am sorry that Sid is not here, but I would have to say that he stuck it out pretty well tonight. Sid is a fellow Victorian and we have known each other for quite a few years now. To those of you who are not Victorians, I have to tell you that Sid and I have attended

about 10,000 ethnic community functions together. We have seen a great deal of each other. Sid is a very fine man. He has made a very important contribution and I am sorry that he is going. I do wish him well in the future.

The one thing I would say about Sid is that he and the Australian Democrats have had an office for the last few years almost directly opposite my electorate office in Collingwood. He has been on the other side of Smith Street: he is on the Fitzroy side and I am on the Collingwood side. We have been only about 50 meters apart. It has taken a long time, but I think that I can now say with confidence that, in the last month, they have decided to move—this has nothing to do with Sid. He has been a very good Victorian colleague and I wish him well in his retirement.

Christabel Chamarette and I have spent a fair amount of time together, particularly on the immigration committee. We have had many differences of view on many issues. The one thing that I would say about Christabel without any hesitation at all is that she is a person with a great deal of compassion and feeling: she really does care about her fellow human beings. We have different views as to how best to serve the future needs of our community. She has been a very staunch advocate in her approach. We will miss her and I wish her well in whatever lies ahead.

Gerry Jones, we are going to miss you. As someone earlier mentioned—and I have probably never said it to you—I have always felt great pleasure in getting a Christmas card from you and Rita. But it is more than that. There is a warmth about Gerry and the way that he has gone about his task here. Your civility at all times has been very much appreciated on this side of the Senate. It has been a pleasure and a privilege working with you in our different ways for so many years. I wish all the very best to you and your family in your retirement, whatever it may bring. People say that they are going to retire when they leave the Senate; I think this is a misnomer. I am sure you will be very active in whatever you do.

To my two Liberal party colleagues, Baden-Teague and Michael Baume: Baden came into the Senate a couple of years after I first came into politics in 1977. One thing that has annoyed me increasingly over recent years is that car drivers call me Senator Teague. I say, 'No; I am Senator Short' and they say, 'Gee, you look so alike.' I say, 'Gee, do I really; he is far more handsome than I am.' Baden, you have made a terrific contribution to parliament in a whole variety of ways. Others have said many of the things that I want to say. You have really made a very significant contribution.

We have probably come from different parts of the spectrum of liberalism but, as you have made the point yourself, the Liberal Party is a very broad church. The great virtue of that Liberal Party is that it is such a broad church that it can accommodate such a range of views. Many of the views that you have espoused I have very much agreed with, and I hope that some of those that I have espoused you would agree with as well.

So I wish you and your family all the best in the future. You are about to become an author, I hear, of this, that and the other. We have probably all got our fingers and toes crossed and are wondering what is going to emanate out of all of that. I am sure it will be a bright and happy future for you and a very satisfying one. I thank you very much, as a colleague, for your contribution.

My final remarks have been very deliberately reserved for the curly one, my friend Michael Baume, who came into the parliament on the same day that I did in 1975. Senator Chapman, who is here tonight, was another one. We came in together into the House of Representatives in 1975 as the 43 so-called 'oners'. None of us were oners, although we had to have a second time round at some stage. All three of us went through more than one parliament in the House of Representatives.

I have known Michael for a long time now. I would have to say that I do not think that I know of any politician who has been more vilified by the opposition than Michael Baume has, absolutely and totally wrongly vilified, and I have never seen a person who

has stood up to vilification and attack over such a sustained period as you have, Michael. You are a man of great courage and character and we have benefited greatly from your presence. We have also benefited greatly from your friendship.

When I say 'benefited' let me say that I have suffered greatly from your ability on the tennis court to be able to pop a ball over the net and make it almost spin back the other side, but I mean benefit in a whole variety of ways. We have been friends for a long time, we have been good colleagues and you have earned the respect of all of us. We will miss you very much indeed and we wish you all the best. We will not try to deluge you too much with visits to New York, but I have to say to you that you are probably going to get a fairly frequent stream of visitors—

Senator Michael Baume—I will look forward to it.

Senator SHORT—and we are going to look forward to that as well.

The Senate is a very special place and we are all very privileged to be members of this chamber and of the Australian parliament. To all of you who are leaving I thank you very much for your contribution and your companionship and your friendship in so many ways. I know that I join all my other colleagues who have spoken tonight, and others who have not had the chance of speaking, in wishing you all the very best for the future.

Senator MURPHY (Tasmania)—I would like to make a few brief remarks with regard to those senators leaving us today. Firstly, Mr President, can I say that I have very much appreciated being able to associate with you here in this chamber and I have appreciated the friendship that you have shown. I do not need to express any view with regard to the job you have done; it has been a very difficult job and you have done it very well, and certainly you have done the Labor Party very proud.

Secondly, I want to mention Gerry Jones. I have only been here a very short time but when I came in he was the whip. Gerry, can I say to you thanks very much. I appreciate your assistance. You were always very

pleased to give assistance to new senators. I hope I never gave you a dodgy excuse for seeking a pair. I do not think I ever wrote you a note. May I say all the best to you and your wife and family in whatever you intend doing.

Bryant Burns was the bloke I sat next to when I first came to the Senate. I actually thought it was some sort of punishment. I thought 'God. They have sat me next to some old lefty!' But over time I have to say that I got to know Bryant and I very much enjoyed his company. Bryant, as chair of the rural and regional committee, was someone I learnt a great deal from. He contributed very significantly to rural and regional affairs. Certainly, from my point of view, he demonstrated a huge capacity to have a view and to have a great concern for the rural community in Australia. Burnsy took some fighting qualities to Christmas Island, and I am sure a few people will remember that. Although Senator Burns is not here; I wish him well.

My colleague Tom Wheelwright, the person I sit next to at the moment, is and we had a great trip together to Tahiti to protest the French tests at Mururoa. When we arrived at about 3.30 in the morning, we caught a taxi which turned out to be the most expensive taxi I have ever caught in my life. It took us about five kilometres and cost us about \$25. We were supposed to be staying in mediocre type accommodation. Evidently they did not have enough accommodation to take all of the people that had turned up to protest in Tahiti, so we ended up being transferred, along with John Coulter, to the Hotel Sofitel, which was a five-star hotel/motel. We arrived there at about four o'clock in the morning and, as it was still dark, we could not see much. The next morning we got up and looked out the window—we were on the second floor—we saw beautiful lawns, a big swimming pool, an outdoor breakfast area and a beach, which was probably 30 metres away, with beautiful white sand. I turned to Tom and said, 'If the workers could see me now. If this is what protest is all about, I am all for protesting!'

But, of course, we were there for a very serious reason and Tom, as he said before, got to go on the boat but was rather disappointed that none of the people could actually get to

Mururoa. At the end of the day, there was a success to those protests and to all of the people who went. Mate, can I say that I really appreciate the advice that I have been able to seek from you with regards to economics—not that I have been able to understand too much of it. It has been rather interesting and I appreciate that, and I will certainly miss you when you are not here.

Robert Bell, of course, is my Tasmanian colleague. Robert and I have shared many views of a similar nature, particularly about forestry. I have to say that it is sad to see him go. I do hope that he gets back here, whether it be by way of a double dissolution or whatever. I do not think that Bob Brown, regardless of any effort he might like to make, will ever have the ability to make a contribution across the wide range of issues that Robert could make. I do not say that with any disrespect to Bob Brown, but I think that that will be the case. I wish you well, Robert, and hope you get back. Likewise, with my colleague here, I not only hope you will get back; I know you will be back. I look forward to the time when we can sit together again and exchange a few ideas about the opposition's economic rationale.

Christabel Chamarette is actually guilty of delivering to me the chairmanship of the first committee that I chaired in the Senate.

Senator Abetz—And she made me the shortest serving chairman of a committee.

Senator MURPHY—Senator Abetz, I am glad you said that, because that is true. It came about that it did make you the shortest serving chairman of any committee. That is what you get when you rat on deals you do with the Greens. You really cannot do that. Senator Herron was actually the perpetrator of that ratting exercise and I think he learnt something valuable from that exercise.

I never really had much to do with Senator Noel Crichton-Browne. One day he came across the chamber when we were in government and sat down beside me—I think we were having a division about something. It had always been expressed to me that Senator Crichton-Browne was a number cruncher within the Liberal Party and that he delivered certain things to certain people. When he sat

down he said, 'Listen, I hear you've taken one of the chairs of our committees.' I looked at him and thought, 'Is this bloke threatening me, or what?' I had to explain to him that the deal that had been done was ratted upon and, hopefully, that would extricate me from having done something that was not a normally accepted practice. It is interesting to see where Senator Crichton-Browne has ended up prior to the end of this parliament. I say to him, as other senators have said, as Chairman of Committees he was a very good chair and he was a very good Deputy President.

I did not have a lot to do with Sid Spindler but, as other people have said, he was a great person. I think he contributed a great deal and, as Senator John Faulkner said, it has been even more enjoyable watching his contributions since we have been in opposition.

As for Baden Teague, I actually moved into Baden's old office when I first came into this place. Mind you, Baden, there was a bit of rubbish left behind in some of the drawers which I found somewhat interesting to read! Everyone else has expressed opinions and views with regard to you and I support and endorse those remarks.

The only thing that really sticks in my mind with regard to Michael Baume is the issue of pigs.

Senator Michael Baume—I wonder why that is.

Senator MURPHY—I am not sure whether or not you had a thing when you were a kid that you wanted to be a pig farmer but it must have been something like that.

Senator Michael Baume—I am interested in 'Babes'.

Senator MURPHY—Maybe you wanted to partner the Prime Minister in a piggery.

Senator Neal—He wanted a pet pig.

Senator MURPHY—He wanted a pet pig. I hope whatever your new stage in life is going to be that you will get over the issue of pigs and go on to bigger and brighter things.

Senator CRANE (Western Australia)—Mr President, I too would like to make a contribution in expressing appreciation to the 10

senators who are retiring. I am not going to go through everyone by name, except to say that—from yourself, as the senior person retiring tonight, down to Senator Wheelwright—I express my appreciation and enjoyment of having worked with them all in varying ways.

I wish to mention four people whom I have worked with very closely over the six years I have been in this parliament. I begin with Bryant Burns in his capacity as chairman of the rural and regional affairs committee. I am quite sorry that Bryant is not here tonight. I hope he is listening, or maybe one day he might even read what I have had to say. When I first came into this place, I had a particular interest in industrial relations and rural matters, particularly reform in country areas and country businesses, in transport, the waterfront, and what have you. After having heard Bryant Burns interject almost every time I got to my feet, I actually thought he was crazy. I have got to say that.

Then we formed a rural and regional affairs committee and he became chairman. Actually, when we got out of the reaches of Canberra, he became quite a pragmatic, sensible, hard working, decent person. It was quite amazing, the transition from what used to happen here, with meaningless interjections, to the person he was when he got out in the field when he was involved with Senator Brownhill, Senator Bell and others. There are a number of reports which I will mention quickly: the one into foreign visitors or what has become known as the New Zealand shearers report; the drought report; currently we are finishing the landcare report—there is a little bit of work to be done on that; the value adding; and, in addition, the report we did into AQIS and the meat industry. While the meat industry and AQIS have a long way to go, I have no doubt that the changes that have been made and developed there have been largely due to a lot of that work.

There is just one aspect I want to raise in terms of the shearers report. Stories had emanated from certain parts of the AWU, particularly in Queensland but to a lesser extent in other states, about the impact New Zealand shearers were supposedly having on

the Australian shearing industry. I am not going to go into the details other than to say we went to a place called Muttaborra—I am not sure, Bellie, whether you were at Muttaborra—out in western Queensland. This was supposed to be the New Zealand town of all times, run by New Zealand shearers. Finally we convinced the person who was the actual organiser of the four shearing teams or the boss or the person who ran the contract to appear before the committee. This guy got up there and said, 'I just want to make one small correction. I've been in this country for 18 years; I've been married to an Australian girl for 18 years; I have four lovely Australian children; and I was actually born in New Guinea.' I am sure Bryant Burns, if he was in here, would remember that.

Coming to Robert Bell, who was on that committee and also the education committee: Robert, I am sure you remember the time with the scrutiny of bills when we had done that report into export education. We were able to pick up a couple of aspects in that with John Tierney. It was a very important report. Baden Teague was also involved. Do you remember, Baden? We got delivered a seven-page bill and we sent back 39 pages of amendments.

Senator Bell—Hard work was rewarded.

Senator CRANE—Absolutely. They were all carried in the end and I think we upset one Laurie Brereton. Was he the minister? He was not very happy, I can tell you. One particular thing that I remember—I will not mention the town—was when we went out to an organisation or establishment for homeless people during the youth unemployment inquiry. You could hardly call them kids because they ranged from about 45 to 13, so some of them were fairly young, but they were all homeless. A couple of them insisted they show us their garden; they were so proud of what they did in their garden. So we went out and had a look at the garden. Dare I mention it in here, Mr President, but this garden was actually that green stuff that you smoke.

Senator Abetz—Tomato plants.

Senator CRANE—Yes, that is right. Robert Bell would remember that. I certainly enjoyed working with you. Bellie, you were

another one of these people who changed when you came back to this place. I remember you promising me at that door you were going to support us on amendments to the Industrial Relations Act. Somebody from over here then walked over there and made some promise to you and you reneged on your promise and voted the other way. I have never quite forgiven you for that. That is not the sort of thing you do. Nonetheless, I did enjoy working with you.

I now come to my two colleagues, Michael Baume and Baden Teague. I was fortunate enough in the first three years to sit with Baden Teague in that corner over there, then the next three years with Michael Baume. I want to tell people here: if any of you want to get rid of anyone, let them sit with me for three years, because they are both going.

Senator Ferguson—I am shifting.

Senator CRANE—You are shifting, Kay Patterson is shifting; I will be on my own over here. But that is okay, don't worry about it. Baden, I just want to acknowledge that I was very fortunate in those first three years to sit with somebody like you who had the knowledge of this place, the standing orders, all those little things that you have to learn. Not that I know them all now, but it was a great educational process, leaving aside the policy matters for a moment and the way you used to speak and all your expressions and all the rest of it, which we all thoroughly enjoyed. I just want to say thank you, Baden, for all that support and that help you gave me in those days. It is very important when you come into this chamber for the first time that you have a mentor who takes you under their wing and helps you with the processes. Baden Teague did that for me.

Of course, for the next three years, I had Michael Baume sitting next to me, a totally different character. That was also an experience and an invaluable one, because Michael got me into Auditor-General's reports and similar reports. He would ring me up and say, 'You had better get up and do this one.'

You said here tonight, Michael, that you never had written speeches. But let me tell you, you had copious notes. I can tell you that we were sitting over there and if I went

over about two-thirds of the desk Michael would give me a shove and then he would gradually spread his notes all out there.

Every time I saw Michael Baume get up in this place and speak, he had the documents set out in order—how he wanted to present them, and what have you—and none of it was other than fully researched. I, too, join Jim Short in terms of his comments about the victimisation directed against you in terms of some of the things you took after. I saw what you were distributing—the legal documents, the various information—because I was sitting right there. It was not something that you were making up off the top of your head; it was information you were putting before this chamber that was fully researched and very accurate about what was occurring.

I just want to acknowledge that to you and, of course, reiterate what I said with regard to the other senators. I wish you all well, particularly Baden Teague and Michael Baume who gave me so much help in my first six years here. Thank you.

Senator CHAPMAN (South Australia)—I would like to offer my best wishes to each of the retiring senators. Firstly, you, Mr President, Senator Michael Beahan, for the work that you have done in this place, particularly in your role as President. Of course, it is to be regretted that you seem to be the victim of the women's quota system in the Labor Party, even before it has come into operation. That is certainly a tragedy and it shows perhaps the folly of that particular policy as far as the Labor Party is concerned. Certainly, you have made a worthy contribution during your time here.

Senator Gerry Jones, the mild-mannered former government whip, is well known to all of us. As one of the earlier speakers mentioned, he is one of the few senators on the other side who regularly sent us a Christmas card. The Christmas greetings from Gerry and his wife, Rita, were certainly always a very welcome part of the Senate.

I got to know Bryant Burns quite well as a fellow committee member, particularly on the Senate economics committee with his work there, and particularly his rugged defence of the traditional Labor values and the trade

union movement. That was certainly a very notable part of Senator Bryant Burns's contribution in this place.

Senator Wheelwright, of course, came here much more recently. We have got to know Senator Wheelwright very recently, in my own case, as a member of the recently appointed select committee on uranium. Right to the end, although that committee has only recently started its work, he has shown a great interest in the initial work of that committee and has contributed to it.

Senator Chamarette, from the Western Australian Greens, has made her particularly unique contribution to this place. We are neighbours, in the sense that her office has been across the corridor from mine in recent years, so I have much evidence of the people that regularly made their presence felt in that corridor.

Senator Bell—You are being polite.

Senator CHAPMAN—Of course, Senator Bell also is aware of that, being a little further down the corridor. Certainly, Senator Chamarette brought a sincerity and a commitment to her role here as a representative of the Greens, and also as a member of the Parliamentary Christian Fellowship.

Sid Spindler I have worked with on the Senate economics committee. Obviously, whilst not always agreeing with Sid's approach to some of the issues that that committee considers, whether it is economic issues or industrial relations issues, I must say he certainly has a commitment to the Australian Democrats' point of view and has put that very effectively during his time in this place.

I probably know Robert Bell best of the Democrat senators. I got to know Robert particularly well during the period that I was doing a lot of work for the then opposition on industrial relations matters and Robert was the spokesman for the Democrats on industrial relations. I remember spending some time in discussions with him periodically on amendments that we wanted to seek his support for. Interestingly, I found that quite often Robert would agree with those proposed amendments but, sadly, some of his less enlightened Democrat colleagues would not agree with

them and so, at the end of the day, we were not able to get their support despite the relatively rational approach to those amendments of Robert himself. Perhaps we may have had a better industrial relations system if some of his colleagues in the Democrats had listened to Robert's views on those matters.

Senator Crichton-Browne, a former Liberal senator, has served here for a very lengthy period of time. Of course, more recently he has left the party, but certainly he has played a very significant role during his time here in the Senate. He has obviously been a person of great influence in the Western Australian Liberal Party.

I come now to my two Liberal colleagues. Firstly, I want to mention Senator Teague. I did speak about Baden at some length on the evening he announced his intended retirement—1 December 1994. Of course, Baden is not only my friend and colleague but also, as I said on that occasion, my cousin. Baden Chapman Teague is a long serving senator in this place and a worthy contributor to the Liberal cause. He is a friend who goes back many years to our days as youths together. We offered great encouragement to each other in our early interest in politics. I recall well, as I made the point on that earlier occasion, the support that Baden regularly gave to my campaigns in Kingston in the period 1975 to 1983. He was a regular contributor to those very active campaigns and made his presence felt in that regard.

All of the senators this evening have spoken of Baden's contribution in this place over a very long period of time but most particularly in the areas of education and foreign affairs. He is recognised within the diplomatic community in Canberra as having made an enormous contribution in the area of international relations and foreign affairs. He is highly regarded by members of that diplomatic community, most notably the South Americans; but not just the South American diplomats—right across the board.

Baden has made a magnificent contribution over his years here since coming to the Senate in 1978. I wish him and Kathy every enjoyment in their retirement from politics. It is

good to see Joshua up in the gallery too. He has been working with his father here as he has been cleaning up over the last couple of weeks ready to depart the Senate and take on new tasks. I too look forward to the volumes that will come from the research and writing projects that I know Baden has in mind.

Finally, this brings me to my other Liberal colleague, Senator Michael Baume. As Senator Short mentioned earlier, Michael Baume, Senator Short and I were elected at the massive 1975 victory of the Liberal Party and the advent of the Fraser coalition government at that time. Well do I remember, Senator Baume, when we were in the House of Representatives, those chants across the chamber from the Labor Party of 'Oncer, oncer, oncer'. Indeed, the reality was that most of us became thricers and survived through to the 1983 election, you and I included.

Senator Teague—That was 21 years ago, wasn't it?

Senator CHAPMAN—Indeed, 21 years ago.

Senator Michael Baume—And the only oncer was Tony Whitlam, I think.

Senator CHAPMAN—You remind me: indeed, the only genuine oncer was the Labor Party member Tony Whitlam.

We shared the rigours of marginal seat campaigning, you as the member for Macarthur and I—as I mentioned in relation to Baden's contribution—as the member for Kingston. You showed great capacity, as a marginal seat member, in building a strong personal vote and holding that seat for three terms.

During that period and during our time together in the Senate, we also shared a great love of cricket. I think it is notable that, in those days, even though we held marginal seats and, in many respects, had the demands of those seats weighing upon us, we seemed to at least be able to organise several games of cricket a year here at the parliament. That seems to be something that has faded. It must be a couple of years since we had a game of cricket here; perhaps it is a game we now have once every couple of years. But we used

to have about three games a year, as I remember, in those days.

Senator Knowles—This sounds like a good fireside chat.

Senator CHAPMAN—It is getting to that stage of the evening, Senator Knowles.

There were games against the staff, against an ACT President's XI and against the Crusaders: it was a very important part of the camaraderie that developed during that period. That is the point that I want to make about Michael Baume: that he was one of the people, during that period, who was most responsible for maintaining an esprit de corps and developing a camaraderie among the 1975ers. That was most notable in the way he initiated and regularly organised the annual dinner of that group, year by year. He has done so for 21 years, apart from the year that he was at the United Nations.

Senator Michael Baume—When you organised it!

Senator CHAPMAN—Over the years, there have been fewer and fewer survivors, as we call them, or people who have been resurrected, such as yourself. More and more of those have departed. Yet the significant thing about those dinners is the number of those departed who, every year, come back for that very special occasion. There is a very strong contingent of departed members and senators who come back each year for that dinner, and it is a great credit to your involvement that that has in fact occurred.

Of course, after your time in the Reps, you came to the Senate in 1984. As has already been remarked on, you were a very assiduous committee worker and a devourer of government documents. You certainly also filled a very important role as the shadow minister for arts and sports, about which you remarked in your own comments earlier this evening, and a very powerful pursuer of corruption in terms of the issues you raised in this place.

Senator Knowles—How many pages do you have to go?

Senator CHAPMAN—There are no more pages to go, Senator Knowles.

So, as a long-term friend and colleague in this place, I wish you well in your new endeavour. You are not going on Sunday, it will be a little later before you go, but I wish you well as you depart this place. I also wish Toni all the best. In some respects, this has been a sad week; the sad death of Toni's mother adds a touch of sadness to your departure. But one notable aspect of your departing remarks this evening was the presence of the Prime Minister in the gallery to hear your particular comments. I think it reflects the respect in which all of us—and particularly the Prime Minister—hold you, that he took the trouble to be here for your departing remarks.

In conclusion, I wish all of the retiring senators success in their futures. It has been a pleasure to serve with them.

Senator FERGUSON (South Australia)—Nobody in their right mind would get up at twelve minutes past two on a Friday morning to speak on a valedictory, unless they had something special that they wanted to say about some colleagues who will not be with us when we return in August. I would have spoken to some of the other senators, had they been here, but I think I will keep my remarks as brief as possible, bearing in mind the hour.

Firstly, I want to recognise you, Mr President, and the work that you have done in the Senate and in your role as the President. It is not an easy position. You have no doubt come under criticism from people, both on this side and on the other side, for various decisions that you might have made or not made.

I want to speak on a more personal basis, because I had the privilege two years ago of travelling overseas with you and your partner, Margaret, to Germany and the United Kingdom. Can I say that, on a personal basis, there is no better person to travel with that I have ever met. I know that my wife, Anne, particularly enjoyed your company and Margaret's company on that trip. It was a very enjoyable time. And wherever we went, you represented your position and the Australian Senate with dignity, and certainly in the most bipartisan manner possible. Once again, we wish you

well in your retirement and I hope that the future for both you and Margaret is all that you would want it to be. Thank you once again for that personal friendship which developed over that trip away.

Can I say to Senator Jones, whom I did not know very well but who was a very friendly face in the whip's office when I first came, that I certainly wish him well. I also wish Senator Burns well. He has been described as a traditional Labor man and it is fair to say that, as a traditional Labor man, Senator Burns wore that tag with pride. Some of us used to deride him occasionally, but I think he wore it with pride and he will be remembered in this place for the way in which he stood up for the traditional values that he had always had.

It is strange that, in this place, some people you are here with for a long time you scarcely get to know, and others that you only meet for a very short time you actually get to know quite well. That was the case with Senator Wheelwright. From the time of his entry into the Senate, I happened to be on a committees with him—and on two committees at some stages. Senator Wheelwright was a very energetic contributor and the enthusiasm he has displayed as a Labor senator will probably stand him in good stead in the future. Many have said we may see him back again. Certainly, I would compliment Senator Wheelwright on the efforts that he made in the time he was here. It has been said that he has sound economic knowledge. I know that he certainly had more economic knowledge than me in various areas, because I do remember going to the Townsville casino with him and his investments paid off far better than mine did. I did enjoy Senator Wheelwright's company in the short time we had together on committees.

Unfortunately, I never worked with Senator Bell on committees, but he was always a very friendly person in this place. Senator Bell, I do wish you well. I am sorry that I did not have the opportunity to work more closely with you. With my rural background, I was initially quite keen to get on the rural and regional affairs committee, but the competition was pretty strong. Had I done so, I would

have had more to do with you. I certainly wish you well.

I had quite a deal to do with Senator Spindler, particularly in recent times on the Senate economics committee. While I did not agree with all of Senator Spindler's views, I certainly appreciated the zeal with which he approached his point of view and the way that he put it. Likewise with Senator Chamarette, although I did not have a particular lot to do with her even though she was the senator who came in just before me in early 1992. I came in May 1992.

Senator Noel Crichton-Browne has been around this place for a considerable length of time. It has been rather sad in recent times that, in relation to many of those people who were very close friends of Senator Crichton-Browne's in his early days and very close to him, the bitterness that has developed has overflowed into the Senate chamber, which we have seen in the past few months. Some of us would do well to remember the contribution that Senator Crichton-Browne made in his early days in this parliament, and to the Liberal Party in particular. Unfortunately, many of us may remember the more recent times rather than the earlier times. I certainly would wish Senator Crichton-Browne well in his retirement and hope that, in the future, he finds a contribution he can make that will give him some satisfaction and fulfilment.

I particular want to speak about two colleagues who are here tonight—Senator Teague and Senator Baume. Senator Teague, I heard Senator Kemp say earlier that he had been reading the fine print when he was talking about Senator Spindler and he could not find anything that he actually agreed with Senator Spindler about. Well, we are in the same party, Senator Teague, and I have to say that I have to look very hard sometimes to think of all of the things that we agree on as well. But I want you to know that the contribution you have made to the Liberal Party, here and in South Australia, has been appreciated by all those that you have come into contact with. It has been said before that it is a broad church—and that is the reason both you and I are in the same party.

The other thing we ought to acknowledge is the tremendous sacrifice that anybody makes when they have got a young family and they come into this place. You have made that sacrifice, together with Kathy and your family, and I think you are to be commended and admired by all of those South Australians that you represented, for the sacrificial way that anybody who, at your age, enters this Senate has to combine family life with their political life. Senator Teague, I congratulate you for what you have done and for the way that you have stood up for things that you believe in. I certainly wish you and Kathy well in your retirement. I hope it is a time that is exciting for you in the future.

My final remarks are directed to Senator Baume. I acknowledge, as Senator Chapman did, that Senator Baume is held in very high regard. Such was that regard that the Prime Minister came over here to hear Senator Baume's valedictory speech, and I know that the things that were said by Senator Baume struck a very solid chord with the Prime Minister and all of the senator's colleagues.

Senator Baume, I have some particular personal issues that I will miss when you go, because I do not know anybody else in the Senate who knows Flanders and Swan as well as you and I do. They are two of the greatest comedians from England that I have ever known, and they sing and talk with great humour. I do not know who is going to do the fundraising singing, when you and I can no longer combine to raise money to try and win the seat of Canberra.

Senator Michael Baume—They will probably pay us to shut up.

Senator FERGUSON—They probably will pay us to shut up. I will always remember your very keen enthusiasm for the arts. We shared a lot in common in music. We shared a lot in common in our political views, as well. I note particularly your dedication. I think the word that has been used tonight is 'courage'. When I first came into this place, I could not but admire the way that you would tackle issues with an enthusiasm that very few of your colleagues would do—particularly the difficult issues that you felt needed to be raised. It was not a matter of

whether they should or should not be raised; you felt they needed to be raised. This was always done with an extraordinary amount of research, so that you had your facts right.

The only way that the government of that time could try and defuse any issues that you raised was by means of derision, and their derision was short-lived because, at the end of the day, it proved that many of those things that you so enthusiastically followed were true. You have been a great member of this Senate and a great member of the Australian parliament. We certainly wish you and Toni well in your new venture in New York. I hope there are a few bedrooms in the place, because it seems that nearly everybody here is going to be there at some stage or other. I certainly wish you well. I will miss your friendship but, most of all, we know where you are and we will be able to see you in the future. Thank you, Michael Baume, for your contribution to this place.

Senator KNOWLES (Western Australia)—Mr President, I hope you will forgive me for starting my contribution to tonight's valedictory with my very own colleagues. I start in terms of seniority with my great friend Senator Baden Teague.

Senator Teague, I acknowledge your long and distinguished career and the great time that we have had together and the great advice that you have very quietly given me over the nearly 12 years that I have been here. You have been terrific. It would be my failing if I did not momentarily stand up here tonight and formally acknowledge the contribution which you have made.

If I may excise just one section of your very distinguished and long career, one of the contributions that you have made is to the Privileges Committee. Privilege in this place is a very special thing that should be cherished and not abused. I hope that the future is largely dependent upon what you have contributed to the Privileges Committee over so many years: people do not abuse the right of privilege in this house, and you have given such clear direction in the way that you feel it should be exercised.

Senator Teague, it probably sounds very feeble, in many respects, to pick out such

very small areas of such a long and distinguished career, at this time of night. But I would like to say a personal thankyou for what you have done for me, and also to wish you and Kathy well for your future as a young man with a family and as one who has so much to look forward to. Thank you, Senator Teague, for what you have done.

To another great friend in Senator Baume. Senator Baume and I virtually came in together, even though you had had a previous life which I had not had. I have got to say that you taught me a lot in terms of reflecting upon the ways in which the parliamentary process can be used to its benefit, without being abused, and I think that is the key. If so many new and upcoming senators could learn from someone like you, Senator Baume, this place would be a far better and richer place for those who are yet to follow. So you have a legacy in this place which many of us can follow and many who are yet to come can follow, in the way in which you have been able, without abusing the parliamentary process, to use the parliamentary process to bring many issues to the fore that would otherwise have not been brought to the fore.

May I wish you, Senator Baume, and your dear wife Toni everything of the best. Like Senator Ferguson, I do not know how you are going to accommodate us all if we decide to turn up at the one time in that unknown place to which you are headed. You have been terrific and thank you for all that you have done for me and for my staff. From my longest serving member of staff, Sue Oldham, who has been with me for all but six months of my almost 12 years here, can I put on record a special thankyou to you, because I know that she would like her appreciation for your friendship recorded in this your final night.

To you, Mr President, may I say as a fellow Western Australian that I have respected you greatly for what you have done. I have to say that on many occasions I have disagreed with you philosophically, and I may have disagreed with you procedurally, but as a person I have

to say that I have always respected you enormously for what you stand for personally and you as a person. May I say to you that I wish you sincerely, from the bottom of my heart, all the best for the future that you have in store for you. I think it is sad the way in which you are leaving us, but I think that it is a significant contribution that you have made not only to your party but to the parliament.

The other two people that I would like to briefly acknowledge tonight are Senator Robert Bell and Senator Chamarette, two decent, honourable people who have sought to serve their causes particularly well. I very rarely prejudge anyone on someone else's viewpoint, but I have to say that a couple of colleagues from within the parliament, and one whom Senator Bell reminded me of tonight from outside the parliament, gave me a thumbnail sketch of Senator Bell prior to his arrival and indicated that he was going to be a very decent contributor to this place. He has fulfilled that thumbnail description to the utmost. To you, Senator Bell, all I can say is that in these last few days of your senatorial position I find it sad to see you go because I think you have made a significant contribution in your six years in the Senate. I hope that your contribution will be seen again here—as long, if I may put an overrider to that, as you do not knock out a Liberal when you come back. But you can certainly come back at the expense of anyone else.

To Senator Chamarette, I suppose the same words apply, that she has certainly taken a very decent role. We have been corridor pals with Senator Bell and I have always found Senator Chamarette to be a very honourable and decent person with whom to deal. Once again, I hope that her re-emergence in this place, if ever that were to be the case, is not at the expense of a Liberal. I hope that she has a long and fulfilling retirement that she intimates to me in private that she would seek to have. And, of course, to Senators Burns, Wheelwright and Spindler I extend my very best wishes.

Senate adjourned at 2.29 a.m.

Thursday, 27 June 1996

SENATE

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