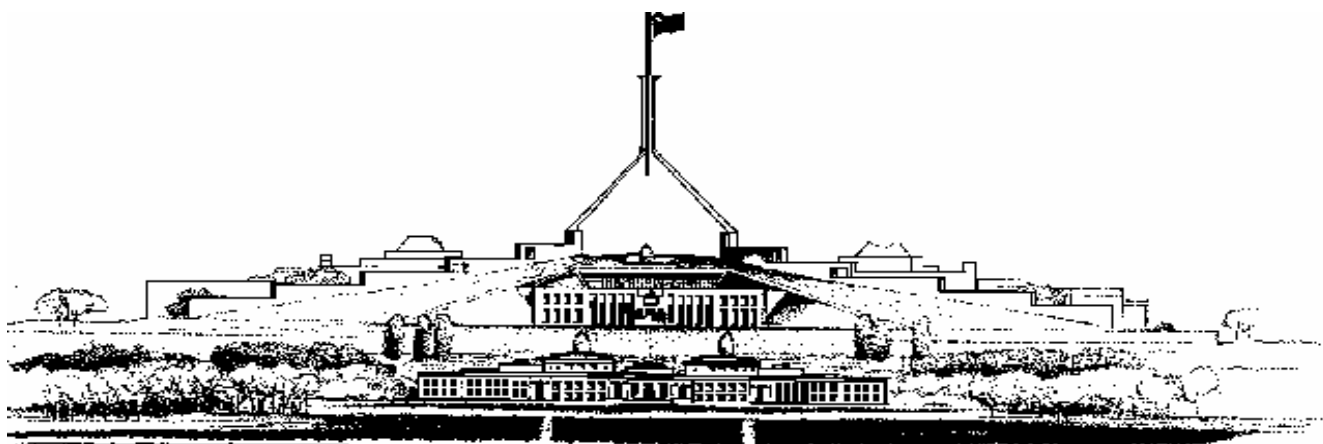




COMMONWEALTH OF AUSTRALIA

**PARLIAMENTARY DEBATES**



**Senate**

**Official Hansard**

**No. 8, 2007**

**Wednesday, 8 August 2007**

FORTY-FIRST PARLIAMENT  
FIRST SESSION—TENTH PERIOD

BY AUTHORITY OF THE SENATE



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### SITTING DAYS—2007

Month	Date
February	6, 7, 8, 9, 26, 27, 28
March	1, 20, 21, 22, 26, 27, 28, 29
May	8, 9, 10
June	12, 13, 14, 18, 19, 20, 21
August	7, 8, 9, 13, 14, 15, 16
September	10, 11, 12, 13, 17, 18, 19, 20
October	15, 16, 17, 18, 22, 23, 24, 25
November	5, 6, 7, 8, 12, 13, 14, 15, 26, 27, 28, 29
December	3, 4, 5, 6

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**FORTY-FIRST PARLIAMENT  
FIRST SESSION—TENTH PERIOD**

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His Excellency Major-General Michael Jeffery, Companion in the Order of Australia, Commander of the Royal Victorian Order, Military Cross

**Senate Officeholders**

*President*—Senator the Hon. Paul Henry Calvert

*Deputy President and Chairman of Committees*—Senator John Joseph Hogg

*Temporary Chairmen of Committees*—Senators Guy Barnett, Hedley Grant Pearson Chapman, Patricia Margaret Crossin, Alan Baird Ferguson, Michael George Forshaw, Stephen Patrick Hutchins, Linda Jean Kirk, Philip Ross Lightfoot, the Hon. John Alexander Lindsay (Sandy) Macdonald, Gavin Mark Marshall, Claire Mary Moore, Andrew James Marshall Murray, Hon. Judith Mary Troeth and John Odin Wentworth Watson

*Leader of the Government in the Senate*—Senator the Hon. Nicholas Hugh Minchin

*Deputy Leader of the Government in the Senate*—Senator the Hon. Helen Lloyd Coonan

*Leader of the Opposition in the Senate*—Senator Christopher Vaughan Evans

*Deputy Leader of the Opposition in the Senate*—Senator Stephen Michael Conroy

*Manager of Government Business in the Senate*—Senator the Hon. Eric Abetz

*Manager of Opposition Business in the Senate*—Senator Joseph William Ludwig

**Senate Party Leaders and Whips**

*Leader of the Liberal Party of Australia*—Senator the Hon. Nicholas Hugh Minchin

*Deputy Leader of the Liberal Party of Australia*—Senator the Hon. Helen Lloyd Coonan

*Leader of The Nationals*—Senator the Hon. Ronald Leslie Doyle Boswell

*Deputy Leader of The Nationals*—Senator the Hon. Nigel Gregory Scullion

*Leader of the Australian Labor Party*—Senator Christopher Vaughan Evans

*Deputy Leader of the Australian Labor Party*—Senator Stephen Michael Conroy

*Leader of the Australian Democrats*—Senator Lynette Fay Allison

*Leader of the Australian Greens*—Senator Robert James Brown

*Leader of the Family First Party*—Senator Steve Fielding

*Liberal Party of Australia Whips*—Senators Stephen Parry and Julian John James McGauran

*Nationals Whip*—Senator Fiona Joy Nash

*Opposition Whips*—Senators George Campbell, Linda Jean Kirk and Ruth Stephanie Webber

*Australian Democrats Whip*—Senator Andrew John Julian Bartlett

*Australian Greens Whip*—Senator Rachel Siewert

*Family First Party Whip*—Senator Steve Fielding

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### Members of the Senate

Senator	State or Territory	Term expires	Party
Abetz, Hon. Eric	TAS	30.6.2011	LP
Adams, Judith	WA	30.6.2011	LP
Allison, Lynette Fay	VIC	30.6.2008	AD
Barnett, Guy	TAS	30.6.2011	LP
Bartlett, Andrew John Julian	QLD	30.6.2008	AD
Bernardi, Cory <sup>(5)</sup>	SA	30.6.2008	LP
Birmingham, Simon John <sup>(6)</sup>	SA	30.6.2008	LP
Bishop, Thomas Mark	WA	30.6.2008	ALP
Boswell, Hon. Ronald Leslie Doyle	QLD	30.6.2008	NATS
Boyce, Suzanne Kay <sup>(1)</sup>	QLD	30.6.2008	LP
Brandis, Hon. George Henry, SC	QLD	30.6.2011	LP
Brown, Carol Louise <sup>(4)</sup>	TAS	30.6.2008	ALP
Brown, Robert James	TAS	30.6.2008	AG
Calvert, Hon. Paul Henry	TAS	30.6.2008	LP
Campbell, George	NSW	30.6.2008	ALP
Carr, Kim John	VIC	30.6.2011	ALP
Chapman, Hedley Grant Pearson	SA	30.6.2008	LP
Colbeck, Hon. Richard Mansell	TAS	30.6.2008	LP
Cormann, Mathias Hubert Paul <sup>(8)</sup>	WA	30.6.2011	LP
Conroy, Stephen Michael	VIC	30.6.2011	ALP
Coonan, Hon. Helen Lloyd	NSW	30.6.2008	LP
Crossin, Patricia Margaret <sup>(3)</sup>	NT		ALP
Eggleston, Alan	WA	30.6.2008	LP
Ellison, Hon. Christopher Martin	WA	30.6.2011	LP
Evans, Christopher Vaughan	WA	30.6.2011	ALP
Faulkner, Hon. John Philip	NSW	30.6.2011	ALP
Ferguson, Alan Baird	SA	30.6.2011	LP
Fielding, Steve	VIC	30.6.2011	FF
Fierravanti-Wells, Concetta Anna	NSW	30.6.2011	LP
Fifield, Mitchell Peter <sup>(2)</sup>	VIC	30.6.2008	LP
Fisher, Mary Jo <sup>(7)</sup>	SA	30.6.2011	LP
Forshaw, Michael George	NSW	30.6.2011	ALP
Heffernan, Hon. William Daniel	NSW	30.6.2011	LP
Hogg, John Joseph	QLD	30.6.2008	ALP
Humphries, Gary John Joseph <sup>(3)</sup>	ACT		LP
Hurley, Annette	SA	30.6.2011	ALP
Hutchins, Stephen Patrick	NSW	30.6.2011	ALP
Johnston, Hon. David Albert Lloyd	WA	30.6.2008	LP
Joyce, Barnaby	QLD	30.6.2011	NATS
Kemp, Hon. Charles Roderick	VIC	30.6.2008	LP
Kirk, Linda Jean	SA	30.6.2008	ALP
Lightfoot, Philip Ross	WA	30.6.2008	LP
Ludwig, Joseph William	QLD	30.6.2011	ALP
Lundy, Kate Alexandra <sup>(5)</sup>	ACT		ALP
Macdonald, Hon. Ian Douglas	QLD	30.6.2008	LP
Macdonald, John Alexander Lindsay (Sandy)	NSW	30.6.2008	NATS
McEwen, Anne	SA	30.6.2011	ALP
McGauran, Julian John James	VIC	30.6.2011	LP

Senator	State or Territory	Term expires	Party
McLucas, Jan Elizabeth	QLD	30.6.2011	ALP
Marshall, Gavin Mark	VIC	30.6.2008	ALP
Mason, Hon. Brett John	QLD	30.6.2011	LP
Milne, Christine	TAS	30.6.2011	AG
Minchin, Hon. Nicholas Hugh	SA	30.6.2011	LP
Moore, Claire Mary	QLD	30.6.2008	ALP
Murray, Andrew James Marshall	WA	30.6.2008	AD
Nash, Fiona Joy	NSW	30.6.2011	NATS
Nettle, Kerry Michelle	NSW	30.6.2008	AG
O'Brien, Kerry Williams Kelso	TAS	30.6.2011	ALP
Parry, Stephen	TAS	30.6.2011	LP
Patterson, Hon. Kay Christine Lesley	VIC	30.6.2008	LP
Payne, Marise Ann	NSW	30.6.2008	LP
Polley, Helen	TAS	30.6.2011	ALP
Ray, Hon. Robert Francis	VIC	30.6.2008	ALP
Ronaldson, Hon. Michael	VIC	30.6.2011	LP
Scullion, Hon. Nigel Gregory <sup>(3)</sup>	NT		CLP
Sherry, Hon. Nicholas John	TAS	30.6.2008	ALP
Siewert, Rachel	WA	30.6.2011	AG
Stephens, Ursula Mary	NSW	30.6.2008	ALP
Sterle, Glenn	WA	30.6.2011	ALP
Stott Despoja, Natasha Jessica	SA	30.6.2008	AD
Troeth, Hon. Judith Mary	VIC	30.6.2011	LP
Trood, Russell	QLD	30.6.2011	LP
Watson, John Odin Wentworth	TAS	30.6.2008	LP
Webber, Ruth Stephanie	WA	30.6.2008	ALP
Wong, Penelope Ying Yen	SA	30.6.2008	ALP
Wortley, Dana	SA	30.6.2011	ALP

- (1) Chosen by the Parliament of Queensland to fill a casual vacancy vice Hon. Santo Santoro, resigned.
- (2) Chosen by the Parliament of Victoria to fill a casual vacancy vice Hon. Richard Kenneth Robert Alston, resigned.
- (3) Term expires at close of day next preceding the polling day for the general election of members of the House of Representatives.
- (4) Chosen by the Parliament of Tasmania to fill a casual vacancy vice Susan Mary Mackay, resigned.
- (5) Chosen by the Parliament of South Australia to fill a casual vacancy vice Hon. Robert Murray Hill, resigned.
- (6) Chosen by the Parliament of South Australia to fill a casual vacancy vice Jeannie Margaret Ferris, died in office.
- (7) Chosen by the Parliament of South Australia to fill a casual vacancy vice Hon. Amanda Eloise Vanstone, resigned.
- (8) Chosen by the Parliament of Western Australia to fill a casual vacancy vice Hon. Ian Gordon Campbell, resigned.

#### PARTY ABBREVIATIONS

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

#### **Heads of Parliamentary Departments**

Clerk of the Senate—H Evans

Clerk of the House of Representatives—I C Harris

Secretary, Department of Parliamentary Services—H R Penfold QC

## HOWARD MINISTRY

Prime Minister	The Hon. John Winston Howard MP
Minister for Transport and Regional Services and Deputy Prime Minister	The Hon. Mark Anthony James Vaile MP
Treasurer	The Hon. Peter Howard Costello MP
Minister for Trade	The Hon. Warren Errol Truss MP
Minister for Defence	The Hon. Dr Brendan John Nelson MP
Minister for Foreign Affairs	The Hon. Alexander John Gosse Downer MP
Minister for Health and Ageing and Leader of the House	The Hon. Anthony John Abbott MP
Attorney-General	The Hon. Philip Maxwell Ruddock MP
Minister for Finance and Administration, Leader of the Government in the Senate and Vice-President of the Executive Council	Senator the Hon. Nicholas Hugh Minchin
Minister for Agriculture, Fisheries and Forestry and Deputy Leader of the House	The Hon. Peter John McGauran MP
Minister for Immigration and Citizenship	The Hon. Kevin James Andrews MP
Minister for Education, Science and Training and Minister Assisting the Prime Minister for Women's Issues	The Hon. Julie Isabel Bishop MP
Minister for Families, Community Services and Indigenous Affairs and Minister Assisting the Prime Minister for Indigenous Affairs	The Hon. Malcolm Thomas Brough MP
Minister for Industry, Tourism and Resources	The Hon. Ian Elgin Macfarlane MP
Minister for Employment and Workplace Relations and Minister Assisting the Prime Minister for the Public Service	The Hon. Joseph Benedict Hockey MP
Minister for Communications, Information Technology and the Arts and Deputy Leader of the Government in the Senate	Senator the Hon. Helen Lloyd Coonan
Minister for the Environment and Water Resources	The Hon. Malcolm Bligh Turnbull MP
Minister for Human Services	Senator the Hon. Christopher Martin Ellison

**(The above ministers constitute the cabinet)**



## HOWARD MINISTRY—*continued*

Minister for Fisheries, Forestry and Conservation and Manager of Government Business in the Senate	Senator the Hon. Eric Abetz
Minister for Small Business and Tourism	The Hon. Frances Esther Bailey MP
Minister for Local Government, Territories and Roads	The Hon. James Eric Lloyd MP
Minister for Revenue and Assistant Treasurer	The Hon. Peter Craig Dutton MP
Minister for Workforce Participation	The Hon. Dr Sharman Nancy Stone MP
Minister for Veterans' Affairs and Minister Assisting the Minister for Defence	The Hon. Bruce Frederick Billson MP
Special Minister of State	The Hon. Gary Roy Nairn MP
Minister for Ageing	The Hon. Christopher Maurice Pyne MP
Minister for Vocational and Further Education	The Hon. Andrew John Robb MP
Minister for the Arts and Sport	Senator the Hon. George Henry Brandis SC
Minister for Community Services	Senator the Hon. Nigel Gregory Scullion
Minister for Justice and Customs	Senator the Hon. David Albert Lloyd Johnston
Assistant Minister for Immigration and Citizenship	The Hon. Teresa Gambaro MP
Assistant Minister for the Environment and Water Resources	The Hon. John Kenneth Cobb MP
Parliamentary Secretary to the Prime Minister	The Hon. Anthony David Hawthorn Smith MP
Parliamentary Secretary to the Minister for Transport and Regional Services	The Hon. De-Anne Margaret Kelly MP
Parliamentary Secretary to the Treasurer	The Hon. Christopher John Pearce MP
Parliamentary Secretary to the Minister for Finance and Administration	Senator the Hon. Richard Mansell Colbeck
Parliamentary Secretary to the Minister for Industry, Tourism and Resources	The Hon. Robert Charles Baldwin MP
Parliamentary Secretary to the Minister for Foreign Affairs	The Hon. Gregory Andrew Hunt MP
Parliamentary Secretary to the Minister for Agriculture, Fisheries and Forestry	The Hon. Sussan Penelope Ley MP
Parliamentary Secretary to the Minister for Education, Science and Training	The Hon. Patrick Francis Farmer MP
Parliamentary Secretary to the Minister for Defence	The Hon. Peter John Lindsay MP
Parliamentary Secretary to the Minister for Health and Ageing	Senator the Hon. Brett John Mason

## SHADOW MINISTRY

Leader of the Opposition	Kevin Michael Rudd MP
Deputy Leader of the Opposition, Shadow Minister for Employment and Industrial Relations and Shadow Minister for Social Inclusion	Julia Eileen Gillard MP
Leader of the Opposition in the Senate and Shadow Minister for National Development, Resources and Energy	Senator Christopher Vaughan Evans
Deputy Leader of the Opposition in the Senate and Shadow Minister for Communications and Information Technology	Senator Stephen Michael Conroy
Shadow Minister for Infrastructure and Water and Manager of Opposition Business in the House	Anthony Norman Albanese MP
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Shadow Assistant Treasurer and Shadow Minister for Revenue and Competition Policy	Christopher Eyles Bowen MP
Shadow Minister for Immigration, Integration and Citizenship	Anthony Stephen Burke MP
Shadow Minister for Industry and Shadow Minister for Innovation, Science and Research	Senator Kim John Carr
Shadow Minister for Trade and Shadow Minister for Regional Development	The Hon. Simon Findlay Crean MP
Shadow Minister for Service Economy, Small Business and Independent Contractors	Craig Anthony Emerson MP
Shadow Minister for Multicultural Affairs, Shadow Minister for Urban Development and Shadow Minister for Consumer Affairs	Laurence Donald Thomas Ferguson MP
Shadow Minister for Transport, Roads and Tourism	Martin John Ferguson MP
Shadow Minister for Defence	Joel Andrew Fitzgibbon MP
Shadow Minister for Climate Change, Environment and Heritage and Shadow Minister for the Arts	Peter Robert Garrett MP
Shadow Minister for Veterans' Affairs, Shadow Minister for Defence Science and Personnel and Shadow Special Minister of State	Alan Peter Griffin MP
Shadow Attorney-General and Manager of Opposition Business in the Senate	Senator Joseph William Ludwig
Shadow Minister for Sport and Recreation, Shadow Minister for Health Promotion and Shadow Minister for Local Government	Senator Kate Alexandra Lundy
Shadow Minister for Families and Community Services and Shadow Minister for Indigenous Affairs and Reconciliation	Jennifer Louise Macklin MP
Shadow Minister for Foreign Affairs	Robert Bruce McClelland MP
Shadow Minister for Ageing, Disabilities and Carers	Senator Jan Elizabeth McLucas

Shadow Minister for Federal/State Relations, Shadow Minister for International Development Assistance and Deputy Manager of Opposition Business in the House	Robert Francis McMullan MP
Shadow Minister for Primary Industries, Fisheries and Forestry	Senator Kerry Williams Kelso O'Brien
Shadow Minister for Human Services, Shadow Minister for Housing, Shadow Minister for Youth and Shadow Minister for Women	Tanya Joan Plibersek MP
Shadow Minister for Health	Nicola Louise Roxon MP
Shadow Minister for Superannuation and Inter- generational Finance and Shadow Minister for Banking and Financial Services	Senator the Hon. Nicholas John Sherry
Shadow Minister for Education and Training	Stephen Francis Smith MP
Shadow Treasurer	Wayne Maxwell Swan MP
Shadow Minister for Finance	Lindsay James Tanner MP
Shadow Minister for Public Administration and Accountability, Shadow Minister for Corporate Governance and Responsibility and Shadow Minister for Workforce Participation	Senator Penelope Ying Yen Wong
Shadow Parliamentary Secretary for Foreign Af- fairs	Anthony Michael Byrne MP
Shadow Parliamentary Secretary for Defence and Veterans' Affairs	The Hon. Graham John Edwards MP
Shadow Parliamentary Secretary for Environment and Heritage	Jennie George MP
Shadow Parliamentary Secretary for Treasury	Catherine Fiona King MP
Shadow Parliamentary Secretary for Education	Kirsten Fiona Livermore MP
Shadow Parliamentary Secretary to the Leader of the Opposition	John Paul Murphy MP
Shadow Parliamentary Secretary for Industrial Relations	Brendan Patrick John O'Connor MP
Shadow Parliamentary Secretary for Industry and Innovation	Bernard Fernando Ripoll MP
Shadow Parliamentary Secretary for Northern Australia and Indigenous Affairs	The Hon. Warren Edward Snowdon MP
Shadow Parliamentary Secretary to the Leader of the Opposition (Social and Community Affairs)	Senator Ursula Mary Stephens

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### WEDNESDAY, 8 AUGUST

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*Wednesday, 8 August 2007*

**The PRESIDENT (Senator the Hon. Paul Calvert)** took the chair at 9.30 am and read prayers.

### **BUSINESS**

#### **Rearrangement**

**Senator ABETZ** (Tasmania—Manager of Government Business in the Senate) (9.31 am)—I move:

That consideration of the business before the Senate on Wednesday, 8 August 2007 and on Wednesday, 15 August 2007 be interrupted at approximately 5 pm, but not so as to interrupt a senator speaking, to enable Senators Fisher and Cormann, respectively, to make their first speeches without any question before the chair.

Question agreed to.

#### **Consideration of Legislation**

**Senator ABETZ** (Tasmania—Manager of Government Business in the Senate) (9.31 am)—I move government business notice of motion No. 2:

That the provisions of paragraphs (5) to (8) of standing order 111 not apply to the following bills, allowing them to be considered during this period of sittings:

APEC Public Holiday Bill 2007

Appropriation (Northern Territory National Emergency Response) Bill (No. 1) 2007-2008

Appropriation (Northern Territory National Emergency Response) Bill (No. 2) 2007-2008

Families, Community Services and Indigenous Affairs and Other Legislation Amendment (Northern Territory National Emergency Response and Other Measures) Bill 2007

Northern Territory National Emergency Response Bill 2007

Social Security and Other Legislation Amendment (Welfare Payment Reform) Bill 2007.

**Senator BOB BROWN** (Tasmania—Leader of the Australian Greens) (9.31

am)—This motion is for an exemption from the cut-off order of a number of bills which the government knows ought to have been brought into this place in time for a proper discussion by the Senate, informed by the people of Australia. That means having the ability under the standing orders of the Senate to have them adequately examined—to have them go to a Senate inquiry, to have the Senate inquiry go to the Australian people, to have that inquiry report back to the Senate and for there then to be informed debate and decision making.

This motion firstly removes from that proper process the APEC Public Holiday Bill 2007. APEC is coming up next month, and the government may well be able to argue that that is something we can deal with expeditiously. But then we have the five bills relating to the Northern Territory—500 pages of complex legislation which this government has, in the pre-election period of 2007, brought into the parliament and, by dint of its numbers, shoved through the House of Representatives in one day. And the intention is to do the same in the Senate.

I have never seen such an abrogation of the role of this Senate in the 11 years I have been here, and I do not think there has been such an abrogation of the proper role of this Senate and an overriding of it by this or any government for many decades. This is complex legislation which is not just about the welfare, future and wellbeing of the 40,000 Indigenous people in the Northern Territory affected but about the nature of this country itself. Yesterday we saw Indigenous representatives from the Northern Territory in this parliament being hectoring by a member of this Senate as they tried to present to us, through the media, their huge concern about this legislation.

Let us make no mistake about this: there is a deep-seated feeling within Indigenous

communities that, while action is required to help and where social parameters show that the Indigenous community is in great need of assistance, that must come with consultation and with the assistance of the Indigenous community, which this government has refused over the last 10 years. The Howard government has turned its back on the Indigenous people of Australia over the last 10 years. Now, we have 500 pages of legislation being brought in here, and the government says, 'We will suspend standing orders to ram it through the Senate.' That is what is happening here. It is saying: 'We will suspend standing orders. We will override them by dint of numbers.'

This is government by the executive and parliament being sidelined on one of the most important issues. This legislation goes to the core of what this nation is: how we relate to first Australians and whether we accord them the honour they should have—and that is equality as citizens.

**Senator McGauran**—You're a disgrace!

**Senator BOB BROWN**—The member opposite says, 'Disgraceful.' I agree. It is a disgraceful process that is being undertaken here. Of course this legislation should be going to a committee, and of course that committee should be going to the Northern Territory to inform itself. This government says to the Indigenous people and, indeed, all the people of the Territory: 'Come to Canberra on Friday or miss out.'

We are going to have a one-day sham of a committee system on Friday and the government says, 'Come here or you miss out.' That is the Prime Minister's attitude towards the rest of Australia. He says: 'I set the rules. You fit in or you miss out.' So we have the exclusion of all Australians from their right to feed into this process here on Capital Hill. The Greens will not accept that. We are not going to accept the presumption by this gov-

ernment that it is the arbiter of all ideas and nobody else in this country counts. It is desperation politics by a government that is heading for a shipwreck.

What is the opposition going to do about this? Nothing. Not a thing. It is an opposition in name only. This process is wrong. This process is corrupting this parliament. I am talking here about the process, not the outcome. We have yet to deal with this before it gets guillotined here in the coming week or so. I am talking about this process. This is Prime Minister Howard's government corrupting proper democratic process, which means we must be informed. When you are dealing with people whose lives, future and culture are at stake here then you get informed.

**Senator Abetz**—You want it wrecked!

**Senator BOB BROWN**—The minister opposite used the word 'wrecked'. What he is really pointing to is the prospect of the wreckage of government leading to a truncated process which defrauds democracy. The role of this Senate as house of review is being ripped away by the Howard government through a motion on a Wednesday morning which says that one of the most important and complex pieces of legislation ever dealt with by this Senate is not going to go through a committee process, is not going to have informed debate and is not going to be dealt with honourably. This is not an honourable process and it is not an honourable government. We Greens will oppose this motion.

**Senator BARTLETT** (Queensland) (9.39 am)—Let us be clear about a couple of things here. Firstly, the Democrats would support straightaway any measure that the government identifies specifically within these bills that has to be passed today, tomorrow or next week that is essential to protect a child from harm tonight. If the government



identifies those measures specifically in this legislation, and it can clearly demonstrate that they are essential to provide immediate protection for a child that is at risk, then we will support those aspects of this bill. That needs to be clearly stated up-front.

We have already heard interjections from government members during the last contribution—anybody that stands up and says, ‘Hang on a minute; let us have a proper look at these bills,’ immediately gets slandered with, ‘You are trying to wreck the whole thing. You are trying to destroy it. You do not care about children. Children are going to be hurt tonight because you are holding this up.’ We, collectively as a parliament, and the political process have ignored this problem and wider issues of concern to Indigenous people for decades and certainly in the life of this government. You cannot ignore an issue for 11 years and then suddenly say, ‘Yes, this is a crisis; it is so urgent that we now do not have time to listen to you about how we should do it properly.’ That is, in effect, what is being attempted to be done here.

If we are genuine, as I believe we all are, about wanting to be as effective as possible in assisting Aboriginal children particularly, Indigenous people in the Territory more broadly and, hopefully, Indigenous people across the nation then the least we can do is try to make sure that we do our job properly in figuring out how best to assist them. In terms of the Senate’s role in this job, that means looking at the legislation that is put before us. If a case can be made that parts of the legislation are urgently needed to protect a child that is at an immediate risk, then make that case. But do not just smear everybody who raises questions and accuse them of holding the whole thing up, putting children at risk and playing politics. This is too important for politics for all of us. I hope we can take that attitude in the course of the coming debate.

It also needs to be made clear what the motion before us is about. It is about exempting the various pieces of legislation dealing with the Northern Territory situation and some other measures that I will come back to later—but the bulk of it deals with the Northern Territory situation—from the standing orders that would otherwise prevent them from being brought on for debate straightaway. This bill has just been introduced. As we know, it was made public only yesterday. Frankly, I think there is a good case to be made, in terms of the ability of the Senate to do its job properly, that you do not begin debating today 500 pages of complex legislation that was introduced yesterday, particularly if the issue is very important—unless a case can be made for immediacy, which has not been made. The effect of this cut-off motion that the government has put is to enable debate to start straightaway. If we do not pass it the effect is not to stop the bills coming on, it is not to hold everything up; the effect is that the bills will not be able to be debated until we come back in three weeks time. That is what I am advised. It does not hold them up until next year. It means that when we come back in the first sitting week in September we can then start on the debate. That would mean there would be three weeks intervening when we can actually properly look at it and actually do some listening. That is not only an eminently sensible approach; it is the responsible approach to such an important issue. It is a common-sense approach, frankly.

I have no doubt about the minister’s personal commitment to this issue; it is quite clear that he feels very strongly about it emotionally. But he is not the only one who feels strongly about this. All of us who feel strongly about it for all sorts of reasons and from all sides of the debate need to make sure that our strong emotions and feelings do not get in the way of us being able to think

rationally. That is what we need in this debate—an ability to combine the strong emotion, commitment and desire to assist in making significant change with rational thinking, common sense and some listening. We need to do a lot more listening, not just to each other but more importantly to the people of the Northern Territory who are going to be most directly affected.

I do not think that many people in the wider community are aware that the Social Security and Other Legislation Amendment (Welfare Payment Reform) Bill 2007 has a whole range of measures that have nothing at all to do with the Northern Territory. That legislation puts in place the framework for enabling payments to be quarantined for people across the country if they are seen as not meeting requirements regarding enrolment of their child at school or school attendance benchmarks, or if they have notifications regarding child protection. It also includes the framework regarding the Cape York welfare reform trials, which I am supportive of trialling, of letting them go ahead and seeing how they work.

There are significant, and—let us not kid ourselves—very far reaching changes in one of these bills to do with potential quarantining of welfare payments for parents across the country in relation to areas like school attendance, enrolment and child neglect notifications. As I have been informed by government briefings, these changes are not likely to come into operation until 2008, and certainly not before next year. We are not going to get a chance to look at these very far reaching and significant measures. We are being asked to start debating them straightaway. Even though there is not the faintest suggestion that there is urgency for these measures, they are being pushed through under the cloak of the Northern Territory situation.

I am not saying that I oppose those measures; frankly, I am interested in exploring how those measures could work, what other things might attach to them, what role the states would play. I would be interested in hearing more from the Cape York institute about how those measures are going to work up there, because they have done a lot of work on them. They have got resources backing it. They have got a whole range of programs attached to it. They are linking it in to people at the community level. It would be very useful for the Senate to inform itself about all of those things.

If we were to support this motion we would be facilitating an inability for us to inform ourselves. If we vote for this motion we will be forcing ourselves not to inform ourselves, which is simply not responsible. The whole point and the history of the standing order that prevents legislation being introduced and debated straightaway was to prevent legislation from being bulldozed through unless the case could be made for urgency. I know the government has tabled a statement of reasons as to why these bills are urgent but I do not think that made the case, particularly—and let me emphasise this—given that the consequence of not exempting these bills from the standing orders, the cut-off motion, is not to put them off until next year but just to put them off until the next sitting fortnight, the second week of September.

As I said at the start—and I will continue to emphasise this, because I am not going to let the Democrats be smeared with the suggestion that we are putting children at risk simply by doing our job of properly scrutinising important legislation—if there is any measure in these bills that the government can identify that is specifically necessary to protect a child who is at risk now, then I ask them to do that in the debate forthcoming,

presuming this motion will pass. That is an important issue.

We are not the font of all wisdom, the government is not the font of all wisdom, the minister is not the font of all wisdom. None of us here are, particularly on these issues which are difficult, complex and involve a part of the country which, frankly, most of us do not have a great deal of experience with—the Northern Territory—and any experience we do have is inevitably fleeting. There are a lot of people who have very helpful and valuable information about how we can best do this.

There is the old adage that has entered into the public lexicon in a cynical and ironic way of someone coming to your door and saying, ‘I’m from the government, and I’m here to help,’ and everybody runs scared in the other direction. The reason that has such resonance with people is because it is so true. That is because governments across the board, of all persuasions and at all levels, and political parties in general—it is probably part of the human condition where people have any power and authority—tend to think: ‘Well, I know what’s best. I’m coming in and I’m going to do it.’ Nobody has more experience with that than Indigenous people. People just roll up and say, ‘We’re here to help; now out of the way.’ If we are all here to help, as hopefully we all are in this area, then let us do a little bit of listening about how best we can help, before we charge in.

The final point is that there are things already happening in the Northern Territory, and many of those things are not contingent on what is in this legislation, and they will continue to happen. This legislation is only one component of the whole range of things that are being proposed and that are being done in the Northern Territory. Properly examining this legislation does not bring everything to a screaming halt; it simply ensures

that the implementation of the intervention—as it is called—occurs, as much as possible, in an effective way. Surely, what we all want is for it to be effective.

The Prime Minister in speaking about this intervention a few weeks ago said, ‘Along the way we’ll make mistakes.’ Of course, the government will make mistakes, as we all make mistakes, and nobody can suggest otherwise. But we do have a responsibility to minimise those mistakes rather than just say, ‘Oh well, we’ll do what we think’s best; if we make mistakes we can’t help it.’ A lot of the time you can help it, if you think through things properly. Certainly, with this legislation, it is our responsibility as a Senate to think things through properly. Nobody can avoid mistakes being made but we certainly can avoid some of them. Many of them can be avoided quite easily if we do a little bit of listening and a little bit of thinking, and there is not enough of that at the moment. There is plenty of heat.

I think it is fantastic that so many people are focusing on the terrible conditions faced by many Aboriginal people and putting some genuine thought into how we can shift that situation and provide a serious circuit-breaker. I congratulate the Minister for Families, Community Services and Indigenous Affairs for that. It is a really good situation and it does provide a real opportunity. But it also provides an opportunity that can be squandered, as previous opportunities have been, and it provides a situation—let us not kid ourselves—where, as bad as some of the situations may be, we can actually make things worse if we go about this in the wrong way. The need to do something should not be confused with the need to do anything, and I fear that is a real risk that is before us. We need to put those things more to the front of our minds over the next little while as we are considering some of these issues.

So the Democrats will oppose this motion. I need to clarify that. I initially thought that the cut-off would mean that the legislation would not be debated until next year. I am informed that, due to the arcane nature of what defines various things with sessions and other sorts of things, it means that we would start debating it in the next sitting fortnight, which, whilst very quick, is nonetheless appropriate given the circumstances. But starting debate on the legislation now or in five minutes time, which is what will happen, is not appropriate and not responsible, given the circumstances, unless the government can make a better case for particular measures within it that are absolutely essential immediately to protect children at risk now.

**Senator CHRIS EVANS** (Western Australia—Leader of the Opposition in the Senate) (9.53 am)—I indicate on behalf of the Labor opposition that we will be supporting the motion to grant exemption from the cut-off to bring on the package of bills that relate to the Northern Territory emergency response. In doing that, though, can I say that I did not disagree with anything Senator Bartlett said except perhaps the conclusion he reached. I thought it was a very balanced and useful contribution to the debate. But Labor is of the view that the response to the highlighting of child abuse in the Northern Territory is urgent, that there has been a recognition of a long-term problem and that there has been a recognition that there needs to be an emergency-style response rather than the sorts of gradualist responses that we have seen over the years, which have withered on the vine and not led to meaningful change.

As the Senate knows, traditionally Labor argues very strongly for proper process in the Senate, and I will say something about that now, but we have also always accepted the right of the government or others to move to exempt bills from the cut-off to bring on de-

bate where there is an established need and urgency. We indicated to the Prime Minister from the day the response was announced that we would provide bipartisan support for that emergency response, and that position is respected in our decision today to support exemption from the cut-off—that is, that we ought to facilitate bringing on the debate and bringing on the capacity for the government to take measures that go to assist in dealing with what has become a child abuse crisis in some Indigenous communities.

As I mentioned at the outset, Senator Bartlett's points are well made. I share some of his concerns about the process. The fact that the legislation was not made available to members of parliament until yesterday means that there has not been time for proper scrutiny. While I appreciate that the government has made some attempt to allow for scrutiny by allowing a one-day Senate inquiry, I think everyone acknowledges that that is an extremely rushed timetable, given the size and scope of the bills and given, as Senator Bartlett rightly pointed out, that so much of what is in the package is not totally related to the Northern Territory emergency response. Nevertheless, on balance we accept the urgency and accept the need for the parliament to get on.

The question of process that most concerns me in this debate is not actually the Senate process; it is the failure to consult with Indigenous people. I think the great failing in this is the concern among Indigenous people that their voices have not been heard and that they have not been engaged in the response. I think that risks the failure of the whole package. All our experience, from all sides of politics, is that solutions do not work unless there is Indigenous ownership of those solutions. That is acknowledged by all Indigenous people from left and right and it was acknowledged in the past by all political parties. So I think the government has to do

much better in trying to build Indigenous support for these measures; otherwise, as I said, they will seriously undermine the very genuine and focused attempt to deal with the problems.

So we will be supporting the exemption. I also want to make the point that Senator Bartlett made well, which is that people can have different views about this package and still be equally committed to providing a safe environment for children and to strong attempts to prevent child abuse. That does not mean that people cannot have different perspectives on how one goes about that. I have been concerned at some of the posturing by the minister which says, 'You are either with me all the way or you are somehow a defender of child abuse.' That is a totally inappropriate stance to take and I think it would be unfortunate if we went down that path. We have seen a bit of that when we have had debates about the Iraq war—that if you are opposed to the Iraq war you are somehow making some sort of critical judgement of Australia's service men and women. That, of course, is a nonsense. It is also a nonsense to assert that those who have a different view about how one responds to the question of child abuse in Northern Territory Aboriginal communities are somehow defending the perpetration of that abuse. So I hope we do not see that in this debate. I think all senators are equally committed to measures that assist in preventing that abuse and making Indigenous children safe. To be fair to the Greens and the Australian Democrats, both parties have had a long interest and involvement in Indigenous affairs in this parliament and I do not think their commitment to those issues can be questioned. While I disagree with them on a number of these things and will support the government on measures they will not support, I certainly do not question their commitment to the issues or their right to have a different view. I think it is a good

thing for our democracy if those voices are heard.

As I said, my major concern at the moment is the fact that Indigenous voices are not being heard. I saw on the news last night Senator Heffernan gatecrashing a press conference held in the grounds of Parliament House by the Indigenous leadership who were in Canberra yesterday. I think that was one of the most disgraceful acts I have seen by a member of parliament within the bounds of Parliament House. It is another outrageous act by Senator Heffernan, who seems to have no standards. The government seems unwilling or unprepared to take action to ensure that its senators act with appropriate decorum and dignity. I think gatecrashing that press conference where Indigenous people were trying to have their voices heard is contemptible and I think Senator Heffernan owes the parliament and those people an apology. Quite frankly, he is a serial offender and it is getting way beyond a joke. I think the Prime Minister ought to take serious action to deal with Senator Heffernan. By failing to act he is seen to endorse what is, I think, totally unacceptable behaviour.

So, as I say, we think there is a case for urgency with these bills. Labor will be supporting the exemption. We will be actively participating in the Senate inquiry on Friday and we will be actively involved in the committee stage of the bills. We accept that, as it is an emergency response, it is appropriate that the parliament deal with these bills this fortnight rather than delay a further fortnight. Of course, there is always the possibility that we may not sit again. We are now in the time frame for the calling of an election. I think if the Prime Minister does not call the election before the next sitting then he will have gone over three years for the parliamentary term—which of course he is entitled to do. But we are at the stage where an election is due so I do not think postponing this legis-

lation to a sitting that may not occur is a sensible action for the parliament to take. We do think this is urgent. We do support the thrust of an emergency intervention. We have some amendments and we have some disagreements with the legislation but we do think it is important to provide bipartisan support for a strong response. As part of that, we support the Senate debating the bills this fortnight and we will support the exemption from the cut-off.

**Senator SIEWERT** (Western Australia) (10.01 am)—This issue has been urgent for decades, and it has been urgent for the entire period of this government. Now, in the dying days of this government, just in the run-up to an election, all of a sudden the government decide that there is an emergency in the Northern Territory and we have to rush this 500 pages worth of legislation through the parliament with no scrutiny and with no consultation with the community. The government have now decided that it is urgent. If this is such an important issue for the government—it is definitely an important issue for us—why haven't they bothered to deal with this earlier? Why haven't they bothered to carry out proper community consultation? Why won't they let this legislation be subject to the proper scrutiny of parliament?

I can tell you that we as parliamentarians will not be able to do our job properly in the short space of time that we have to review this 500 pages of complex legislation that changes many acts: the Native Title Act, the land rights act, the Racial Discrimination Act and the Social Security Act to name but a few. No senator will be able to stand up in this chamber, put their hand on their heart and say that they understand absolutely every single clause of this legislation—it is impossible in the time frame that is available. The need for action has been there all along, but now, in the run-up to an election, in the dying days of this parliament, all of a

sudden the government decides that this is urgent and needs to be dealt with immediately.

It is a shame that the ALP are being complicit with this government in this. One of the reasons the government want to rush this through is that they do not want the community to have the opportunity to adequately review this legislation because they know it is terrible legislation. They know it is discriminatory. They know it will not deliver on child abuse. This is not about dealing with child abuse; it is about a whole different agenda for this government. And Labor are complicit in helping the government do this. They want this legislation through quickly so that their actions and their support of the government are not adequately reviewed. They hope this will die down in the media before the election. They know that Aboriginal organisations do not like this legislation, do not support it and do want the ALP to support it. They know the community does not want this legislation. That is why they also want to rush it through. They also know that this issue has been urgent for the last 11 years.

This legislation, as I said, is complex. It changes a large number of acts. It does not address the fundamental issues of child abuse. How does taking people's land away address those issues? How does changing the permit system and taking control of who goes onto that land address child abuse? We do not know what impacts the welfare reforms are going to have. We need time to review them. It was also interesting that when the media, the minor parties and probably the ALP were being briefed on this legislation no mention was made of the fact that these three main bills will change the Racial Discrimination Act. There was not one word in the briefing about that. It was only when you saw the legislation that you realised that the government were exempting

themselves completely from the Racial Discrimination Act. There is just no way that people can understand the extent and the impact of all these changes. Also buried in this legislation is the fact that the welfare reforms extend not only to the Northern Territory but also to the wider community.

When I asked the government yesterday how much it was going to cost to implement the actual reforms and the administration of the welfare reforms they were unable to tell me. Do they know? I do not know. Or do they just not want to say how much it is going to cost? Again, this parliament needs time to adequately review these changes and the community needs time to adequately review these changes and to have a say. This legislation will not deliver the stated outcomes on child abuse. There are a range of things that need to be done to address this very serious problem, but they are not being done. I take great offence at the government implying that, because we do not support this discriminatory legislation, we are somehow supporting child abuse or the perpetrators of child abuse. That is absolutely offensive to those of us who care about these issues and who want to see real, long-term changes made.

The first recommendation from the *Little children are sacred* report that suddenly opened the government's eyes to this issue is the one about consultation. It says that consultation with the community is the absolute key in addressing these issues. Where was the government's consultation? Nowhere. There had been no consultation when these changes were announced, and the government do not want any consultation now. We have been granted a day's committee hearing. Where does the government want this referred to? To the Standing Committee on Legal and Constitutional Affairs. Does that not also send a strong message to the community? The government say that these

changes are about dealing with child abuse. Which committee deals with those issues? The Standing Committee on Community Affairs. If the government really thought the issue was about child abuse, why would they not refer the package to Community Affairs? If we can only have a one-day hearing and there is a package of bills, would you not send the whole lot to Community Affairs? No, they want to send it to Legal and Constitutional Affairs, who will look at some of the legal and constitutional issues but will not deliver on the outcomes, which the government state are about dealing with child abuse.

If we had more time, we would be able to divide the package up so that we could deal with those legal and constitutional issues, the issues around welfare reform and the issues around child abuse, and actually have the two committees look at these issues. Of course, the government do not want to give the time, because the government do not actually want a proper review because they know very well that this will not deliver on their stated outcomes, and they would be afraid of public scrutiny. If they really cared, they would have been dealing with this issue years ago instead of shelving a number of reports that have been tabled. Over four years there have been reports and reports about these issues and the government have chosen to ignore them and shelve them.

As I said, a minute before midnight—a minute before they are due for election—they decide that this is an urgent issue. Yes, it has been an urgent issue for years and years, and they have taken no action. Now they want to ram through the most draconian, discriminatory changes with no scrutiny. It is an abuse of the parliamentary process. We need time to review this legislation so that everybody voting on this legislation in this place can stand with their hand on their heart and say: 'We know what these changes will do

and we understand the implications. We understand the intended consequences and we have also reviewed the legislation for any unintended consequences.' None of us will be able to do that. When we sit in this place to vote next week, none of us will be able to say that we understand the full ramifications of this legislation, because we have not had time to review the complex changes that are involved here.

As Senator Brown said, the Greens will be opposing this motion. And it is a great shame that we are going to be required to deal with this complex, discriminatory legislation in this rushed manner. In years to come, I think people will look back and they will understand what we did here. If they cannot understand it now, in years to come people will understand the result of this rushed process.

**Senator ABETZ** (Tasmania—Manager of Government Business in the Senate) (10.10 am)—Basically, two bills are being considered here. The first one is the APEC Public Holiday Bill 2007. This bill ensures that employees' entitlements are preserved in relation to the APEC public holiday on 7 September 2007. I have not heard any opposition in relation to that, so I assume we have unanimity in relation to that bill.

The package of bills that has evoked some discussion has been the Northern Territory National Emergency Response Bill 2007. If I may, I will go through the Labor contribution, the Democrat contribution and then deal with the nonsensical and bizarre contribution of the Australian Greens. First of all in relation to the Labor contribution, I thank the Labor Party for its bipartisan approach on this issue. I just have a slight word of warning for them. In attacking us in relation to the money to be spent on it, as they did at question time yesterday, they really are sending out a mixed message to the Australian community: on the one hand, playing the 'me

too' game but, on the other hand, trying to undermine us as a government. Can I suggest to them that if they really do want to be a credible government they should stop walking both sides of the road on these types of issues and come down firmly where they know in fact they should be coming down—and, that is, fully on side with the government.

Senator Evans did mention that the Indigenous community had not been heard on these matters. I understand that a former federal president of the Australian Labor Party, and of Indigenous background, Warren Mundine, is in fact supportive of this legislation. One of the real difficulties—

**Senator Chris Evans**—A good bloke but he is only one voice.

**Senator ABETZ**—But, I would have thought, potentially, a fairly representative voice. One of the difficulties that we have in this debate is that a lot of the Indigenous community leadership has in fact been presiding over communities in the full knowledge of what is going on, and therefore there are certain elements who will undoubtedly find the exposures that are now occurring very uncomfortable. Having said that, can I acknowledge Senator Evans's comment that this is a crisis and it does need to be dealt with expeditiously.

I turn to the Australian Democrats contribution. Yes, it is a cheap point to say that we have been in government for 11 years and why act now. I think we all know why we are acting now. It is because of the ineptness of the Northern Territory government, who had, until this legislation, the constitutional and legal responsibility to deal with these issues and, for whatever reason, did not. All that I would invite people to do is have a look at the *Lateline* performances by Chief Minister Clare Martin with Tony Jones. It is not often that I would praise the ABC, but these



showed absolutely everything that was wrong with the Northern Territory government's approach and its complete incapacity to deal with this urgent issue—even when confronted by the report co-authored by Rex Wild QC. She was then interviewed about that and what her response to it would be. It was one of those very few interviews of a Labor person where I was cringing in embarrassment for her. It was an embarrassing, inept interview indicating that really she was not willing to deal with the issues.

Why are we dealing with it now? Because of the report that highlighted all of these issues that came down only recently, and the Northern Territory government's complete inability—I will be kind and say 'inability'; I will not say that they did not want to—to deal with the issues, we believed that we should involve ourselves and that is what we have done. Of course, if we are to be condemned—and this is a point that was also made by the Greens in the debate—for having waited 11 years, does it not follow logically that we should be condemned even further if we delay by 11 years and one month or 11 years and two months? If that is the case, if we are to be condemned for having waited for so long, surely our condemnation ought to be all the greater? But, no, these people do want us to delay and delay and delay. Quite frankly, I find it bizarre that they would want to delay this package of measures.

*Senator Siewert interjecting—*

**Senator ABETZ**—On cue, an interjection from Senator Siewert. Allow me to turn to the Greens contributions. It was quite a bizarre contribution from he who would seek to have control of the Senate under a Rudd government. I recall Senator Brown on the TV in Tasmania condemning the potential early recall of the parliament. There was no necessity for that and it would be a total

waste of taxpayers' money, he said, because the parliament was going to start sitting on 6 August. There was no need to recall parliament early; we could start dealing with the legislation on 6 August and debate it then. Guess what? We did not recall parliament early; we want to start debating it this week. Guess what? Senator Brown is against that as well. Unfortunately, that has become the hallmark of his silly approach to anything within the public domain. You run one reason to oppose something one day and then run the exact opposite reason the next day just so you can get a cheap headline and be seen opposing the government. That is why the Australian Greens should never be provided with the balance of power in this place. They simply are not deserving of it.

We were also told that the parliament was being bypassed and abused. Hello! We are in the parliament, we are in the Australian Senate, we are debating the issues and every single parliamentarian will be voting on these measures. I might add that some of us have got into this parliament with three or four times the vote that Senator Brown and others have gained from their constituencies and so, if I might say, we speak with a degree more authority and more public support than that which Senator Brown would assert for himself and his small crew of Green senators. The Labor Party have taken a conscious decision on this, as have the Democrats, as have we and as have the Greens, and the numbers will fall where they will. That is the democratic process. But you cannot say the parliament is being sidelined on the very day that you are debating the matter within the parliament and are about to have a vote on the issue in the parliament. This is the sort of nonsense that we get fed from the Australian Greens every day. And that is why we do get fed up with their mantra.

Can I simply say to the Australian Greens about all their fancy words about abiding by

the rules: now there is a first! The Australian Greens—who condone members of their staff trying to handcuff themselves and organising to try to get people handcuffed at a public demonstration, damaging the Prime Minister’s vehicle, doing those sorts of things—are all of a sudden putting hand on heart, saying, ‘You’ve got to abide by the rules.’ We are abiding by the rules, because the standing orders in this place do allow for this debate to take place and for senators to take a vote. We are abiding by the rules. Are we rushing it through? Yes, we are, because we believe that this is a national crisis.

**Senator Nettle**—Suddenly it’s a national crisis!

**Senator ABETZ**—Senator Nettle cannot have it both ways. She condemns us for having sat back for 11 years and not doing anything; now she condemns us for acting. No matter which way you turn in this debate, you can be assured the Australian Greens will be opposed to you. I simply say to the Australian Greens: you can have all your fancy words about process, you can have all of your fancy words about standing orders in the Senate—and I fully support them—but standing orders allow for this debate and for legislation to be rushed through in times of a national crisis, such as this is. If I have to ask myself the question, ‘What is more important, a Senate committee going on for an extra couple of weeks or trying to deal with this national crisis and looking after kids in the Northern Territory and seeking to protect women from domestic violence and abuse?’ I know where I will fall on that discussion. It will be on the side of the kids and the women.

*Senator Nettle interjecting—*

**Senator ABETZ**—We have heard them and we have seen them, Senator Nettle. When you have two-year-old kids suffering from sexually transmitted diseases, you do

not have to talk to them to know that something needs to be done. When you see women with multiple fractures time and time again, you do not say to them, ‘Let’s consult about these issues.’ The time for action has come, and we as a government are willing to take that action for and on behalf of the disempowered people that you will not see on the TV saying, ‘We haven’t been consulted.’ Unfortunately, that has been part of the problem. We are seeking to assist those disempowered people and the victims, and the Howard government makes no apology for trying to rush this legislation through. If we have a choice to consult further with some of the leadership groups that say they have not been consulted or to assist the victims, we will always fall on the side of the victims. That is what we are doing with this legislation, and I would urge all honourable senators to allow this debate to proceed as quickly as possible.

Question put:

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

The Senate divided. [10.28 am]

(The President—Senator the Hon. Paul Calvert)

Ayes.....	49
Noes.....	<u>8</u>
Majority.....	<u>41</u>

AYES

Abetz, E.	Adams, J.
Bernardi, C.	Birmingham, S.
Bishop, T.M.	Boyce, S.
Brown, C.L.	Calvert, P.H.
Chapman, H.G.P.	Colbeck, R.
Conroy, S.M.	Cormann, M.H.P.
Crossin, P.M.	Evans, C.V.
Ferguson, A.B.	Fielding, S.
Fierravanti-Wells, C.	Fifield, M.P.
Fisher, M.J.	Forshaw, M.G.
Hogg, J.J.	Hurley, A.
Hutchins, S.P.	Kemp, C.R.
Kirk, L.	Ludwig, J.W.

Lundy, K.A.	Macdonald, I.
Macdonald, J.A.L.	Mason, B.J.
McEwen, A.	McLucas, J.E.
Moore, C.	Nash, F. *
Parry, S.	Patterson, K.C.
Payne, M.A.	Polley, H.
Ray, R.F.	Ronaldson, M.
Scullion, N.G.	Stephens, U.
Sterle, G.	Troeth, J.M.
Trood, R.B.	Watson, J.O.W.
Webber, R.	Wong, P.
Wortley, D.	

## NOES

Allison, L.F.	Bartlett, A.J.J.
Brown, B.J.	Milne, C.
Murray, A.J.M.	Nettle, K.
Siewert, R. *	Stott Despoja, N.

\* denotes teller

Question agreed to.

**CRIMES LEGISLATION AMENDMENT  
(NATIONAL INVESTIGATIVE  
POWERS AND WITNESS  
PROTECTION) BILL 2006 [2007]**

**Third Reading**

Debate resumed from 7 August, on motion by **Senator Johnston**:

That this bill be now read a third time.

**Senator NETTLE** (New South Wales) (10.32 am)—I rise to conclude my remarks from last night on the Crimes Legislation Amendment (National Investigative Powers and Witness Protection) Bill 2006 [2007]. This legislation, with its ‘sneak and peek’ powers for the Australian Federal Police, enables the Federal Police to enter people’s premises, confiscate property and documents and access their computer equipment—and to do all of those things without any obligation to let the people know. This is quite an extraordinary power to be given to the Federal Police, particularly in light of all the mistakes that we have seen in the case of Dr Haneef.

This is the first choice of the government for the legislation that we as a parliament

should deal with. This legislation means that people will end up in court, with evidence that has been collected against them, and will have no capacity to challenge whether or not that evidence was collected legally. As the current legislation operates, if a search warrant is issued on your home, you are there and you are able to have a lawyer there to check that the search is carried out properly. For people who have evidence collected against them and brought against them in a court, this legislation removes the protection for them to be able to challenge that evidence, because they do not know that a search has occurred. Under this legislation, they do not need to be told for six months, 12 months or maybe 18 months—indeed, if the minister approves, they may never know that the search has been carried out.

There is no other comparable country around the world that has that kind of legislation. In the United States, there is a system for covert warrants where there are ‘sneak and peek’ powers for their police, but the police are not given anywhere near this length of time not to tell people. The USA PATRIOT Act is not as strong as this piece of legislation. We heard last night that it is a piece of legislation that is not only put forward by the government but supported by the opposition. As we see time and time again when it comes to security legislation—anything related to terrorism—it is a ‘me too’ loud and clear from the opposition, and we see that in relation to this legislation as well.

What the Greens say is that our civil liberties are important. The Greens say that the rule of law is important. The Greens say that we should not be removing people’s right to know what is going on in their homes and to be able to challenge evidence against them in a court. This is pretty fundamental and pretty straightforward. It is the way our legal system has operated forever in this country and in the countries on which our legal system is

based. We are asking for the rule of law to be abided by, for our legal system to be upheld, for justice to exist, for civil liberties to be defended and for people's rights to be defended. This piece of legislation says no to that, from both the government and the opposition. The Greens disagree. We do not agree with holding up people's civil liberties, the rule of law or people's right to know what is going on in their homes, that they are being investigated and that evidence might have been collected against them illegally. This legislation allows that to happen. It is not on, it is not acceptable and the Greens will play no part in this whatsoever.

**Senator STOTT DESPOJA** (South Australia) (10.35 am)—In the debate on the Crimes Legislation Amendment (National Investigative Powers and Witness Protection) Bill 2006 [2007], the Democrats have not supported the legislation. We have acknowledged throughout the debate that the intended primary aim of this legislation—to harmonise controlled operations, assumed identities and protection of witness identity regimes across Australia—was an important and positive aim. Our concern, however, as we have expressed during the committee stage and in my speech during the second reading debate, is that this legislation goes too far. This legislation has some extraordinary powers—arguably, extreme powers—for our law enforcement agencies and does not counter those new and extraordinary powers with what we consider appropriate accountability, protection mechanisms or a safeguard for individual liberties, privacy rights and, indeed, human rights.

The Democrats have outlined repeatedly in this chamber this week our principal position, which is to acknowledge the need for changes to our legislative regime particularly in relation to antiterrorism laws enacted over the last few years. We have acknowledged that there is an argument for law enforce-

ment and other investigative agencies to talk about new, arguably improved and maybe modern powers, but that debate has to happen in this place in a comprehensive and balanced way—that is, how will these laws impact on the rights and privacy of Australian citizens? How do we balance those rights with national interests and, yes, importantly, national security? We have been happy to have those debates, but I look over the last few years and see that more than 40 pieces of antiterrorism legislation, for lack of a better term, have been debated and passed in this place. When you add up some of the extraordinary and, indeed, extreme powers—and the 'sneak and peek' powers in this legislation do constitute extreme powers in a democracy such as ours—there are very good grounds for a new and comprehensive assessment.

I put on record that this is why the Australian Democrats have given notice of a Senate select committee proposal. The vote on that will happen tomorrow. That would be an opportunity for us to talk about, to re-examine, to assess and to scrutinise all of these laws not only in the context of various legal and other events that have taken place in modern times but specifically, I acknowledge, in light of the handling of the Dr Mohamed Haneef case. We need to see how these pieces of legislation interact with each other, but we also need to examine and understand the impact, if any, good or bad, that they are having on our democracy and on fundamental rights, such as the rule of law and habeas corpus as well as those human rights generally and specific privacy and security rights to which I refer.

This bill is another example of the government's attempt to extend the unsupervised, in some cases, powers of law enforcement agencies, and it does so at the expense of privacy rights of Australian citizens. If you do not want to take that from the Democrats or from other minor parties then

look at some of the submitters to the recent Senate Standing Committee on Legal and Constitutional Affairs inquiry. Look at the submissions and protestations from groups such as the Law Council of Australia. They have said:

... a manifest need for these extended powers has not been demonstrated and that ... no further erosion of Australian citizens' rights should be sanctioned by the Australian Parliament.

I would hope that the parliament would listen to that.

I want to place on record, as did Senator Ludwig, commendations, congratulations and thankyou to the legal and constitutional committee for their ongoing and comprehensive work, and particularly for their help at a time when the Democrats were working very hard over time to get a supplementary report into that inquiry. I thank my colleagues who have participated in this debate. I think Senator Ludwig described it as a robust debate—I am not sure how robust—but we need an even more robust debate. We need a debate that actually looks at the laws that we have passed and examines them within this context. Until we do that, this parliament should not be passing any more legislation that enhances in such an extreme way the power of law enforcement and investigative agencies in this country, and certainly not without better justification than some that we heard in the chamber yesterday during the committee stage—even in things such as the explanatory memorandum—which do not adequately explain the need for some of the changes and certainly do not justify them adequately for the Australian Democrats.

We have participated constructively in this debate. We moved a raft of amendments designed to ameliorate what we considered the worst, the most difficult and the harshest aspects of the legislation. Those amendments were not passed. Some of the amendments

that came through as recommendations from the Senate committee were adopted by the government in full or in part, and I commend the government and acknowledge that it did that. But I still think that there is a long way to go with this legislation, and that is the reason that the Australian Democrats have voted against this bill. It is not because we do not care about national interests or because we do not care about national security; it is because we are passionate about that and passionate about ensuring that we do not jettison some of the basic and fundamental human rights and principles on which our nation and democracy are founded. It is with a heavy heart that I make that explanation, but that is why the Democrats have opposed the legislation before us. We look forward to Senate support tomorrow for a Senate select inquiry into the broad-ranging pieces of antiterrorism law that have been introduced to this nation post-2001.

Question agreed to.

Bill read a third time.

**SOCIAL SECURITY AND OTHER  
LEGISLATION AMENDMENT  
(WELFARE PAYMENT REFORM) BILL  
2007**

**NORTHERN TERRITORY NATIONAL  
EMERGENCY RESPONSE BILL 2007  
FAMILIES, COMMUNITY SERVICES  
AND INDIGENOUS AFFAIRS AND  
OTHER LEGISLATION AMENDMENT  
(NORTHERN TERRITORY NATIONAL  
EMERGENCY RESPONSE AND  
OTHER MEASURES) BILL 2007  
APPROPRIATION (NORTHERN  
TERRITORY NATIONAL  
EMERGENCY RESPONSE) BILL (No. 1)  
2007-2008**

**APPROPRIATION (NORTHERN  
TERRITORY NATIONAL**

**EMERGENCY RESPONSE) BILL (No. 2)  
2007-2008**

**First Reading**

Bills received from the House of Representatives.

**Senator SCULLION** (Northern Territory—Minister for Community Services) (10.44 am)—I move:

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

Question agreed to.

Bills read a first time.

**Second Reading**

**Senator SCULLION** (Northern Territory—Minister for Community Services) (10.44 am)—I move:

That these bills be now read a second time.

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

Leave granted.

*The speeches read as follows—*

**SOCIAL SECURITY AND OTHER  
LEGISLATION AMENDMENT (WELFARE  
PAYMENT REFORM) BILL 2007**

The Social Security and Other Legislation Amendment (Welfare Payment Reform) Bill 2007 is another important step in the government's reform of the national welfare system.

Australians are rightly proud of the strong safety net provided by our income support system.

The fact is that the vast majority of people receiving welfare use this support wisely, in the interests of themselves, their partners and, very importantly, their children.

Sadly, however, this is not true of everyone.

The government believes that the right to welfare comes with obligations.

It is only reasonable to expect those who receive this support to meet some basic obligations to society in return.

Over the last decade, the Howard government has moved to tackle the scourge of passive welfare

and to reinforce responsible behaviour through the establishment of our mutual obligation framework.

We have strengthened the important principle that those on welfare who can work should seek work, and asked those receiving welfare for longer periods to re-engage through work for the dole.

This bill builds on these important directions by extending the mutual obligation framework and reinforcing an appropriate balance between entitlements and responsibilities in our society.

One of the most important obligations a person can have is responsibility for the care, education and development of children.

Welfare is not for alcohol, drugs, pornography or gambling – it is for priority expenditures such as secure housing, food, education and clothing – things that are considered a child's basic rights.

This bill outlines five welfare reform measures to promote socially responsible behaviour aimed at protecting and nurturing the children in our society and offering them the opportunities that a supportive family, a solid education and a healthy and safe environment can provide.

In developing this approach, it has become clear we are facing two very different situations in Australia.

For most of the country, the parental behaviour the government is concerned about occurs relatively infrequently and is limited to a relatively small number of families.

The behaviour of these parents is clearly against normal community standards and is a focus of child protection and other state authorities.

To address this circumstance, the government will introduce three nation-wide measures that link the receipt of income support to school attendance and enrolment, and which assist state and territory child welfare authorities in the prevention of child neglect.

Parents who fail to provide for their children will have their payments income managed, to ensure that priority needs are met and to encourage better parenting behaviours.

These measures are a step forward in Commonwealth-state relations and offer an additional tool that will be of assistance to states and territories

in meeting their responsibilities for child welfare and schooling.

The second situation involves some remote Indigenous communities where normal community standards and parenting behaviours have broken down.

In these communities, there is little economic activity and welfare is by far the most common form of income.

The combination of free money (in relatively large sums), free time and ready access to drugs and alcohol has created appalling conditions for community members, particularly children.

Our emergency response in the Northern Territory, including the welfare reform and the Community Development Employment Projects (CDEP) program changes included in this bill, is targeted at this second context.

The bill also provides for the implementation of our recently announced Cape York Welfare Reform trial, which is based on a comprehensive plan developed in partnership with Mr Noel Pearson's Cape York Institute.

As with the national measures, income management will be applied in both cases to ensure that priority needs are met and to encourage better social and parenting behaviours.

#### **Income management model**

While there are differences in the approaches to each of the measures outlined in this bill, there are common elements to the way we will apply income management.

The bill outlines the broad framework under which the management of a person's welfare payments is to occur.

While the government is ensuring welfare payments are spent on the priority needs of a person and his or her family, its objective is for the person to take responsibility for their own welfare and for the welfare of their family.

This bill makes it quite clear individuals will not lose any of their entitlements.

All managed income will initially be placed into an individual's income management account, and will be for use by the relevant person only.

To ensure this, it will be special public money under section 6 of the Financial Management and Accountability Act 1997.

This arrangement ensures the money is regarded as having been paid to the person, so that there is no unintended change to taxation or child support liabilities.

People will be fully aware of what funds are available to them.

Individuals will receive statements of the credits and debits to their account and of the balance of their account.

The government wants individuals to take control over their lives.

It wants individuals to work with Centrelink to identify their expenses and manage their priority needs.

This bill establishes as priority needs things such as food, clothing, housing, health, child care and development, education and training, employment and transport.

It enables a person to receive an amount of discretionary cash and there are no restrictions placed on how that amount can be spent.

However, Centrelink must ensure the remaining managed income is used to meet the current and reasonably foreseeable priority needs of the person and their family.

If Centrelink becomes aware of unmet priority needs, it must take action to address those needs.

Once Centrelink is satisfied current and reasonably foreseeable priority needs are met, it cannot unreasonably refuse a person access to their entitlements for another purpose, provided the funds will not be used to purchase excluded items – alcohol, tobacco, gambling and pornography.

The bill provides flexibility in the methods available to meet people's priority needs.

The mechanisms include vouchers, stored value cards, the payment of expenses, payments to various accounts (including stores, debit cards and bank accounts).

The government will be working to establish appropriate mechanisms in Northern Territory communities in the short term and then more generally throughout Australia to support the national

income management measures contained in this bill.

### **Child abuse and neglect**

The abuse and neglect of children is not new and occurs in all societies, but that does not mean as a society we have to accept it.

Every child has the right to health and wellbeing and a life free from violence.

Preventing child abuse and neglect is everyone's responsibility.

Neglect includes failure to provide adequate food, shelter, suitable clothes, medical attention or education.

The Australian government is greatly concerned about the continuing increase in the number of children being reported as neglected or abused.

The main data available on child abuse and neglect in Australia is for children who have come to the attention of child protection authorities in each state or territory.<sup>1</sup>

These figures are likely to represent only a proportion of the true prevalence of abuse and neglect.

Over the last five years, the number of child protection notifications in Australia has almost doubled from 137,938 in 2001–02 to 266,745 in 2005–06.

Some of this increase reflects changes in child protection policies and practices in different jurisdictions.

It could also reflect a better awareness of child protection concerns in the wider community and more willingness to report problems to State and Territory child protection services.

Aboriginal and Torres Strait Islander children are clearly over-represented in the child protection system, being almost five times more likely to be the subject of a substantiated case than other children.

Australia wide, 29.4 out of 1,000 Indigenous children have been the victims of substantiated

abuse or neglect compared to 6.5 out of 1,000 non-Indigenous children.

The rate of Aboriginal and Torres Strait Islander children in out-of-home care is over seven times the rate of other children.

We know that young children who are exposed to violence, abuse or neglect, are among the most vulnerable of children and likely to experience problems later in life.

Their developing ability to trust and enter into mature, healthy relationships is damaged.

Stressful events during the early years, such as abuse and neglect, have also been shown to adversely influence nervous system responses to stress for the rest of a child's life.

Abuse and neglect can leave children with lasting physical damage, health issues, and developmental and emotional delays and problems.

Responsibility for child protection services rest primarily with each state and territory government.

Notwithstanding this, there is no doubt the best outcomes for children will be achieved if the Australian government and the state and territory governments work together.

The measures being introduced in this bill will provide another tool to be used by the child protection authorities in states and territories.

State and territory governments will be given the option of notifying the Commonwealth that a person be placed on income management where a child is found to be at risk of neglect.

Under income management, up to 100 per cent of a person's welfare support payments can be set aside and directed to appropriate expenditure.

This approach will help ensure income support is used to provide shelter, food and clothing for children at risk of neglect.

Income management will remain in place for the family until the child protection authority withdraws or revokes the notice requesting income management.

We will work with each of the states and territories to establish agreements guiding the operation of this tool, with the aim of commencement from 1 July 2008.

<sup>1</sup> Australian Institute of Health and Welfare, *Child Protection, Australia, 2005-06*, cat. no. CWS26, AIHW, Canberra, 2007.



### **School attendance and enrolment**

There is a clear and unequivocal link between educational outcomes and other important life outcomes such as employment, income and community participation.

Education greatly increases a child's chances of future success and helps them develop important skills and attitudes.

Helping to ensure children reach their full potential at school will also help reduce the risk of longer-term welfare dependence.

The arguments for adopting an early intervention approach in cases where children are not enrolled at or attending school are irrefutable.

Children and young people who are chronically absent or excluded from school are severely educationally disadvantaged.

Research commissioned by the Dusseldorp Skills Forum shows a correlation between school non-attendance and under-achievement at school, criminal activity, poverty, unemployment and homelessness.

Strong literacy and numeracy skills are critical foundations for school completion and longer-term success.

The importance of literacy and numeracy achievement has been highlighted in a Longitudinal Survey of Australian Youth (LSAY) research report that looked at the relationships between literacy and numeracy achievement in junior secondary school and a range of education, training and Labor market outcomes at age 19.

Job seekers with weak numeracy and literacy skills are also more likely to experience long-term unemployment.

More generally, poor literacy skills impact on a person's capacity to be a productive worker in today's workforce.

The government will tackle the social risks of poor education via two measures, which target school enrolment and school attendance.

Income management of up to 100 per cent of payments will be used as a tool to assist state and territory governments to meet their responsibilities in relation to these two areas.

In relation to school enrolment, if a parent is receiving income support, has care of a compulsory school-aged child and the child is not enrolled at a school, then both parents could be subject to income management.

If children are not enrolled at school, Centrelink will notify parents and carers that they need to take action to enrol their children and provide proof of enrolment within a specified period with a warning of the consequences of a failure to do so.

Centrelink will consider any 'reasonable excuse' for a failure of a parent to provide the documentation (such as events beyond the person's control, changes in the level of care which might relate to particular children and foster care arrangements) and, where no reasonable excuse exists, a period of income management could be immediately applied.

Both parents can also be subject to income management if their child does not attend school sufficiently and there is no reasonable excuse as to why the child is not attending school.

The government is proposing a national benchmark for attendance of not more than five unexplained absences each school term.

Before parents are subject to the income management regime due to exceeding the national benchmark, parents will be given a formal warning.

Parents and carers who do the right thing – consistent with community expectations – by enrolling their children and getting them to school will not be affected by income management.

For those who do not, this measure will serve to encourage them to take more responsibility for, and be more involved in, their children's education.

These measures will come into affect in the following phases:

- The school enrolment and attendance measure will commence as soon as possible in the Northern Territory to support the government's emergency response.
- From the start of the 2009 school year, the school enrolment and attendance measure

will be implemented nationally for parents of primary school-aged children.

- From the start of the 2010 school year, the school enrolment and attendance measure will be implemented nationally for parents of high school-aged children.

For this to occur, the support of the States and Territories and the non-government school sector is needed, to assist in providing the necessary information, and the government will be undertaking consultations to achieve this.

These measures will provide an additional support to states and territories to help them meet their responsibilities for, and our common goal of, improving the educational outcomes of Australian children.

#### **Northern Territory**

In the Northern Territory, as the recent *Little children are sacred* report made clear, there is a national emergency confronting the welfare of Aboriginal children.

In these cases, the provision of welfare has not had the desired outcome; it has become a trap instead of a pathway.

Normal community standards, social norms and parenting behaviours have broken down and too many are trapped in an intergenerational cycle of dependency.

The government's emergency response aims to protect children and make communities safe in the first instance, and then to lay the basis for a sustainable future for Indigenous Australians in the Northern Territory.

The welfare reforms outlined in this bill will help to stem the flow of cash going toward substance abuse and gambling and ensure that funds meant to be for children's welfare are used for that purpose.

Fifty percent of the welfare payments of all individuals in the affected communities will be income managed for an initial period of 12 months during the stabilisation phase

This broad-based approach is needed to address a break down in social norms that characterise many of our remote Northern Territory communities.

In particular, this approach is essential to minimise the practice known as 'humbugging' in the Northern Territory, where people are intimidated into handing over their money to others.

If certain groups, such as the young and old, are excluded from this measure, it could leave them potentially even more vulnerable.

Income management will be introduced in the Northern Territory on a progressive basis across communities as part of the Australian Government's emergency response to the crisis confronting the welfare of Aboriginal children.

Several factors will be taken into account before commencing income management, including stability and security in the area, and opportunities for individuals to discuss the operation of income management with Centrelink, including their expenditure needs.

The availability of suitable payment mechanisms for people to buy food and groceries will also be taken into account.

With some very limited exceptions, all individual residents in a community who receive income support payments will be subject to income management at the same time.

Any individuals who move into the community will become subject to income management when they move there.

Income management will generally apply in the community for an initial period of 12 months.

The amount to be set aside for income management will be 50 per cent of income support and family tax benefit instalment payments.

Advances, lump sums and baby bonus instalments will all be subject to 100 per cent income management.

The new arrangements may follow an individual even if they move out of the prescribed community to ensure they cannot easily avoid the income management regime.

Income management will continue until the initial declaration of 12 months expires or until it is revoked.

The government's intention is to transition communities to the national welfare reform measures over time, as communities are stabilised and nor-

malised, so a consistent approach exists across the country.

It is important to acknowledge that this bill will not take one cent of welfare from individuals or families in these Indigenous communities, but simply limits the discretion that individuals exercise over a portion of their welfare and prevents them from using welfare in socially irresponsible ways.

It should also be noted that we have developed a comprehensive and integrated plan in the Northern Territory.

The welfare reforms just outlined are supported by the legislative reforms that will provide improvements to community stores for people living in affected communities.

This will assist in ensuring payments can be used to buy quality goods from reputable stores.

Changes to the CDEP program which will be implemented in the Northern Territory are included in this bill.

The Little Children are Sacred report found that lack of employment opportunities has had a significant negative impact on self esteem and personal relationships and created an environment of boredom and hopelessness.

While CDEP has been a major source of funding for many Northern Territory communities, it has not provided a pathway to real employment, and has become another form of welfare dependency for many people.

Instead of creating new opportunities for employment, it has become a destination in itself.

It has also in too many cases been used as a substitute for services that would otherwise be the responsibilities of governments – services that should be provided through full-paid employment.

To support the Australian government's Northern Territory emergency response, the CDEP program in the Northern Territory will progressively be replaced with real jobs, training and mainstream employment services.

CDEP participants will be assisted to move into real jobs, to training or onto income support, through work for the dole or other appropriate benefits instead of CDEP payments.

In the coming months, the Australian government will work with CDEP providers across the Northern Territory to develop a comprehensive plan for each CDEP organisation to implement these changes.

Participants will progressively transition to the new arrangement. The transition will be completed across the Northern Territory by 30 June 2008.

These changes will support the current emergency intervention in the Northern Territory and support the improvement of services and the creation of new jobs within Northern Territory communities.

The Australian government will work with all government agencies to turn CDEP positions, which are substituting for government services, into real jobs.

In addition, an audit of job opportunities in 52 Indigenous communities in the Northern Territory conducted by the Local Government Association of the Northern Territory (LGANT) identified 2,955 current real jobs, only 44 per cent of which are occupied by Aboriginal people.

Training will be provided to capture these jobs for local people.

The phasing out of CDEP participant payments will happen on a community by community basis.

To ensure that there is no financial loss for some individuals moving from CDEP to income support, existing CDEP participants in the Northern Territory may be eligible to receive a Northern Territory CDEP Transition Payment.

Centrelink will calculate the payment on an individual basis.

This payment will make up the difference between the average earnings on CDEP and the payments made under income support arrangements and will be available till 30 June 2008.

The payment will assist participants to manage any changes in income and will be capped at the maximum allowable CDEP earnings.

The payment is directed at current participants. New participants who join CDEP after 23 July 2007 will not be eligible for this transition payment.

Changes to the taxation law will allow for the Northern Territory CDEP Transition Payment to

be subject to the Beneficiary Tax Rebate, as is the case with current CDEP participant payments.

Where income support payments are to be subject to income management, so will the Northern Territory CDEP Transition Payment.

Moving CDEP participants on to income support will allow a single system of income management to apply to welfare payments.

The level of funding currently provided to the Northern Territory through CDEP will not diminish under the new arrangements.

The appropriation bills also introduced in this package provide the funding required for these initiatives in 2007-08 for the stabilisation phase of the Response, and the government will be developing a longer-term approach with costs in the next budget process.

#### **Cape York**

The Australian government has committed to support and fund a proposal by the Cape York Institute to trial a new approach to welfare in four Cape York Indigenous communities: Hope Vale, Aurukun, Coen and Mossman Gorge.

This bill provides the platform for this to occur.

The government's decision is a response to the recommendations of the report by the Institute From Hand Out to Hand Up, provided to the government on 19 June 2007.

This report contained a comprehensive plan to tackle welfare dependency in the Cape York region.

It is backed by strong on-the-ground leadership from the Cape York Institute, particularly Noel Pearson.

A major feature of the trial to be introduced in Cape York is the introduction of a set of obligations which welfare recipients would be expected to meet.

As for the other national welfare measures, these obligations include requirements that parents send their children to school and protect them from harm and neglect.

There will also be reforms to tenancy arrangements, and obligations on tenants to comply with lease conditions.

The bill provides for the recognition of a new body to be established under Queensland law.

This body will have authority in relation to the income management of welfare payments to encourage compliance with the obligations.

Subject to state legislation, the body will have the authority to obtain information from State child protection authorities, courts and schools to assist it to determine whether there has been a breach of one of the obligations.

This new body may issue a notice to Centrelink, requiring that some or all of a person's welfare payments be subject to income management.

The body will work with families and communities to deal with issues such as drug and alcohol dependency, violence, child neglect and truancy, gambling, and poor money management.

The body will also work with the communities participating in the trial to rebuild social norms and ensure welfare money is not misused to fund alcohol, drugs or gambling.

Subject to the support of the communities and the passage of legislation by the Queensland government, it is intended that the trials will commence at the beginning of the 2008 school year and continue until the end of 2011.

The trials aim to promote engagement in the real economy, reduce passive welfare and rebuild social norms, particularly as they affect the wellbeing of children.

This initiative is an expression of the desire of people in Cape York to ensure their children grow up in a safe home, attend school and enjoy the same opportunities as any other Australian child.

The Australian government will be providing funding of \$48 million for the trials.

The Australian government's commitment includes significant funding for complementary initiatives to support the trials and assist people to meet their obligations.

In addition, the Australian government will contribute \$5 million towards the cost of employing case managers who will support people referred to the Commission and provide a fund from which they will be able to purchase specialist services for families, for example, relationship or violence counselling.

The trials will provide a vehicle to assess the effectiveness of such an approach, which may offer lessons for the future and inform our approach to tackling Indigenous welfare dependency.

The Australian government will work together with the Cape York Institute and the selected communities throughout the duration of the trials.

The leaders of Cape York should be commended for their determination and commitment to improve their lives and provide a safe and prosperous future for their children.

### Conclusion

These changes are designed to benefit Australia's children.

They are practical and targeted responses to real issues within our society.

The government's aim is to extend the principle of mutual obligation beyond participation in the workforce to a range of behaviours that address, either directly or indirectly, the welfare and development of children.

None of the measures outlined in this bill will result in a reduction in entitlements, and they will only apply to the minority of people who are behaving inappropriately.

The vast majority will remain unaffected by these changes. But a better future will be provided for those children who will now have their basic rights to things like food, shelter and an education met.

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### NORTHERN TERRITORY NATIONAL EMERGENCY RESPONSE BILL 2007

This bill—the Northern Territory National Emergency Response Bill 2007 (and the other bills introduced in the same package)—are all about the safety and wellbeing of children.

When confronted with a failed society where basic standards of law and order and behaviour have broken down and where women and children are unsafe, how should we respond? Do we respond with more of what we have done in the past? Or do we radically change direction with an intervention strategy matched to the magnitude of the problem?

Six weeks ago, the *Little children are sacred report* commissioned by the Northern Territory government confirmed what the Australian government had been saying. It told us in the clearest possible terms that child sexual abuse among Aboriginal children in the Northern Territory is serious, widespread and often unreported, and that there is a strong association between alcohol abuse and sexual abuse of children.

With clear evidence that the Northern Territory government was not able to protect these children adequately, the Howard government decided that it was now time to intervene and declare an emergency situation and use the Territories Power available under the Constitution to make laws for the Northern Territory.

We are providing extra police, we will stem the flow of alcohol, drugs and pornography, assess the health situation of children, engage local people in improving living conditions, and offer more employment opportunities and activities for young people. We aim to limit the amount of cash available for alcohol, drugs and gambling during the emergency period and make a strong link between welfare payments and school attendance.

We have been able to do some things immediately, without legislation.

The Northern Territory Emergency Response Taskforce has been established. Magistrate Doctor Sue Gordon chairs this small group of distinguished and dedicated Australians. Major-General Dave Chalmers is in charge of operational command headquartered in Alice Springs.

We have begun to provide extra federal police to make communities safe. The States have committed to provide police and the Australian government has agreed to cover their costs.

All 73 townships that have been identified for intervention have been visited by advance communication teams. The follow up survey teams have visited 47 townships. These visits are meant to explain to local people the steps being taken, to listen to their views, to answer questions, and to assess the state of play in terms of infrastructure and services.

Almost 500 health checks have been conducted for Aboriginal children under 16. Not surprisingly, some cases have been referred to child pro-

tection authorities and the results of some initial tests have been referred for further testing for sexually transmitted diseases.

This is a very encouraging start after a few short weeks. But Aboriginal children in the Northern Territory will never be safe and healthy without fundamental changes to the things that make communities dangerous and unhealthy places.

We need to dry up the rivers of grog. We need to stop the free flow of pornography.

We need to improve living conditions and reduce overcrowding. More houses need to be built and we need to control the land in the townships for a short period to ensure that we can do this quickly.

We need to make sure money paid to parents and carers by the government for feeding children is not used for buying grog or for gambling.

We need to make sure local shops stock good, affordable food for growing children.

We need to show people that there is hope of a life beyond welfare so that going to school is seen to be worthwhile.

We need to show people that it is possible to own and control your own house, which can only happen when you have a lease over the land that it is built on.

The government has faced a lot of questions since the announcement of the intervention. Some people have asked how the various parts of the response are connected to the welfare of children, and to each other.

With no work and no hope of getting a job, many Aboriginal people in these communities rely on passive welfare.

In an environment where there is no natural social order of production and distribution, grog, pornography and gambling often fill the void.

What do viable economies and jobs have to do with preventing child abuse? Unemployment and welfare dependency may not cause abuse, but a viable economy and real job prospects make education meaningful and point to a life beyond abuse and despair.

Currently, there are too few jobs in these communities and land tenure arrangements work against developing a real economy. The Community De-

velopment Employment Projects program has become the destination for far too many.

Banks will not lend money to start up small businesses because a committee decides what tenure arrangements will apply. People cannot even borrow to buy their own home because they cannot own or lease a block of land. And, to cap it all off, these towns have been closed to outsiders because of the permit system.

After consultation, the government has decided on balance to leave the permit system in place in 99.8 per cent of Aboriginal land in the Northern Territory.

But in the larger public townships and the road corridors that connect them, permits will no longer be required.

Closed towns mean less public scrutiny, so the situation has been allowed to get worse and worse.

Normally, where situations come to light which are as terrible as the child abuse occurring in the Northern Territory, solutions are pursued relentlessly by the media.

But closed towns have made it easier for abuse and dysfunction to stay hidden.

Closed towns also prevent the free flow of visitors and tourists that can help to stimulate economic opportunity and job creation.

These are among the reasons why it is not enough only to turn off the grog.

Our response in the Northern Territory means making important changes which simply cannot happen under current policy settings.

The living conditions in some of these communities are appalling. We cannot allow the improvements that have to occur to the physical state of these places to be delayed through red tape and vested interests in this emergency period.

Under normal circumstances in remote communities, just providing for the clean up and repair of houses on the scale that we are confronted with could well take decades. The children cannot wait that long. To deal with overcrowding, we need to remove all the artificial barriers preventing change for the better.

Without an across the board intervention, we would only be applying a bandaid to the critical

situation facing Aboriginal children in the Northern Territory, when what is needed is emergency surgery.

The interventions proposed will work together to break the back of violence and dysfunction and allow us to build sustainable, healthy approaches in the long term.

The measures in this bill generally apply in Northern Territory communities on:

- land scheduled under the Aboriginal Land Rights (Northern Territory) Act 1976 (the Land Rights Act);
- community living areas, which are located on a form of freehold title issued by the Northern Territory government to Aboriginal corporations;
- town camps, in the vicinity of major urban areas, held by Aboriginal associations on special leases from the Northern Territory government; and
- other areas prescribed on advice from our expert taskforce.

#### **Alcohol restrictions**

The authors of the *Little children are sacred* report described alcohol abuse as the 'gravest and fastest growing threat to the safety of Aboriginal children'.

One of the key measures in this bill provides for widespread alcohol restrictions. The government was not satisfied that the proposals put forward by the Northern Territory government were anywhere near adequate.

A number of these communities have already been declared dry. But, despite that, alcohol remains a major scourge. Much more needs to be done.

The restrictions enabled by this bill will help stabilise communities and give them a chance to recover.

When it comes to a choice between a person's right to drink and a child's right to be safe, there is no question which path we must take.

To dry up the lethal rivers of grog, this bill will enable the government to introduce a general ban on people having, selling, transporting and drinking alcohol in prescribed areas.

At the same time, our measures apply tougher penalties on people who are benefiting from supplying or selling grog to these communities.

Through very harsh penalties and more police, we are sending a clear message that, if you run grog into these vulnerable places and put the lives of women and children at risk, you will face a severe penalty.

This bill will require people across the Northern Territory to show photographic identification, have their addresses recorded and be required to declare where the alcohol is going to be consumed if they want to buy a substantial amount of takeaway alcohol. This requirement is a small impost on Territorians during the emergency period but will be their contribution to solving this long-running problem.

This will allow us to identify where people are buying up grog to take back to communities where bans are in place, and to investigate and prosecute as needed.

Some licensed premises on Aboriginal land will still be able to operate, but only if they have strict alcohol management rules in place. These licences will be reviewed within one month of proclamation. Current permits to consume alcohol on Aboriginal land will also be subject to review.

#### **Computer audit**

The destructive impact pornography can have on the lives of children has already been mentioned.

A ban on the possession and dissemination of prohibited pornographic material is addressed in another bill in this package.

But sexually explicit and other illegal material can be accessed using the Internet through misuse of publicly funded computers as well. This bill includes a requirement to undertake regular audits of publicly-funded computers, and to provide the results to the Australian Crime Commission. Failure to undertake these audits will be an offence.

The Australian Crime Commission will be able to use the results of an audit, or may pass it on to a relevant law enforcement agency, where investigation of a possible criminal offence is necessary.

An audit must also be undertaken if there is a suspicion that a computer may have been mis-

used, and the outcomes will be provided to the Australian Crime Commission.

#### **Five-year leases**

This bill provides for the Australian government to acquire five-year leases over townships on Land Rights Act land, community living areas and over certain other areas.

It provides for the immediate and later acquisition of these leases to correspond to the roll out of the emergency response.

The acquisition of leases is crucial to removing barriers so that living conditions can be changed for the better in these communities in the shortest possible timeframe.

It must be emphasised that the underlying ownership by traditional owners will be preserved, and compensation when required by the Constitution will be paid.

This includes provision for the payment of rent. Existing interests will be generally preserved or excluded, and provision will be made for early termination of the lease, such as when a 99-year township lease is granted.

This is not a normal land acquisition. People will not be moved from their land.

The areas to be covered by the five-year leases are major communities or townships, generally of over 100 people, some of several thousand people.

These communities are not thriving; some are in desperate circumstances that have led to the tragedy of widespread child abuse.

The leases will give the government the unconditional access to land and assets required to facilitate the early repair of buildings and infrastructure.

The most significant terms and conditions of the leases are provided for in the legislation. However, additional terms and conditions will be determined and these will be in place when the leases start.

The area of land for the five-year leases is minuscule compared to the amount of Aboriginal land in the Northern Territory. It is less than 0.1 per cent. There are no prospects for mining in these locations.

This is no land grab, as some have tried to portray the emergency response. It is only a temporary lease and just compensation will be paid for that period. We are not after a commercial windfall here—there is none to be had.

It must be stressed that any native title in respect of the leased land is suspended but not extinguished.

It is important to mention that there is provision for the five-year leases to be terminated early.

If the Northern Territory Emergency Response Taskforce reports that a community no longer requires intensive Commonwealth oversight, then the minister can decide that the lease over the community should end.

The Australian government looks forward to working with the land councils of the Northern Territory in the implementation of this important measure.

#### **Town camps**

The bill also provides for the Australian government to exercise the powers of the Northern Territory government to forfeit or resume certain leases, known as 'town camps', during the five year period of the emergency response.

Improved living conditions in the town camps are important to the success of the emergency response.

The poor living conditions in these camps have made many of them places of despair and tragedy. Alice Springs has been described as the murder capital of Australia.

It is Australian government policy that these camps should be treated as normal suburbs. They should have the same infrastructure and level of services that all other Australians expect. Second best is no longer good enough.

We will not accept that the major urban centres in the Northern Territory continue for another 30 years to be fringed by ghettos where Indigenous people receive second or third class local government services.

The Northern Territory government has announced that it will not resume or forfeit the town camp leases. It has again walked away from its responsibilities for the Indigenous citizens of the Territory. That is why this bill provides for the



Howard government to do what the Northern Territory government has shamefully refused to do.

When land tenure is settled, the Howard government will begin the process of improving housing and infrastructure dramatically.

The bill also provides an option for the government to make a long term investment beyond the period of the emergency response in improving town camps and, if necessary, the Commonwealth can acquire freehold title over town camp areas.

If the government acquires town camp property, then compensation required by the Constitution will be paid. Native title will not be extinguished.

The government has been in negotiations with the Alice Springs town camps for some time, and we remain hopeful that they will agree to sublease the housing areas of their land to the Northern Territory for 99 years to be run as normal public housing. Negotiations currently underway in Tennant Creek are very promising.

The bill also provides for regulations to remove listed town camp land.

This will enable town camp leases to be exempted from Commonwealth action to forfeit the leases, or resume or acquire the land, where the association subleases all, or a substantial part, of its lease for 99 years.

#### **Government Business Managers**

This bill contributes significantly to improving the way communities are governed, by providing appropriate powers to support the appointment of Government Business Managers, who will manage government activities and assets in the selected communities.

Government Business Managers will work with local people to help things run smoothly, implement the emergency measures and ensure government services are delivered effectively. Local people will be able to talk to the Australian Government direct.

Powers introduced to support their role include powers:

- to terminate or vary Commonwealth funding agreements;

- to give directions on the carrying out of government-funded services and the use of assets to provide those services;
- to give an authorised person a position as a non-voting observer on bodies carrying out functions or services; and
- to place certain bodies in external administration for failures relating to the provision of government-funded services.

Government Business Managers will work cooperatively with communities and existing organisations within these communities, as well as the Northern Territory government.

It must be stressed that powers in the legislation for Government Business Managers will only be exercised as a last resort in situations where normal processes of discussion and negotiation have failed, or where community organisations are unable, or unwilling, to make the changes that are needed.

These are serious and important powers and will only be delegated to senior Departmental officers or held by the minister.

These powers will apply to any further areas over which the government takes a five-year lease under the legislation and will only be exercised for the five-year period of the Northern Territory emergency response.

#### **Bail and sentencing**

In 2006, the Council of Australian Governments (COAG) agreed that no customary law or cultural practice excuses, justifies, authorises, requires, or lessens the seriousness of violence or sexual abuse. All jurisdictions agreed that their laws would reflect this. COAG also agreed to improve the effectiveness of bail provisions to support and protect victims and witnesses.

The Commonwealth implemented the COAG decision through bail and sentencing legislation in relation to Commonwealth offences. This bill ensures that the decisions of COAG will also apply in relation to bail and sentencing discretion in the Northern Territory.

It is the government's intention that, if the Northern Territory enacts sufficiently complementary provisions, the bail and sentencing provisions contained in this bill will be repealed.

**Community stores**

The community store is a central amenity for any small community, and the store operator is a critical member of the community in remote Australia.

Poor quality food is a major contributor to poor health.

There are examples of stores that are serving a good range of products and where the people who use the store are treated with respect.

But there are many cases where the store operator pays no attention to the need for healthy food and has little or no training in how to run a retail business. Some make unreasonably high profits at the expense of local consumers who have no choice but to purchase from the one store available in their community.

Our community survey teams have found that stores in some quite sizeable communities have closed, which often forces the residents to get whatever food they can from the nearest roadhouse, or to travel large distances to another community or commercial centre for the basic necessities of life.

Over two-thirds of the communities surveyed have either no store or have a store that has poor retail practices or which does not sell quality healthy food.

Bad store practices will undermine the government's efforts to improve the lives of Aboriginal people, and especially children, in the Northern Territory.

That is why we want to put more emphasis on stores meeting certain basic criteria around food quality and financial integrity. The introduction of income management for welfare recipients makes this all the more important.

A substantial slice of welfare payments will be quarantined for food and other necessities during the emergency period. If a store wants to participate, they will be required to be licensed to do so, meaning that they will need to meet certain standards. Otherwise, they will face the prospect of competition from other retailers including from 'Outback Stores'—an initiative of the Australian Government.

The small number of stores that are known to have appropriate financial and retail practices will be considered for a six-month licence shortly after the bill has been enacted.

In other cases, it will be necessary to undertake a detailed assessment against each of the assessable items before a licence can be issued.

**Conclusion**

The government is committed to protecting children in the Northern Territory and is prepared to spend the money necessary to achieve this.

The appropriation bills also tabled provide the money required in 2007-08 for the stabilisation phase of the response.

The need is urgent and immediate and the government is stepping up to the plate to provide the necessary funding now for additional police, for health checks, for welfare reform and the other measures necessary to achieve these outcomes.

But we also recognise that longer-term action is required to normalise arrangement in these communities. Funding for housing in remote communities received a major boost in this year's budget. Separate funds will be provided for other longer-term measures in the next budget process.

Funding for existing programs will also be examined for ways to use money more effectively to provide greater benefit to Indigenous people in the Northern Territory. For example, we have announced that CDEP will be replaced with more effective employment services in the Northern Territory.

The money is important but it is not by itself the answer. Success will be determined by the extent to which the local people are engaged in tackling their own problems. Our approach is fundamentally about empowering local citizens, releasing them from fear, intimidation and abuse. The overwhelming majority of these people desperately want the best for their children and we must encourage them every step of the way so that they can begin to hope for a better future.

The government has been tremendously encouraged by the overwhelming support for this emergency response from ordinary Australians. There have been hundreds of people volunteering to help. Police across Australia are volunteering

their services. The Australian public want to see real change and are willing to put their shoulder to the wheel when they feel that finally they can help to improve the lot of their fellow Australian citizens—the first Australians.

This is a great national endeavour and it is the right thing to do.

FAMILIES, COMMUNITY SERVICES AND INDIGENOUS AFFAIRS AND OTHER LEGISLATION AMENDMENT (NORTHERN TERRITORY NATIONAL EMERGENCY RESPONSE AND OTHER MEASURES) BILL 2007

This bill complements the new principal legislation introduced by the Northern Territory National Emergency Response Bill 2007 and the welfare reform amendments provided by the Social Security and Other Legislation Amendment (Welfare Payment Reform) Bill 2007.

In introducing the principal legislation, it has been noted that the government's emergency response in the Northern Territory is all about the safety and wellbeing of children.

This bill deals mainly with banning certain pornography, issues to do with increased policing, Commonwealth and Northern Territory infrastructure, and access to Northern Territory Aboriginal land.

This is an emergency situation in the Northern Territory and we need to act quickly. Each and every day, children are being abused. We need strong powers so that we are not weighed down by unnecessary red tape and talk-fests, and can focus on doing what needs to be done.

The cycle of unemployment and welfare dependency, alcohol abuse and violence, needs to be broken, so that we can go on to build sustainable, healthy communities.

Each of the interventions in the emergency response package is a critical component of an integrated response to the situation facing these Aboriginal children in the Northern Territory.

The measures in this bill generally apply to the same prescribed areas covered by the measures in the principal bill:

- land scheduled under the Aboriginal Land Rights (Northern Territory) Act 1976 (the Land Rights Act);
- community living areas, which are located on a form of freehold title issued by the Northern Territory Government to Aboriginal corporations;
- town camps, in the vicinity of major urban areas, held by Aboriginal associations on special leases from the Northern Territory Government; and
- other areas prescribed on advice from our expert taskforce.

**Banning prohibited pornographic material**

This bill contains measures which ban the possession of pornographic material and advertisements in the prescribed areas.

The *Little children are sacred* report revealed that the availability of pornography in Northern Territory communities is a factor contributing to child sexual abuse—being used to groom children for sex, and desensitizing children to violence and inappropriate sexual behaviour.

Put simply, this measure in the bill is intended to prevent children being exposed to pornography, by removing this material from homes and preventing it from entering communities. For the purposes of this bill, 'pornographic material' is described as 'prohibited material' and is defined as:

- X18+ classified films;
- Category 1 Restricted and Category 2 Restricted publications;
- films and publications that are Refused Classification;
- unclassified films and publications that, if classified, would be Refused Classification or X18+ or Category 1 or Category 2 restricted publications; and
- prohibited advertisements.

The bill makes it an offence to possess or control prohibited pornographic material in the identified communities.

Unlike existing offences in the Northern Territory, the complete ban also applies to possessing pro-

hibited material without the intention to copy or sell the material.

Make no mistake, this government is hell bent on doing everything it can to protect innocent children. Children should never be exposed to this sort of material as they are on a regular basis in some of these communities.

To make sure that the ban on possession will be effective, this bill will also ban delivering or sending prohibited pornographic material into these areas.

And this ban applies no matter where material is being sent from—from within the Northern Territory or from other parts of Australia such as the 'adult' DVD industry based in the Australian Capital Territory.

We have to stop material at its source, by preventing mail order companies sending material into a community, as well as residents or visitors sending or taking material into a community.

Of course, Australia Post and other operators of postal and parcel services, who inadvertently transport prohibited material into a prescribed area during the normal course of service, will not be committing an offence. But those who use postal or parcel services to send prohibited material into a prescribed area will be subject to criminal penalties.

The Howard government also wants to ensure heavy penalties are imposed on those who are caught 'trafficking' pornography to at-risk communities.

This bill provides for heavier penalties for the supply of five or more items of prohibited material – the quantity is considered likely to indicate a commercial transaction rather than material solely for personal use.

These measures are about targeting the material and removing it, so police will have appropriate powers to seize material found in an identified community where a police officer suspects on reasonable grounds that it is prohibited. This will mean material can be immediately removed from communities.

Seized material will be returned, on application, if the responsible officer, or a magistrate, is satisfied

on reasonable grounds that it is not prohibited material.

Repeal of certain provisions may be necessary, for example, if the Northern Territory government enacts legislation prohibiting possession of some or all of the material which is dealt with by the Commonwealth provisions.

Therefore, this bill provides for the minister, by legislative instrument, to repeal some or all of the new provisions, without the delay involved in enacting repealing legislation.

We hope and expect the new rules to do their job in helping to stabilise the communities by the end of the five year intervention, as announced by the government.

Therefore, these rules will end after five years through a sunset clause in this bill.

#### **Re-establishing law and order**

A top priority of the emergency response is to re-establish law and order so people can feel safe from the threat of violence, perpetrators of sexual abuse can be apprehended and prosecuted, and the new bans on alcohol and pornography can be enforced.

We have increased police numbers, including through secondments from the Australian Federal Police (AFP) and the states, which will enable police to live and work in communities, or visit regularly.

This bill ensures AFP members deployed in this role, and appointed as special constables of the Northern Territory police service, can exercise all the powers and functions of the local police service.

Further amendments will allow the Australian Crime Commission Board to authorise the National Intelligence Taskforce into Violence and Child Abuse in Australia's Indigenous Communities to have the Commission's full coercive powers, and capacity to access relevant information held by State agencies, to support the operations of the Taskforce.

#### **Retaining government ownership of facilities constructed on Aboriginal land (infrastructure)**

This bill also provides for the Commonwealth and Northern Territory to have continuing owner-

ship of buildings and infrastructure on Aboriginal land which are constructed or upgraded with government funding.

Each year, the Australian and Northern Territory governments provide millions of dollars for the construction and upgrade of buildings and infrastructure on Aboriginal land across the Northern Territory.

In the past, the Australian government has not usually retained ownership of the buildings and infrastructure, nor has it obtained an interest in the land on which they are constructed.

This has meant the government has been unable to protect its investment and has also led to very poor outcomes.

For example, despite massive investment in public housing in the Northern Territory, today there are fewer houses in the Indigenous housing stock than there were five years ago.

The Howard government is no longer prepared to invest public money in buildings and infrastructure on private land unless it can have a continuing interest over them.

The bill ensures that, in the future, the Commonwealth or the Northern Territory will own buildings and infrastructure which are constructed or substantially upgraded with their funding.

Any construction or renovation will be undertaken with the consent of the relevant Land Council under the processes of the Northern Territory Aboriginal Land Rights Act, which require traditional owner consent.

#### **Access to Aboriginal land**

The permit system for people entering Aboriginal land will be retained but permits will no longer be needed to access common areas in the main townships and the road corridors, barge landings and airstrips connected with them.

The current permit system has not prevented child abuse, violence, or drug and alcohol running. It has helped create closed communities which can, and do, hide problems from public scrutiny.

Improving access to these towns will promote economic activity and help link communities to the wider world.

It will also allow government services to be provided more readily—essential for the recovery of these communities.

The current permit system will continue to apply for the vast majority, or about 99.8 per cent, of Aboriginal land in the Northern Territory, including homelands. Sacred sites will continue to be protected.

In the townships and the road corridors where the permit system no longer applies, the Northern Territory Government will be given the power to restrict access, temporarily, to protect the privacy of a cultural event or to protect public health and safety.

The government has been considering changing the system since it announced a review in September 2006 and the changes follow the release of a discussion paper in October 2006 and the receipt of almost 100 submissions.

Over 40 communities were visited during consultations following the release of the discussion paper. It was disturbing to hear from officials conducting the consultations that numerous people came up to them after the consultations, saying that the permit system should be removed. They were afraid to say this in the public meetings.

The permit system in some communities has been used to help create a climate of fear and intimidation.

Residents have not felt comfortable to report abuse because of the fear of retribution.

A proper police presence, which is at the core of the stabilisation phase of the emergency response, will give people the confidence to report to the appropriate authorities sexual abuse and other violence.

A real police presence cannot be replaced by a piece of paper that determines who can come into the community.

The permit system has not stopped bad people coming into a community.

Visitors, including tourists, have been discouraged, leading to limited contact with the real economy.

More open communities will give people the confidence to deal with the outside world. An open town is a safer and more prosperous town.

Closed communities can create an environment where behaviours, including antisocial and criminal behaviours, attract little public attention. This is not healthy.

The bill provides for the removal of the need for permits for common areas of the major towns.

Common areas are the places in a town that are generally used by everyone. Visitors will also not need a permit to go to shops that are open or to visit residences if invited.

Government officials and members of Parliament will be able to enter and remain on Aboriginal land without a permit to do their job.

People will be able to attend Court hearings on Aboriginal land without a permit.

Both Land Councils and traditional owners can currently issue permits and revoke permits issued by another party.

This has led to confusion and conflict.

The bill therefore provides that Land Councils and traditional owners cannot revoke permits issued by another party.

The bill provides for temporary restrictions to the public access to common areas and access roads to protect the privacy of a cultural event or to protect public health and safety.

The Northern Territory government is provided with the power to make laws on these matters.

The Howard government will use the time before the commencement of the changes to further explain the changes to the people of the Northern Territory.

We will explain to Aboriginal people the nature and extent of the changes to counter the hysteria and fear that has been unnecessarily provoked by some people.

The government will explain to the wider Northern Territory community that the changes only apply to common areas in towns, and access to those towns is not in any way a licence to wander over the vast bulk of Aboriginal land without a permit.

The permit changes are limited to areas that are in effect country towns and are not a threat to sacred sites or the Aboriginal estate more broadly.

#### **Other land rights and lease amendments**

Schedule 5 to this bill provides for several miscellaneous amendments to the Land Rights Act, including several minor changes to clarify some of the arrangements for township leases.

The Land Rights Act currently provides that, where there is a township lease in place, subleases may be granted. Since there will be circumstances where the grant of a licence is more appropriate than a sublease, the amendments clarify that licences may also be granted.

The amendments will also ensure that a township lease can only be transferred in accordance with the terms and conditions of the township lease.

The bill will have the effect of disapplying the Lands Acquisition Act 1989 to dealings related to township leases.

The bill also provides that the definition of estate or interest in land for the purpose of sections 70 and 71 of the Land Rights Act includes certain types of licences as well as the statutory rights that are conferred under the new infrastructure provisions in Schedule 3 to the Bill.

This bill will also extend the defence in relation to entering or remaining on Aboriginal land that is covered by a township lease to land that is covered by a five-year Commonwealth lease, which will enable people who have a valid reason for entering land subject to a five-year Commonwealth lease to do so without a permit.

The bills contain provisions that clarify the operation of the Racial Discrimination Act 1975 and other anti-discrimination laws.

The provisions of the bills for the Northern Territory national emergency response are drafted as 'special measures' taken for the sole purpose of securing the advancement of Indigenous Australians.

The impact of sexual abuse on Indigenous children, families and communities requires decisive and prompt action. The Northern Territory national emergency response will protect children and implement Australia's obligations under human rights treaties.

The Government's response will allow Indigenous communities in the Northern Territory to advance and enjoy the same human rights as other communities in Australia.

### Conclusion

The Australian government has made clear that it will do what needs to be done to protect Aboriginal children in the Northern Territory.

This bill is an important element of tying our measures together into a coherent package to break the back of the violence and dysfunction in Aboriginal communities in the Northern Territory.

### APPROPRIATION (NORTHERN TERRITORY NATIONAL EMERGENCY RESPONSE) BILL (No. 1) 2007-2008

There are two Supplementary Estimates Appropriation Bills being introduced as part of the government's national emergency response to protect Aboriginal children in the Northern Territory. They are: Appropriation (Northern Territory National Emergency Response) Bills Numbers 1 and 2. I shall introduce Bill 2 shortly.

These Supplementary Estimates Bills follow on from the Appropriation Bills that were introduced into the House on the occasion of the 2007-2008 Budget. They seek appropriation authority from Parliament for the additional expenditure of money from the Consolidated Revenue Fund, in order to implement the first stage of the emergency measures to protect Aboriginal children in the Northern Territory from abuse and give them a better, safer future. The measures in the emergency response aim to protect and stabilise communities in the crisis areas. This is the first stage in a longer term approach to improve the welfare of Aboriginal children and their families in the Northern Territory.

The bills are required to facilitate timely implementation of the Emergency Response initiatives.

The total appropriation being sought through the Supplementary Estimates Bills is in excess of \$587.3 million. The total appropriation being sought in Emergency Response Bill (No.1) is almost \$502 million.

I now outline the major items provided for in the Bill.

An increase of \$91.25 million will be provided to the Department of Employment and Workplace Relations to implement a range of employment and welfare reform measures in the Northern Territory as part of the emergency response. This includes expediting the removal of all Remote Area Exemptions across the Northern Territory by 31 December 2007. This will provide that all Indigenous people in the Northern Territory with the capacity to work are taking part in activities that will improve their ability to gain employment. Accelerated removal of Remote Area Exemptions is also required to ensure that:

- clean up activities related to the Northern Territory Emergency Response are available and that job seekers can be compelled to participate in these activities; and
- job seekers take advantage of job opportunities already available in the Northern Territory.

Failure to remove Remote Area Exemptions within this time-frame will mean many job seekers in the Northern Territory will not be required to look for work or be able to be compelled to participate in activities in return for their income support payment.

This funding will also provide for Community Development Employment Projects (CDEP) to be replaced progressively with jobs, training and mainstream employment services across the Northern Territory. Support will be provided to existing Community Development Employment organisations to ensure they can continue to play a role in their communities. This measure includes a transition payment to maintain income levels for former Community Development Employment participants as well as support to create jobs from current placements and new places in employment services. The move from CDEP to training and mainstream employment services will result in offsetting savings of \$76.3 million to the overall costs of this measure (these savings are not reflected in this Bill).

In addition an amount of \$24.21 million is provided to Indigenous Business Australia for investment and community initiatives in the Northern Territory, which includes \$18.9 million to provide for an expanded network of outback stores as well as support for existing community

stores in conjunction with welfare payments reform. An additional \$10.1 million is also provided to Centrelink to fund the activities for the implementation of welfare payments reform, including the deployment of staff to the targeted communities.

A total amount of \$212.3 million is provided to the Department of Families, Community Services and Indigenous Affairs to implement a wide range of measures in support of the Government's Northern Territory Emergency Response, including welfare payments reform, housing and land, additional services for families and children, law and order and administrative and logistics support for the response.

Of the measures included in this funding, \$16.2 million is provided to fund a package of necessary services for children, young people and their families. Families and children will need to be supported throughout the Emergency Response and afterwards. Additional children's services such as childcare and other early childhood services will be provided in the targeted communities. This funding also includes an Alcohol Diversionary programme to support young people, primarily aged 12 to 18, living in remote communities to provide an alternative to drinking and other forms of substance misuse.

The Government will also provide funding through the Department of Families, Community Services and Indigenous Affairs of \$25.9 million for land surveying and upgrades to essential utility services infrastructure in the targeted communities. Housing will also be provided for the staff of a number of agencies in the affected remote communities. The Department of Families, Community Services and Indigenous Affairs will be provided with \$13.9 million to provide temporary staff housing in remote communities for the staff deployed in support of the emergency response.

Finally, to coordinate and manage the Northern Territory Emergency Response and deliver effective outcomes, the Department of Families, Community Services and Indigenous Affairs will be provided with \$71.4 million to establish the Northern Territory Emergency Response Taskforce, the Operations Centre, the deployment of Government Business Managers to the communi-

ties and logistics support. This amount also includes funding for Volunteers, Indigenous Community Engagement and other Departmental corporate activities.

As part of the immediate emergency response, \$63.1 million will be provided to support law and order initiatives, including:

- \$7.4 million to the Australian Federal Police to deploy to the Northern Territory;
- \$25.7 million will also be provided to the Department of Families, Community Services and Indigenous Affairs to fund additional police deployments and provide police stations and police housing in the Northern Territory;
- \$4 million to the Australian Crime Commission to gather intelligence and analyse Indigenous child abuse in Australia;
- \$15.5 million to the Department of Defence for logistics support for the initial roll out; and
- \$10.5 million to the Attorney-General's Department to fund additional legal services for Indigenous people and additional Night Patrol Programmes in 50 communities through the Indigenous Solutions and Service Delivery programme.

The Department of Health and Ageing will receive an additional \$82.9 million to introduce health checks for all Aboriginal children in each community targeted under the measure. This entails:

- an assessment of the health needs of each community targeted;
- the rollout of teams of volunteer doctors and other health professionals to conduct health assessments of Indigenous children aged up to 16 years of age;
- the promotion of child health checks to Indigenous communities;
- the establishment of teams of Drug and Alcohol workers to provide outreach support to families and communities affected by the withdrawal of alcohol;



- the development, management and coordination of the Department's contribution to the emergency response; and
- to provide clinical assessment and treatment to abused and traumatised children.
- The Department of Education, Science and Training will be provided with \$16 million to:
  - build teacher workforce capacity, by attracting and retaining experienced teachers;
  - provide 24 additional classrooms to accommodate anticipated demand at schools in the prescribed communities; and
  - strengthen curriculum offerings to ensure that children are engaged productively on returning to school and are gaining skills in literacy and numeracy.

The Department of Education, Science and Training will also be provided with \$6.4 million to deliver a breakfast and lunch programme to school aged children in schools in the targeted communities in the Northern Territory.

The balance of the amount in Appropriation (Northern Territory National Emergency Response) Bill (No. 1) relates to other minor measures associated with the response.

I commend the bill to the Senate.

APPROPRIATION (NORTHERN TERRITORY NATIONAL EMERGENCY RESPONSE) BILL (No. 2) 2007-2008

Appropriation (Northern Territory National Emergency Response) Bill (No. 2) provides additional funding to agencies for expenses in relation to grants to the Northern Territory, and capital funding.

The total additional appropriation being sought in this appropriation bill is \$85.3 million.

The major components of the bill include:

An additional \$14.5 million to the Department of Families, Community Services and Indigenous Affairs to provide grants for the employment of child protection workers in the Northern Territory, and the provision of safe places for families escaping domestic violence.

In addition, the Department of Families, Community Services and Indigenous Affairs will also be provided with an equity injection of \$34.3 million to address the short term accommodation requirements of Australian Government and other staff in support of the response.

Total capital funding of \$17.7 million is provided for Indigenous Business Australia, which includes funding of \$10.2 million to provide for an expansion of Outback Stores as well as provide support for existing community stores, in conjunction with welfare payments reform.

Finally, Centrelink will receive capital funding of \$14.3 million to enhance its information technology and service delivery capacity to implement welfare payments reform.

The remainder of the amount in Appropriation (Northern Territory National Emergency Response) Bill (No. 2) relates to other minor measures associated with the Response.

I commend the bill to the Senate.

**Senator CHRIS EVANS** (Western Australia—Leader of the Opposition in the Senate) (10.45 am)—I move in respect of the Social Security and Other Legislation Amendment (Welfare Payment Reform) Bill 2007, the Northern Territory National Emergency Response Bill and the Families, Community Services and Indigenous Affairs and Other Legislation Amendment (Northern Territory National Emergency Response and Other Measures) Bill 2007:

At the end of the motion, add

“but the Senate notes that:

- (a) the protection of children from harm and abuse is of paramount concern to all Australians;
- (b) the documented instances of child abuse within Indigenous communities in the Northern Territory are of such gravity as to require an urgent and comprehensive response to make safe children and the communities in which they live;
- (c) these legislative measures taken together represent a major challenge for

- Territorians and a change to current arrangements;
- (d) we will not succeed in our goal of protecting children without the support and leadership of Aboriginal people of the Northern Territory and therefore the Commonwealth must gain their trust, engage them and respect them throughout this emergency and beyond;
  - (e) the work of strong and effective Indigenous community members and organisations must continue to be supported during this emergency;
  - (f) it is important that temporary measures are replaced in time with permanent reforms that have the confidence and support of Territorians, and short-term measures aimed at ensuring the safety of children grow into long-term responses that create stronger communities that are free of violence and abuse;
  - (g) in the case of town camps, effective partnerships with lessors and negotiated outcomes should obviate the need for compulsory acquisition;
  - (h) stimulating economic development and more private sector partnerships will secure greater self-reliance;
  - (i) both levels of government must work in partnership and there must be political accountability at the highest level – the Prime Minister (Mr Howard) and the Minister for Families, Community Services and Indigenous Affairs (Mr Brough);
  - (j) program funding must hit the ground through evidence-based delivery and there must be a relentless focus on best-practice and rigorous evaluation by all parties set within specific time-frames; and
  - (k) practical measures must include:
    - (i) police keeping every community in the Territory safe, particularly children, women and elders,
    - (ii) safe houses that provide a safe place for women and children escaping family violence or abuse, built using the direction and leadership of local Indigenous women,
    - (iii) night patrols that provide important protection,
    - (iv) community law and justice groups that play an important role in the effective administration of justice,
    - (v) appropriate background checks for all people providing services in communities who work in proximity to children,
    - (vi) comprehensive coverage of child and maternal health services, essential to give children the best start,
    - (vii) comprehensive coverage of parenting and early development services for Indigenous parents and their babies,
    - (viii) an effective child protection system in the Northern Territory,
    - (ix) all children being enrolled and attending school and governments delivering teachers, classrooms, teacher housing and support services, such as Indigenous teacher assistants,
    - (x) investment in housing construction and maintenance to reduce the shortfall in Indigenous homes and infrastructure, and
    - (xi) reform of the Community Development and Employment Program, including transitioning participants who are employed in public sector work into proper public sector jobs and ensuring participants are not left without sufficient income or participation opportunities”.
- I rise to speak on behalf of the Labor opposition on this Northern Territory national emergency response package of bills. This amendment mirrors the second reading amendment moved in the House of Representatives by the shadow spokesperson, Jenny Macklin. All children are entitled to be

safe from violence and abuse in their homes and communities. All children are entitled to an innocent childhood. That is a responsibility of not only their parents but also the whole community.

The Prime Minister and the Minister for Families, Community Services and Indigenous Affairs announced details six weeks ago of the federal response to child abuse in the Northern Territory. From the start, Labor offered our in-principle bipartisan support and we were genuine in doing so. The current action initiated by the government was prompted by the release of a report entitled *Little children are sacred*, by Pat Anderson and Rex Wild, on the protection of Northern Territory Aboriginal children from sexual abuse. The report demands action and is the basis of Labor's in-principle support of the government initiatives.

Of course, this was not the first report to detail abuse faced by Indigenous children. It again highlights the need to ensure that Aboriginal children can be safe in their homes and communities. The fact that action should have been taken earlier in no way diminishes the need to act now. Nor is it diminished by the recognition that child abuse occurs in all communities, Indigenous and non-Indigenous. As a former shadow minister for Indigenous affairs, I consistently argued that governments of all political persuasions should have done much better by Indigenous Australians. We have all failed them. We must focus on practical outcomes for Indigenous people and abandon the ideologically driven policy debate that has dominated Australian politics. We cannot tolerate a situation where Aboriginal children are the subject of violence and abuse and where Aboriginal people experience levels of entrenched disadvantage almost unknown in non-Indigenous Australia. We all have to do better.

In framing this intervention, Labor was told by the government that they would put forward practical measures, both a short-term response and long-term solutions. Our in-principle support was given in good faith, despite our cynicism about the government's previous record. The manner in which this intervention was brought forth and some elements of the response package contribute to that concern, but Labor's response over the past six weeks has been to apply a simple test to the proposal put forward by the government: will it improve the safety and security of our children in a practical way? Labor was presented with this legislation, in excess of 500 pages, on Monday. It is not possible for us to respond to every aspect of it or to be sure of all the detail. However, Labor has applied the test that I outlined: will it improve the safety and security of children in a practical way? We have come to the conclusion that it will, and we will support it. That is not to say that we agree with every aspect of the bills. I have moved a second reading amendment which outlines the principles Labor believes should guide the intervention. I will also be moving a limited number of amendments to the legislation during the committee stage.

The process the minister has followed has, I think, treated the parliament and parliamentarians shabbily, but that is nothing compared to the disdain and disrespect that has been shown to Indigenous people. I am pleased that the government has agreed to a one-day inquiry by the Senate Standing Committee on Legal and Constitutional Affairs. It will not provide the level of scrutiny that such measures should enjoy, but it is better than no inquiry at all and, as I said in an earlier debate, Labor has accepted the urgency that drives such a timetable.

Input from Aboriginal people, and their ownership of measures in the communities, is essential to achieving long-term change in

Aboriginal Australia. That is one thing we have learned from the various policy experiments in Australia's history in dealing with Indigenous people. Labor believes an open dialogue with Indigenous people is critical. The first recommendation of the Anderson-Wild report noted:

It is critical that both governments commit to genuine consultation with Aboriginal people in designing initiatives for Aboriginal communities.

Nothing is more likely to undermine the worthy intentions of these measures than a failure to gain Indigenous support and confidence in the way forward. Clearly, yesterday was an indication that we have problems in that regard. Labor believes that we have to move forward with trust in a reciprocal partnership with Indigenous Australia.

Yesterday the Leader of the Opposition, Mr Rudd, in company with a number of our members, met with Indigenous leaders from Central and Northern Australia and listened to their views. However, we accept that, while consultation is vital, it must not serve as a substitute for action. We are absolutely committed to tackling, in partnership with Indigenous people, the disadvantage which faces so many of them. Indigenous children deserve the same life chances and the same opportunities for success as every other Australian child. All Australian parents must work towards providing the opportunities for Indigenous Australians that they want for their own children.

On the 40th anniversary of the 1967 referendum, a month or so prior to this intervention, the Leader of the Opposition, Mr Rudd, outlined Labor's commitment to Indigenous children. He outlined the need for new, national, bipartisan goals which are achievable, measurable and which fulfil the spirit of the referendum. He committed Labor to eliminating the 17-year gap in life expectancy between Indigenous and non-Indigenous

Australians within a generation, to at least halve the rate of Indigenous infant mortality among babies within a decade, to at least halve the mortality rate of Indigenous children aged five and under within a decade, and to at least halve the difference in the rate of Indigenous students at years 3, 5 and 7 who fail to meet reading, writing and numeracy benchmarks within 10 years. These are realistic, practical and achievable objectives to which we can all commit. They were underpinned by a \$260 million funding commitment, and we think we can get there.

A commitment to the rights of Indigenous Australians must ensure that those rights can be enjoyed in safety and security. There is an obligation on all governments to ensure the protection of the vulnerable. It is hard to imagine a more fundamental responsibility than the protection of children from violence and abuse. The Anderson-Wild report was right to recommend that addressing child abuse in Aboriginal communities be designated an issue of urgent national significance.

Between 2001-02 and 2005-06, there was a 78 per cent increase in the number of notifications of abuse or neglect received by the Northern Territory Department of Family and Children's Services, with an average growth in notifications of 14 per cent per year. Indigenous children in the Northern Territory are 4.8 times more likely than non-Indigenous children to be the subject of a substantiation report. But the substantiation rate for Indigenous children in the Northern Territory is the third lowest for the nation, despite a doubling of the rate to 15.2 substantiations per 1,000 children since 1999-2000.

The Anderson-Wild inquiry said that 'sexual abuse of Aboriginal children is common, widespread and grossly under-reported'. Non-reporting of abuse is common across

Australia, and the factors behind this are complex. But for reporting to take place, it is absolutely critical that there is someone to report to—and that is why we need visible and accessible policing. Child sexual abuse is a crime, and perpetrators must be punished with the full force of the law.

Labor supports the provision of additional police for the Northern Territory intervention and thanks the states who have seconded officers. However, we also need a long-term strategy to ensure that there are trained police in communities on a permanent basis, and Labor has committed to training an extra 500 AFP officers as a practical measure towards achieving that goal. The approach must also include an Indigenous recruitment strategy. Labor also supports the controls on the supply and possession of pornography in prescribed areas and measures intended to clean up publicly funded computers and employ filters to help to counter the flow of pornographic material.

Labor is strongly supportive of the measures to control the flow of alcohol into and around Aboriginal communities. Numerous reports have outlined the destructive influence of alcohol and the fact that it is a major contributing factor to family violence. Many Aboriginal communities have taken action to combat the pernicious effects of alcohol and have declared themselves dry communities, but we have to recognise that they have not received enough support from authorities for their initiatives. The measures in the legislation are necessary, particularly the targeting of grog runners, with higher penalties for offences that include intent to sell.

The link between adequate housing and child safety has also been comprehensively made. Overcrowded housing is directly linked to children's exposure to sexualised behaviour, family violence and vulnerability to abuse. Last year, in my capacity at the

time as shadow minister for Indigenous affairs, I visited the community of Wadeye, following reports of the breakdown of law and order in that town. Like any visitor, I was immediately struck and appalled by the housing conditions experienced by the people of that community. But I was particularly struck by what I was told by the doctor there, who told me that recently a child had died of rheumatic fever—a disease that has been all but eliminated in the Western world. It is a disease that I suffered from myself as a child.

When I asked him what would actually help to address the serious health concerns involving Indigenous children, I was shocked by his answer. He said, 'Improve the housing.' Usually, people who are working in a particular field argue for support for their own efforts. He did not ask for more doctors; he did not ask for more money for the health system; he actually asked for more housing. Not only is it at the core of sexual abuse and poverty; it is also at the core of the health problems. At the core of all the problems is the fact that if you have got 18 people living in a house, the poverty and the conditions that generates is causal to a whole range of the outcomes that we are concerned about. And that, of course, is replicated in many Indigenous communities.

The housing shortfall in the Northern Territory is well documented. Any additional resources that the Commonwealth will provide for remote housing through its changes to the Australian Remote Indigenous Accommodation Program are welcome, but we are concerned that the bulk of the additional money does not come on stream until next July. I think there is concern that the package seems to be focused on funding administrative measures rather than on the priorities.

The government's intervention plan to reform housing arrangements by establishing market based rents for public housing with

normalised tenancy requirements is welcome, provided they are accompanied by improved housing stock. Improvement of housing and infrastructure has been central to the government's argument for the necessity for five-year leases over townships in Aboriginal communities. It has argued that taking on the responsibility as the effective town landlord is necessary to quickly improve vital infrastructure in these communities and for better housing and improved economic development.

For many years, governments on both sides of politics have failed in this regard. As a result, temporary intervention is required to repair and improve infrastructure, and the temporary leases will facilitate the building and upgrading. However, Labor remains absolutely committed to land rights for Indigenous Australians. Our commitment has been rock solid for many years, and that commitment remains unchanged. We will not accept the undermining of Indigenous ownership of or title to land.

Proposed leases are limited to five years, unless terminated sooner. Rent is guaranteed by the legislation, and just terms compensation can be independently determined by a court. At the end of a lease, title will revert to communal title and to the control of the lands trust. Importantly, any major works or commercial development that will outlive the five-year lease will have to have the consent of the relevant land council. The Commonwealth has given a commitment to invest in housing and infrastructure, although we have not yet seen a lot of the detail. The Commonwealth will retain an interest in the buildings beyond the five-year lease only where the construction or major upgrade is undertaken with the consent of the land council. I am pleased to see that a lot of these measures are much more balanced than some of the original announcements.

The land council, of course, may only consent where they are satisfied that the traditional owners as a group consent and the affected Aboriginal communities or groups have been consulted. Further, grants of other leases beyond the five years, such as under existing provisions in section 19, must follow normal consultation and consent procedures. Labor will ensure that the rights of Aboriginal people to use the land in accordance with traditional purposes, as guaranteed by section 71 of the Aboriginal land rights act, are not affected by these five-year leases. This new lease process is, of course, untested. As such, it requires careful and sensitive handling by the Commonwealth, without which it could cause concern and confusion. However, we believe that a cooperative approach could deliver significant results.

Under the legislation, the federal minister will gain new powers with regard to town camps. The powers afforded to the minister place him in a position as if he were the Northern Territory minister. I reiterate the request made by the shadow minister that the minister, Mr Brough, detail to the parliament the guidelines he will follow in dealing with town camp leases. The minister should only act where leases have been determined to have been breached after due process in accordance with natural justice, and he should ensure that the assets are reserved for affordable homes for disadvantaged Aboriginal people.

A priority for Labor is to work with community members to improve community infrastructure. For that reason we are seeking an amendment to require a review after 12 months to assess progress in establishing infrastructure and housing in both towns and town camps. As I have indicated from the outset, Labor's test for dealing with this legislation is whether it improves the security and safety of children in a practical way. In the current form, we do not believe that all of

the proposed changes to the permit system satisfy that test. The President of the Northern Territory Police Association has indicated that the permit system provides police and communities with a way of excluding from communities drug and grog runners and people who may perpetrate violence and abuse.

Labor will move to oppose the removal of the permit system on roads and common areas in towns. We believe this removal will reduce the safety of children in these communities by allowing greater access to potentially undesirable people. That said, we recognise the need to allow greater access to certain people, and we will be moving substantive amendments in that regard, including an exemption for journalists. However, we do want to see people who are coming on to land under these exemptions having passed a Northern Territory Working with Children check.

Another significant element of the legislation before us deals with welfare reform to enable income management of welfare payments in certain circumstances. We generally support those measures. I will not go into the detail because we will do that in the committee stage, but we had already announced that we would apply income management for parents referred by state or territory child protection services, and it is pleasing to see that the government has picked up that approach. We have some concerns about how the school attendance regime will function, and we will explore those in the committee stages.

Labor's preference for welfare reform is to ensure that we encourage responsibility and reward positive behaviour. It is an argument which has been made by Noel Pearson, and one which I accept. The Cape York Institute's policy paper released in June outlined the sort of positive approach that Labor be-

lieves should apply to the income management regime. These types of policy measures should serve to encourage individual responsibility. The move from passive welfare will only be accomplished when individuals take responsibility for their future and for their children's future. I am concerned that there is not enough in this package to take us in that direction.

Finally, we believe that the Racial Discrimination Act is a very important piece of legislation which protects against racial discrimination by legislative, administrative or other means. Labor believes that these laws are special measures under the act. We believe the laws are designed to protect especially vulnerable Aboriginal children, to help rid Aboriginal communities of the scourge of alcohol abuse and to provide much needed infrastructure and housing improvements to remote Aboriginal communities. But the importance of this intervention also requires that the community has confidence in parliament's belief that these are in fact special measures to the benefit of Aboriginal people. We therefore believe it is unhelpful and unnecessary that there is a blanket exemption from part II of the Racial Discrimination Act, and Labor will move amendments to remove this exemption from the bills.

It is also most important in this debate to recognise that most Indigenous people care for their children in a supportive and loving way. Only a small percentage of Indigenous men are child abusers, but all feel hurt and besmirched by the current furor. In taking strong and decisive action to tackle child abuse in communities, we must acknowledge that the conditions of drug and alcohol abuse and the breakdown of order are the consequences of poverty and hopelessness. They are not the consequences of Aboriginal culture. We must encourage and support Indigenous leaders who have for years been calling

for support and resources to tackle these problems in their communities.

In closing, as I have indicated, the key test for Labor is: will this legislation improve the safety and security of our children in a practical way? Labor believes, on balance, that it will. We do not believe that the measures are perfect, but we do think they will make a start on tackling one of the great shames of Australian society. We believe that overriding all other considerations is the recognition that we all have a responsibility to ensure Indigenous children are protected from violence and abuse and that every Indigenous child gets a decent chance in life.

**Senator SIEWERT** (Western Australia) (11.05 am)—With the ramming through the parliament this week of what are arguably the biggest changes to the nature of our social security system, combined with a major transformation of our relationship with our first peoples that effectively winds the clock back to the days when the mission bosses oversaw every aspect of their day and their lives as wards of the state, this chamber and our democratic traditions have, I believe, reached a new and historic low point. History will not look kindly on these events, nor will the international community. This government are yet again riding roughshod over our democratic institutions. They are shamelessly manipulating the very serious and distressing issue of child sexual abuse and using and abusing the *Little children are sacred* report, which is the latest in a long line of reports on this issue which have put forward numerous positive solutions—only to gather dust on the ministers' shelves during a decade of inaction and funding cuts. They are using this report in an election year as an excuse to declare a crisis and ram through a series of sweeping and unrelated changes to land tenure, the permit system and the welfare system. They are making ideological changes that it has not been proven will have

outcomes on the issue we care about, which is child abuse.

I would like to quote one of the authors of the *Little children are sacred* report, Pat Anderson. She said:

There's not a single action that the Commonwealth has taken so far that ... corresponds with a single recommendation. There is no relationship between these emergency powers and what's in our report.

So please, let us not keep using the excuse of this report to justify what the government is doing.

These bills represent the most significant changes to the relationship between government and Indigenous peoples since the 1967 referendum. They are a deliberate and calculating move away from our efforts to build the capacity of Indigenous communities and return to complete central government control over every aspect of their lives. The amendments to the social security legislation taken together with the Welfare to Work legislation are reshaping the very basis of our welfare system, moving to a punitive and paternalistic system which is based much more on ideology than it is on any kind of evidence based policy of what we know helps people to turn their lives around, to get a job and an education and to lift themselves out of the poverty trap.

These three bills are clearly racist and discriminatory. The government explicitly seek to exempt these three bills from part II of the Racial Discrimination Act. The government also portray these measures as special measures under the act—but, if they are not, they have the get-out clause of: 'If they do not happen to be seen as special measures under the act then we will exempt everything in these acts from the Racial Discrimination Act anyway.' It is not enough to merely assert that the provisions of these bills should be regarded as special measures, which is the



same mistake, I might add, that the ALP seem to be making in their amendments to the act. To be special measures it needs to be demonstrated that these measures will clearly benefit Aboriginal people by materially tackling the problem of child abuse, that their sole purpose is for the advancement of Aboriginal people and the tackling of child abuse, that these measures are absolutely necessary to ensure the advancement of Aboriginal people and to protect Aboriginal children, and that these discriminatory measures will cease once their purpose has been achieved and the inequality in health, housing, education and child protection has been dealt with.

I do not believe that the government can prove that these measures are special measures. I do not believe that the Australian community will believe it and I certainly do not believe that the international community will believe it. I do not believe that they can prove that these measures are for the advancement of Aboriginal people. I cannot see how taking away Aboriginal people's rights and their control of land and expenditure and enforcing this punitive welfare reform system on them is advancing Aboriginal people in Australia. Really, what does it matter? The government have given themselves an out clause by exempting everything in the act from the Racial Discrimination Act.

There is no empirical link between the government's proposed measures in overturning communal land tenure, scrapping the permit system and instituting a paternalistic and punitive welfare system and any real-life experience in reducing the levels of child abuse. There is not a single case study anywhere in the world where one of these measures has been shown to be even moderately effective in improving child protection or improving the plight of indigenous peoples who are suffering from systemic poverty. These three bills do nothing to implement

practical and proven measures that are known to be effective in tackling child abuse. Indigenous communities have been neglected by governments for years, and this government is one of the worst offenders. This neglect has played its part in developing and maintaining the circumstances of poverty, overcrowding, lack of meaningful work and substance abuse, which are all contributors to an environment where children are not safe in the ways outlined in the *Little children are sacred* report. As a nation we must work to address the problems facing Indigenous communities, remote and urban, in the Northern Territory and around Australia. We must work to protect children from abuse and neglect but above all we must work to do this in ways that are proven to be effective.

The Australian Greens are strongly of the view that the government's top-down approach is fundamentally flawed. We are critical of the Howard-Brough crisis plan, which comes after 11 years of inaction and numerous reports, and attempts to superficially tackle complex issues in an election environment. To succeed in the long term it is absolutely essential to have genuine community engagement and ownership of programs and initiatives addressing child abuse and the causes of child abuse. Community consultation is the first recommendation of the *Little children are sacred* report. One of the key criticisms of the approach taken by the federal government is that they have failed to consult and failed to learn from the past. We want to see a more considered and comprehensive response and an evidence based policy that builds on existing knowledge of successful programs to deliver long-term solutions that strengthen and empower communities. We would willingly be part of an effort to develop and implement such a considered comprehensive response, which is why we are frustrated that the government is rushing

these measures through with no consultation, and which is why we have been working closely with Aboriginal organisations to support the plan by the Combined Aboriginal Organisations of the Northern Territory to tackle issues of child protection and poverty and to build real opportunities for individual and community development.

There already exist clear guidelines as to what governments, state and federal, should be doing to address child abuse in Indigenous communities. In the past few years there have been a large number of reports from across the country in addition to the *Little children are sacred* report which outline practical and proven measures to tackle this issue. The federal government's response ignores all of these recommendations.

We support the emergency response and development plan to protect Aboriginal children put forward by the Combined Aboriginal Organisations of the Northern Territory on 10 July 2007, which outlines a comprehensive two-phase approach. The Australian Greens have been calling on the federal government to reconsider its current intervention strategy and enter into partnership and dialogue with Aboriginal communities to deliver a comprehensive and considered proposal. Strategies and programs to address this issue must ensure child protection through safer communities, through adequate and appropriate policing and through more resources to support safe housing, night patrols, Aboriginal community police and community based family violence programs.

Obviously we need to address the most startling health statistics facing Aboriginal communities. Healthy kids and healthy families through increased resources and infrastructure and providing primary health and wellbeing services is the way to go. Urgent investment to reduce the gap in life expectancy and the rates of chronic disease within

a generation as part of a national Indigenous health strategy, with a commitment of \$500 million per year, is needed urgently and has been called for for years. Significant investment in programs to reduce alcohol and other substance abuse, which includes education and demand reduction strategies as well as rehabilitation and counselling services, are needed as part of a national strategy. Housing and infrastructure are essential. Sufficient housing to reduce overcrowding and increase child health and safety are essential. It has been estimated that in Australia \$2 billion to \$3 billion is needed to address this issue. Genuine employment opportunities providing community based health, education and welfare services as well as housing and infrastructure maintenance and construction are required.

We need to address health, education and training with the delivery of quality education for all Aboriginal children with a focus on early childhood development and with school attendance strategies that encourage family engagement. It is estimated, for example, that \$295 million is required for infrastructure, plus \$79 million a year, for all Aboriginal children in the Northern Territory to attend school. We need a partnership and governance approach to the way these issues are tackled and a human rights approach to partnering with communities and developing policies and programs to deliver safer communities as well as all the other issues that I have been talking about. We need financial management education and services and support for voluntary community based financial management initiatives, such as Tangentyere council's successful Centrepay scheme. The community has been asking for all these programs for years and it is a common-sense approach to tackling these issues. These are matters that the government is not addressing and which are vital to protecting

children and ensuring viable, functional communities.

The bills that we are addressing and considering today are so complex that, unfortunately, I can only touch on some of the issues that come out of them. One of the cornerstones of the government's approach is the compulsory acquisition of land through five-year leases. This is a blatant land grab with no direct relationship to protecting children. The government is legally and morally obliged to pay just compensation for acquiring Indigenous interests in land, yet the compensation provisions in the bills are confusing to say the least. I would hope the government is not attempting to pay anything less than just compensation, although it looks to me like it would rather be forcing Aboriginal people into courts to get what is rightfully theirs. The government has wanted control of Aboriginal land for a long time. Its agenda has been very clear with the changes last year to the Northern Territory land rights act. It is also, I believe, very annoyed that Tangentyere council has rejected its offer twice when it tried to bribe those communities with funding to give up their control of their land. The government does not like to be told no, and it did not like to be told no by Tangentyere. They won hard fought control over their land and they did not want to give it up. The government is being driven by an ideological agenda, not by an agenda of evidence based policy that shows that by taking control of that land it can deliver on addressing child abuse.

Similarly, the partial dismantling of the permit system contradicts the aims of this intervention. The police acknowledge that the permit system assists both them and the communities to enforce alcohol bans and regulates visitation to communities by outsiders. What is more, the permit system has a real economic benefit to communities, as was demonstrated in the Senate committee

inquiry into Indigenous art. How will dismantling the permit system help to keep out the grog runners, the carpetbaggers and the porn or stop outsiders coming in to abuse children? The return to paternalism is summed up in the provisions relating to the management of communities and the government's ownership of infrastructure. Again, the comprehensive way in which the government can take control of communities is extraordinary and the provisions allowing the minister to appoint observers to spy on communities are, I believe, obscene. We are also concerned that a law and order approach to banning alcohol in Aboriginal communities will prove ineffective and could increase the levels of violence and abuse, particularly if it is not backed up by comprehensive rehabilitation and counselling programs and is not part of a strategy that also tackles the problems in larger regional centres.

The prohibition on courts taking into consideration customary law in bail and sentencing is a denial of justice to Indigenous people and it imposes limits on relevant matters for the courts to consider. This is another example of the contempt this government shows not only to Indigenous people and their culture but also to our legal system. Along with the Welfare to Work legislation and the proposed income management regime, the Howard government years have seen a fundamental reordering of our welfare system away from a social rights and responsibilities model that aims to increase the capacity of those in receipt of welfare, to a punitive and disciplinary approach. There is compelling evidence that punitive approaches do not work.

The application of this scheme in the Northern Territory is blatantly racist. Not only is this scheme abhorrent to those of us who believe in the dignity of individuals but also we are concerned about how it will actually work and its unintended consequences.

At the same time that the government is introducing these compulsory measures it has failed to support community schemes to voluntarily set aside welfare moneys, like Tangentyere council's Centrepay scheme, which continues to cost the community hundreds of thousands of dollars to operate.

The social security changes for the broader community are also of deep concern to the Australian Greens. Apart from our opposition to the punitive welfare measures that strip dignity from vulnerable people, we are also concerned about the massive amount of resources that will be necessary to administer this scheme. When I asked how much this was going to cost, the government was not able to provide me with those answers yesterday. I am hoping during the debate that that will become clear, but I know, for example, that running Tangentyere's program in Alice Springs is costing them hundreds of thousands of dollars a year. These resources would be more effectively used to address the systematic issues in our society that cause people to require welfare and to put in place a more effective child protection and welfare system.

Unfortunately, there are so many issues associated with these five bills, two of them appropriation bills, that in this short time we can address only some of them. There are many issues that come out of the comprehensive changes that are made by these bills. Because of the shortened time for the committee process, on Friday we will again only touch on those. I am hoping that we can address more of them when we debate the legislation in Committee of the Whole.

These interventions have been condemned by Aboriginal organisations around Australia and by social justice and community organisations from around Australia. The Combined Aboriginal Organisations of the Northern Territory have also condemned this inter-

vention. These are the people who are living in the Northern Territory and on whom this punitive, racist and discriminatory legislation will be imposed. The civil society community have been meeting in Canberra over the last two days and they made this statement:

Everyone wants to see Australian children safe and protected but there is terrible potential for this legislation to further dispossess and disempower Indigenous Australians. It may well be saving children now only to condemn them to a future without their land, and without control over their own lives and the lives of their communities.

This statement by many community based organisations, including Aboriginal organisations, hits the nail on the head. The Greens will be opposing these bills. We believe that they will not achieve the intended outcome of addressing child abuse. They are thinly disguised, ideologically driven land grabs to take the control of land away from Aboriginal communities and to impose on Aboriginal communities punitive approaches to their issues. They are not backed up by evidence based policy. Numerous reports from 1996 on—if the government cared to read them—have proposed very strong alternative approaches. The government has cut funding to community care programs and to safe community programs.

**Senator Ian Macdonald**—What rubbish!

**Senator SIEWERT**—Go and read the details. Go and talk to people on the ground, like I have. Go and talk to communities about the fear they are facing at the moment of the approach the government is taking. Communities are scared. Women are scared that their children will be taken away from them.

I will go back to the point. The first recommendation of the *Little children are sacred* report was community consultation. Throughout its 97 recommendations the report, which I have taken the trouble to read extensively, mentions 'consultation' and

'working in partnership'. The report does not say, 'Take away people's land'; it says to work in partnership and consultation with Aboriginal communities to develop evidence based policy approaches. That is what is needed. Talk to the communities and learn what they have been doing, because they have been running very successful programs. But they have been running successful programs on short-term funding. They never know where the next dollar is coming from. The government has not been listening to the successful programs. They have been cutting funding and taking control away. (*Time expired*)

**Senator BARTLETT** (Queensland) (11.25 am)—This is very important legislation which deals with a very important issue. For many years, Indigenous Australians have been calling for strong community and government support to assist them and work with them to overcome some of the difficulties they face, and the Democrats have been supporting them in their calls for many years. I remind the Senate of a motion that I moved and that was passed by this chamber on 30 March 2006, which supported a call for all politicians to develop a national strategy in partnership with key stakeholders to address the issue of sexual assault on children. Of course, the Democrats welcome efforts to make a start to address the issue of sexual assaults on children and some of the wider issues affecting Indigenous people in Australia, which, again, I have spoken about and the Democrats have spoken about for years, reflecting the concerns of Indigenous people themselves. But there are two key points that need to be made.

Firstly, these strategies have to be done in partnership with key stakeholders, as every person in the Senate supported back in March last year. Secondly, it has to be emphasised that the sexual assault of children, child abuse and child neglect are widespread

problems in Australia. That has been recognised by the Minister for Families, Community Services and Indigenous Affairs and recognised by the Senate in motions passed by all parties. It is something that I have spoken about many times. Child abuse, including sexual assault, is a widespread problem nationally. It is, I believe, something that can be validly called a crisis. I believe that is a description that the minister himself has used. We should not use the fact that there is a particular emergency among some Aboriginal communities in the Territory as a reason to turn our minds away from that problem of child abuse in the wider community. It is very easy to look at another group and say: 'Look at them. They have real problems. There is something wrong with them. We might help them as a way of ignoring problems in our own backyards and in our own homes.' That is something we are still doing. The legislation before us deals with the Northern Territory predominantly and Aboriginal communities in particular, so I will focus on that, but let us not forget that child assault, child abuse and child neglect are very serious and widespread problems in the Australian community and that we need to recognise that and do more about it.

The vast majority of Aboriginal men are not child abusers. They, along with Indigenous women, do believe that little children are sacred. It should be noted that the title of the *Little children are sacred* report is a translation from an Aboriginal language in the Northern Territory. It was chosen by Pat Anderson and Rex Wild as the title because it was a message they continually got from Aboriginal people themselves. That was why they were making that call for help: because little children are sacred. It is absolutely crucial that we do everything we can to take the politics out of this debate. The continuing politicisation of this debate is very distressing and completely unacceptable. Frankly, I

believe that to date the debate has been conducted in a way that is completely dishonest. I am not talking about the debate in this chamber thus far—although we have already had some contributions earlier this morning in relation to the cut-off motion that I think were very dishonest and, frankly, happy to use Aboriginal children as political footballs. But the wider public debate and the political debate have been grossly dishonest.

We have this totally false paradigm set up where supposedly you either completely support everything the government is doing—and support it now, without question and straightaway—or you support the paedophiles. There is no middle ground according to that paradigm, which many in the government and some of their supporters are trying to set up. I totally reject that paradigm. I am prepared to wear those continuing smears, and we heard them again from Senator Abetz this morning, that suggest that anybody who wants to even examine this legislation before us is preventing children from being protected. I will say it once more: if the government throughout this debate can point to a single measure in any of these pieces of legislation that is essential now to protect a child from harm tomorrow then we will support it now. Chop this debate off, bring that part on now and we will support it straightaway. The government has not done that. It has not at any stage identified any components of this legislation whose passage today would save a child from being harmed tomorrow. All of the measures that deal with immediate intervention for a child at immediate risk can happen, and are happening, regardless of this legislation. Police can still intervene, and are intervening. The child protection process in the Territory and elsewhere is still operational. It is certainly far from perfect—it is very much flawed—but the suggestion that holding up this legislation at all means that a child who would otherwise

be protected will not be is simply not true. It is dishonest. It is a smear. It totally distorts what is too important a debate to resort to that sort of rubbish.

The legislation has many components to it. Whilst I have been and will remain critical, firstly, of the government's attitude and process to date and, secondly, of some measures in the bill, it is simply ridiculous to say that the bills are 100 per cent bad and completely without merit. There are measures in here which, as far as I have been able to examine them to date, appear to me to be clearly beneficial. There are other measures which appear to me to be certainly without any linkage to child protection. There are other measures which appear to be retrograde and which potentially will make things worse. There are others, frankly, which we need more time to examine. From my point of view and the Democrats point of view, it appears that we will get a grossly inadequate, farcical one-day Senate committee process on Friday. We will still make efforts later on today to allow a proper process. We will use that grossly inadequate, farcical process to try to get more information to properly inform ourselves. We will use the committee stage of the debate next week in this chamber to get more information and to explore ways to make this work better.

We will make our assessment at the end of the debate. That is what we should do. That is our job. Frankly, it would be a dereliction of duty—which seems to be enthusiastically encouraged by the government—to abrogate our responsibilities and not examine this legislation, not listen to people and just bulldoze it all through without even taking the time to turn our minds to it. I am not going to do that. I was elected by the people of Queensland to do my job—that is, to properly examine what is put before us unless a clear-cut case can be made that there is a matter of absolute urgency that needs to be progressed

straightaway. The government have not made that case. They have not even attempted to make that case. All they do is respond with generalised smears towards anybody who criticises them or even raises a question. It is a time-honoured tactic going back many decades, and probably many centuries, where people who simply raise questions or seek to apply some reason and common sense to what is going on get slagged off and attacked because they are not just giving 100 per cent acquiescence. It comes back to the old cliché that to reason is treason. That is the line applied to people who seek to question whatever the government does. That is the Senate's role, and it is certainly the Democrats role. We do that not just because of our role here in the Senate but because that is our responsibility, I believe, with respect to Indigenous Australians. They are going to be the subject of all this.

We need to recognise in this debate that there is not a single Indigenous voice in this chamber. There is not a single Indigenous voice in the House of Representatives. We are here talking about what we are going to do to them, and they are not even going to have a chance to tell us what they think. That is a disgrace. Let me also make it clear that that is just one small example of a long legacy of the same thing happening. It is one part, of many, of why situations of disadvantage continue in such an entrenched way. You do not deal with the consequences of disempowerment, which is what this legislation and the wider intervention is about, by further disempowering people. There is no greater, more clear-cut way of disempowering people than just saying: 'Shut up. Out of the way. We know what we're doing. We're going to do this to you. It's for your own good.' That is the overall take-home message of this. I heard the Prime Minister on television last night saying: 'Look, everybody knows what's happening because we've been

talking about it for five weeks and this is just legislation to implement it.' That is simply not true.

**Senator Ian Macdonald**—It is five years that we've been talking about it.

**Senator BARTLETT**—If you have been talking about it for five years then you have not done very much, and now you want to stop us taking even two weeks to look at it properly. It is the typical, bizarre reverse logic that the government apply to everything. It is five weeks since the government announced their intervention—probably closer to six now. I was in the Territory just last week talking to as many people as I could over the course of that week. The vast majority of them do not know what is happening. There have been lots of statements made, lots of media releases, lots of comments to camera and lots of impassioned statements. That is good; it is an issue that deserves passion. But it also deserves reason and it also requires listening; and we have not had that. As the National Director of Australians for Native Title and Reconciliation, Gary Highland, said in a release yesterday—and nobody doubts the minister's sincerity; the minister's problem is not that he does not care—his problem is that he does not listen. I think that could be applied even more so to some others in the government.

This is not about the government, it is not about the opposition and it is not about the minor parties. How about we all just accept that we have all failed? We heard in Minister Abetz's contribution earlier on today that somehow or other everything is always everybody else's fault. The government has been in power for 11 years, but is it still everybody else's fault—it is the Territory's fault, the states' fault, ATSIC's fault, Indigenous people's fault, the Democrats' fault, the Greens' fault, Labor's fault. We should all share some responsibility for this and that is

what we should be doing in working together on this in partnership. Instead, all we get is the same old cheap shots. And now we have Senator Ian Macdonald on the government benches playing that role. Forget it. I am not interested. I am interested in trying to get the best outcome for Indigenous people.

Let me quote from Noel Pearson, who wrote in the *Australian* on 23 June:

Howard and Brough will make a historic mistake if they are contemptuous of the role that a proper and modern articulation of Aboriginal law must play in the social reconstruction of indigenous societies.

He also stated:

Aboriginal law, properly understood, is not the problem, it is the solution.

I see part of my role and the Democrats' role here is to do what we can to make sure that Mr Howard, Mr Brough and the government, and we here collectively in the parliament, do not make a historic mistake. We have already made plenty of them, frankly, as a nation and as a parliament. People who refuse to even endeavour to examine what we are doing here to make sure we do not make that mistake, are culpable in its perpetration.

There are a range of measures in this legislation and, as I said before, they vary in the merit that is applied. It has to be emphasised that there are measures here that are essential and important, and need to be implemented properly. But it is a package and the package should be examined properly and fully. The Democrats have extreme problems with the abolition of the permit system. We have this bizarre logic from the minister that, because the permit system is in place and child abuse exists, therefore the permit system has not stopped child abuse. It is ludicrous, bizarre—

**Senator Ian Macdonald**—That is not what he said.

**Senator BARTLETT**—It is totally what he said.

**Senator Ian Macdonald**—It is not what he said.

**Senator BARTLETT**—It is absolutely what he said. I listened to him. I have read him. I open my ears; I do not just spout rhetorical drivel like you do. He has said it repeatedly and continually. We have this bizarre linkage. Where is the linkage? Show me a single piece of evidence that says that the permit system has actually contributed to the perpetration of child abuse or that it has contributed to preventing economic development. That is all we are asking. Forget all of your politics, your ideological obsessions and your symbolism. We need to talk about practical outcomes here. We need practical outcomes, not ideological obsessions, symbolism and politics, which is what too much of this debate has been about. There has been too much of it from all sides, I might say, but particularly from the government side. They have no interest in the practical outcomes; it is all about the symbolism, the grand statements and the ideology.

Let us see some evidence. Where is the evidence that demonstrates that the permit system in any way contributes to child abuse? There are many communities in the Northern Territory, let alone communities in Western Australia and Queensland, that do not have a permit system. I have seen not a single statement that says that child abuse is worse in communities that have a permit system than those that do not. Nor is there any evidence that says that economic development in many of those communities in the Territory that do not have a permit system is somehow better than it is in those that do. Show us the evidence. Why is that so hard? I can tell you that we have some evidence to the contrary. And it is not from your bleeding hearts, the Democrats, the Greens or people whom the government like to smear so much. It is from the Northern Territory Police—people on the ground who are actually



at the coalface who say the permit system assists them. Let us see some evidence to counter that.

Instead, the government are insisting that this is going to be bulldozed through and they are not going to let anybody have a say to tell us what the facts are. 'We do not want to hear.' That is the government's attitude. That is just simply not good enough on an issue that everybody keeps saying is so important and so urgent. Why is it so important that you cannot even take the time to listen, look at the facts and examine what the practical consequences and the reality will be? Why do we get all the froth, bubble and smoke that floats around Parliament House continuously?

The issue of the government taking over Aboriginal land with five-year leases is something, again, about which the Democrats want to see some evidence that it will actually contribute to addressing the situation. The previous speakers have already spoken about the problem with excluding the legislation from the Racial Discrimination Act.

I also have to emphasise an even more recent and sudden decision from the government to abolish Community Development Employment Projects in the Northern Territory—and without warning. That is one of those measures where, again, we have to say, 'It really depends on what you replace it with.' Many people have pointed out problems with CDEP, Democrats included, but you do not solve a problem by completely abolishing something and not replacing it with something better. We need concrete details, concrete resourcing and concrete commitment. Hopefully, through the process of this debate, we will actually get a more clear-cut commitment from the government and the opposition that indicates their genuine bona fides to see this through in the long

term rather than just the short-term politics that too many of them seem to be playing.

But there are other measures that, to me, seem to be beneficial. That does not mean that they cannot be improved, were the government to actually provide the Senate with the opportunity to examine them, which they seem absolutely determined to prevent us from doing. The measures to do with alcohol restrictions are important. Of course, we should not pretend that there have not already been significant alcohol restrictions in place in the Territory, but enabling those to work more effectively is important. I would nonetheless emphasise, once again, the words of Noel Pearson:

... plan to tackle grog and to provide policing is correct. However, the plan needs to be amended so that there is a concerted strategy to build indigenous social and cultural ownership ...

Why won't the government even listen to people like Noel Pearson? They are happy to listen to the parts he says that support their argument, but they do not listen to the parts he says that suggest improvements or amendments.

Another measure is the welfare component. Let me emphasise that there are significant parts of the welfare bill here that do not just deal with the Northern Territory; they deal with the entire Australian community. That is something I think most people are not aware of yet. The Democrats support the need to look at using welfare measures to assist. I have spoken a number of times in support of the intent of what is being proposed in Cape York, but what is being proposed here is not what is being proposed in Cape York. Again, to quote Noel Pearson:

... the ... plan needs to be amended so responsible behaviour is encouraged. Responsible people shouldn't just be lumped in with irresponsible people.

Yet that is what the government is doing. Every single Aboriginal person, regardless of their behaviour, in every designated Aboriginal community in the Territory will have their welfare payments quarantined. That needs to be amended—so say the Democrats, so says Noel Pearson—but the government does not want any amendment and will smear anybody who even suggests that there should be one by saying we are supporting the paedophiles. That is how pathetic the debate has been to date from the government. Let us hope it can improve its standards, because this issue is too important to get down in the gutter about. The Democrats will rise above that; we urge the government to do the same. (*Time expired*)

**Senator IAN MACDONALD** (Queensland) (11.46 am)—This bundle of legislation constitutes perhaps the most important legislation that any of us in this chamber have ever been called upon to address. About six weeks ago a report entitled *Little children are sacred*, commissioned by the Northern Territory government, was released. It confirmed what the Australian government and, indeed, many of us have been saying for years and years and years. It told us in the clearest possible terms that child sexual abuse amongst Aboriginal children in the Northern Territory is serious, widespread and often unreported and that there is a strong association between alcohol abuse and sexual abuse of children.

We in this chamber have thought about it. I regret to say one of our former colleagues in this chamber is up on child assault charges. I am not for a moment suggesting that he is guilty—that is a matter that still has to be determined by the court—but certainly the allegation has brought that matter very clearly home to most of us in this Senate. There is clear evidence that the Northern Territory government was not able to protect Aboriginal children adequately, and it was

for that reason that the Howard government decided that now is the time to stop talking and to intervene and declare an emergency situation and use the territories powers available under the Constitution to make laws for the Northern Territory.

As a result, we are providing extra police, which will stem the flood of alcohol, drugs and pornography. We will be assessing the health situation of children, engaging local people in improving living conditions and offering more employment opportunities and activities for young people. We aim to limit the amount of cash available for alcohol, drugs and gambling during the emergency period and to make a strong link between welfare payments and school attendance. We have been able to do some things immediately without legislation. The Northern Territory Emergency Response Taskforce has been established, led by magistrate Dr Sue Gordon, and a group of very distinguished and dedicated Australians are involved in that task force. We have begun to provide extra Federal Police and to make communities safe. The states have committed to provide police and the Australian government has agreed to cover costs.

We have started to take action, which has been lamentably absent over the past 10 to 20 years. I get angry, very angry, when I hear the likes of the previous two speakers berating the government for moving now on this issue. We are being told by the previous two speakers that we should sit down and have some more consultation, we should have a lot more talks, we should form committees, we should keep thinking about it. What we have been doing for the last 20 years is talking about it, talking about it, talking about it. At last we have a government that is going to take some action, not just keep talking about it, which is what the two previous speakers seem to be suggesting we should do.

My parents used to tell me that back in the old days—this was even before my time—Aboriginal stockmen in the Northern Territory and Northern Queensland were reputed to be amongst the best stockmen in the world. They were highly regarded, they were happily employed—not at full rates, I have to say—they were not involved in grog and pornography and gambling and they did their work and did it well. Some of the money that they were paid was taken from them by their employers, who are now berated as ‘horrible’—and every term that can be thought of by the bleeding hearts. But they used to take out some of their pay before it went to the stockmen, and that was used to feed and clothe the women and the children who lived at the stations in safety. It used to help educate the children in a very basic way.

Then we had Mr Whitlam and that Labor government that we would like to forget come in and say: ‘It is contrary to human rights that this should happen. These people can’t be paid a lesser wage’—and I understand it was not much less—‘so they will get paid the full wage.’ As a result, employment of Aboriginal stockmen over a period of time disappeared and a lot of the problems that we now see in Indigenous communities started at that time.

I am delighted to see that the Labor Party is on board on this, because I remember a few years ago the Queensland government of the time—I think then advised by a Mr Kevin Rudd—refused an application by a Cape York Aboriginal community to get state government backing for their decision to ban alcohol in their community. I will not be definitive about the name; I think it was Aurukun, but if it was not Aurukun, it was one of those up on the western side of Cape York.

The women of the community got together and decided they should ban alcohol in that community. The Queensland govern-

ment of the day—which, as I said, was, I think, advised by Kevin Rudd—refused to back the local community, saying it was the right of everyone in Queensland to drink as much grog as they wanted and the Queensland government was not going to be part of a measure that might withdraw someone’s human rights. It did not matter that the kids were being belted; it did not matter that the kids were being sexually abused; it did not matter that the women were being assaulted every payday night. The Queensland government was more interested in the latte chattering classes idea that it was better to give them their human rights to have free access to alcohol than to worry about the welfare of the children.

Fortunately, the Howard government and Mal Brough have now had the intestinal fortitude to act. They are copping abuse from the likes of the previous two speakers, who have imputed to them all the improper motives, but they have had the courage and fortitude to go ahead with it. Already, 500 health checks have been conducted on Aboriginal children under 16. Not surprisingly, some cases have been referred to child protection authorities and the results of some initial tests have been referred for further testing for sexually transmitted diseases. This is an encouraging start, but Aboriginal children in the Northern Territory will never be safe and healthy without fundamental changes to the things that make communities dangerous and unhealthy places.

With no work in these communities, there is no hope of getting a job. Many Aboriginal people in these communities rely on passive welfare. Currently, there are too few jobs in the communities. Land tenure arrangements work against developing a real economy. Senator Bartlett talks about pinching their land, but that is simply a deliberate untruth.

**Senator Bartlett**—Mr Acting Deputy President, on a point of order: I know the ex-minister is incapable of listening to other speakers, but he should not totally misrepresent me and mislead the Senate by falsely attributing to me a statement I did not make.

**The ACTING DEPUTY PRESIDENT (Senator Sandy Macdonald)**—Senator Ian Macdonald, I understand that you said Senator Bartlett had described something as a deliberate untruth. That is unparliamentary and I would ask you to withdraw it.

**Senator IAN MACDONALD**—I have already lost two minutes of my time, so I will withdraw it so that we will not have an argument about that particular ruling. I withdraw it unreservedly—if that is what I said. I am not quite sure—

**Senator Conroy**—I heard you say it.

**Senator IAN MACDONALD**—Oh, did you? Okay. But the allegations that we were taking—

*Senator Bartlett interjecting—*

**Senator IAN MACDONALD**—Didn't you say it was a land grab?

**Senator Bartlett**—No, it wasn't me.

**Senator IAN MACDONALD**—Oh, it was not you? I apologise. I could have sworn that you said those words or words along those lines. Many people have accused the minister of involving himself in a land grab, but that is simply not the truth. Yet the likes of those who have spoken before me continue to promote that type of misconception. Obviously, access to Indigenous lands has been an issue—and Senator Bartlett, in his speech, would have you think that the system has been completely abolished. You might like to know, Senator Bartlett, that 99.8 per cent of Aboriginal land in the Northern Territory will have the permit system left in place. Can I repeat that for you: 99.8 per cent of Aboriginal land in the Northern Territory

will have the permit system in place. But in the larger public towns and the road corridors that connect them, permits will no longer be required. Why? Because closed towns mean less public scrutiny, so the situation has been allowed to get worse and worse. Normally, where situations come to light that are terrible—things like the child abuse that is occurring in the Northern Territory—solutions are pursued relentlessly by the media. But closed towns have made it easier for abuse and dysfunction to stay hidden. Closed towns also prevent the free flow of visitors and tourists that can help to stimulate economic opportunities and job creation. We do not hear from the Democrats or the Greens any solutions on how to create jobs and economic opportunities in these communities.

The living conditions in some of these communities are just appalling. Senator Bartlett says he has been to the Northern Territory—as if that is something unusual and great that needs to be talked about. Most of us on this side of the chamber have been going to Aboriginal communities for a great number of years and we have seen some of the poor conditions. Mind you, we have seen some communities that are very well managed, but the living conditions in many of them are just appalling. We cannot allow the improvements that have to occur to the physical state of these places to be delayed by more red tape, more discussions, more committees, more meetings and people with vested interests who want to keep things as they are. This is an emergency, and I am delighted that the government has taken action.

While we are talking about visiting Indigenous communities, I heard the Leader of the Opposition in this place berating Senator Heffernan earlier. Senator Heffernan does not need me to defend him, but he is one of the senators in this place who has a deep, serious and ongoing concern for the welfare

of children generally and Indigenous children in particular. I have the privilege of being on the Northern Australia Land and Water Taskforce, which is chaired very well by Senator Heffernan. In just the last couple of weeks we have visited Indigenous communities to see what we might be able to do in the long term—looking out 40 or 50 years—to improve opportunities in Northern Australia generally. We recognise that most of the land in Northern Australia is owned by Indigenous people and, quite clearly, Indigenous people have to be part of the solutions that we have there. On this task force there are three Indigenous leaders, all of whom are doing a fabulous job on the task force and in their communities as well.

Senator Heffernan has a deep, abiding and sometimes overwhelming interest in the welfare of young people and particularly of Indigenous young people. We have been to Mataranka and Elsie Station, where we have seen an Indigenous group considering how to create those opportunities and how to make their land available not just to Indigenous people but to non-Indigenous Australians who might need finance to have a mortgage. This Indigenous community is doing that—still held up a bit by Northern Territory laws—but we want to see ways in which we can assist them. I want to reject out of hand the diatribe from Senator Evans on Senator Heffernan's determination to see a solution to this and many other problems that confront young people. The problems are well known to us; we have to do something about them.

When it comes to a choice between a person's right to drink and a child's right to be safe there should be no question about which path we take, and the government has no uncertainty as to what is right. We must dry up the lethal rivers of grog, and this series of bills will enable the government to introduce a general ban on people having, selling,

transporting and drinking alcohol in prescribed areas. At the same time our measures will apply tougher penalties to people who are benefiting from supplying and selling alcohol to these communities. This bill will require people across the Northern Territory to show photographic identification, have their addresses recorded and be required to declare where the alcohol is going to be consumed if they want to buy a substantial amount of takeaway alcohol. This requirement is an impost but it is a small impost on Territorians during the emergency period and it will be their contribution to solving this long-running problem.

In addition, these bills allow for a requirement to undertake regular audits of publicly funded computers and to provide the results of those audits to the Australian Crime Commission. Failure to undertake the audits will be an offence, and the Australian Crime Commission will be able to use the results of an audit or may pass them on to a relevant law enforcement agency where investigations show a possible criminal offence of pornography or distribution of pornography exists.

These bills also provide for the Australian government to acquire five-year leases over townships on land rights act land—they are five-year leases, for Senator Bartlett's information—and also over community living areas and certain other areas. These leases will give the government the unconditional access to land and assets required to facilitate the early repair of buildings and infrastructure. The area of land for the five-year leases is minuscule compared with the amount of Aboriginal land in the Northern Territory. It is less than 0.1 per cent—I will repeat that for Senator Bartlett: less than 0.1 per cent—and there are no prospects for mining in any of the locations where leases are taken. This is not a 'land grab' as some have tried to portray it. It is only a temporary lease, and just

compensation will be paid for the period. We are not after a commercial windfall because there is none to be had. It must be stressed as well that any native title in respect of the leased land is suspended but is not extinguished, and that is very important.

The Australian government will be able to exercise the powers of the Northern Territory government to forfeit or resume certain leases known as town camps during the five-year period. The poor living conditions in these camps have made many of them places of despair and tragedy, and Alice Springs has been described as the 'murder capital of Australia'. It is the Australian government's policy that these camps should be treated as normal suburbs: they should have the same level of infrastructure and level of service that all other Australians expect. Second best is no longer good enough, and, with respect to the Northern Territory government, these camps have been treated as second best for a long time. The Northern Territory government have said that they are not going to resume or forfeit the town camp leases; they have again walked away from their responsibilities for Indigenous citizens of the Territory. That is why these bills provide the Australian government with the ability to do what the Northern Territory government have quite shamefully refused to do.

The bills provide for government business managers, provide new rules for bail and sentencing and provide a rather innovative approach to community stores so that providing poor quality food, which is a major contributor to poor health in Indigenous communities, can no longer occur—there are quite serious provisions about that.

In the income management welfare reform the Australian government is going to change the way welfare payments are made to people living in prescribed communities in the Northern Territory. Under the changes 50 per

cent of income support payments and family assistance payments will be quarantined to ensure priority needs such as food and housing are met. The reforms will help stem the flow of cash going towards substance abuse and gambling and ensure that moneys meant for the children's welfare are actually used for that purpose—and who could complain about that?

After 30 years of inactivity we as Australians are at last doing something concrete and positive to address a problem we have all known about but we have never had the fortitude to deal with because we have always been accused of bullyboy stuff and of land grabs. We have been accused of not consulting enough. Heavens, we have been consulting for the last 10 years and nothing has happened, and yet the Democrats and the Greens would want us to consult for another 10 years. It is time for action, and I am delighted to say these bills do that. The bills will be scrutinised by the Senate Standing Committee on Legal and Constitutional Affairs and this chamber, and I certainly endorse them and urge their adoption.

**Senator STEPHENS** (New South Wales—Parliamentary Secretary to the Leader of the Opposition) (12.07 pm)—I listened with great interest to Senator Ian Macdonald's contribution to the debate and appreciate that he summarised many of the important measures that are in this suite of legislation. We all know why we are here. This is a very significant package of legislation that, for us, is a response to a decision to confront a situation that has been going on in the country for a long time. From many of the previous speakers we have heard about the litany of reports that preceded the *Little children are sacred* report. I do not know how many people in this chamber have read that report, but it would reduce you to tears to read it. The issue we have to confront is that we can talk about the fact that action has

not been taken sooner, but that does not lessen the imperative to act now, and nor is the fact that child abuse occurs in all communities a reason for us to sit on our hands in the face of this report and the many other reports that have been presented to the parliament over the years.

Labor's in-principle support was given six weeks ago and, as we heard then and we continue to say, it was given in good faith. We were told by the government that it would bring forward practical measures—both a short-term response and long-term solutions—that would address the cycle of abuse going on in these communities. Given the government's track record, there were some concerns, but we gave the government the benefit of the doubt and waited to see what form these measures would take. In our response to the Social Security and Other Legislation Amendment (Welfare Payment Reform) Bill 2007 and related legislation we need to remember that there has been a failure both of responsibility and of trust in relation to Indigenous communities in Australia. We also need to remember that children cannot and certainly should not be considered separately from their families and the broader communities in which they live, so long-term workable solutions for these children must involve measures to address the underlying issues affecting the situations that they are living with. Addiction, substance abuse, employment, health and housing all have to be part of the longer term solution. Without addressing these issues, any measures that we are talking about that are about keeping children safe will be piecemeal and, frankly, destined to fail. Professor Fiona Stanley said only last week:

... you can't protect the children without supporting and involving their community.

That is the real issue that has been articulated in many of the contributions to the debate so far. This is not an issue about gabfests and

long-term consultation processes. There is a lack of respect in the way in which this legislation has been brought forward; it is a disrespect of Aboriginal communities and Aboriginal families, who should be involved in the solutions that are being developed to address the issues that were raised in the *Little children are sacred* report.

Labor is very clear that any measures that we take now to rebuild the capacity of these communities will help them to be sustainable in the future and will provide some opportunities in the long term for these children to actively participate in Australian society. We want to make sure that these and any measures taken to protect vulnerable children are effective, and I am very concerned that the way in which this legislation has been introduced might actually prevent the measures from working as well as they could.

I have absolutely no doubt that Minister Brough's heart is in the right place with these measures and that we share the aim of protecting these children and giving them a better future, but I am very concerned about the way that he and the Howard government have gone about addressing these issues. Minister Brough, as you know, has been an Army man. When he announced his intervention strategy on the day before we rose in June, 'stabilise', 'normalise' and 'exit' were his words—classic tactics that he has applied to this task. Those tactics might be appropriate on the battlefield, but this is not a battlefield; this is a protracted and complex problem that requires a comprehensive response. We are dealing with people whose emotional and cultural wellbeing is just as important as their physical wellbeing, and these are children and communities that have been let down systematically by the Australian government and by Australian society over a long period of time. These children belong to communities which, in some cases, have been profoundly broken.

Mr Brough said in his second reading speech that the aim of this legislation is 'to build sustainable, healthy approaches in the long term'. To do this requires us to focus on building the capacity of these communities to manage their own affairs and to contribute to Australian society. The Aboriginal and Torres Strait Islander Social Justice Commissioner, Tom Calma, has said that we do not just need to stop the violence from occurring; we need to 'prevent it from re-occurring'. There needs to be greater emphasis on preventative measures. He said:

The real obstacles to ending violence are insufficient professional and support staff, resources and basic infrastructure ...

Tackling alcohol abuse, sexual abuse, drug abuse and violence against children and women in these communities requires access to services that currently are just not there. This package of legislation has to address this fundamental issue. We need to consult with those affected by these changes. We need to listen to what Indigenous people have to say and provide them with the opportunities to be involved in the decision-making processes around setting up services that are going to address the issues. We need to demonstrate greater respect for the people that this package concerns. We also need to respect the genuine concern of all Australians to see that the abuses are stopped, that education is enhanced and that our Aboriginal children are given the same opportunities as others for a rewarding and fulfilling life and a capacity to make a broader contribution to society.

The lack of detail on the government's measures provided until the very last minute has caused genuine fear and concern in Indigenous communities, many of which understandably fail to see the connection between child sexual abuse and, for example, the removal of the permit systems. The consultation that is required involves paying

attention to the research and the recommendations already available from Indigenous people.

This intervention is a missed opportunity to implement the recommendations of the *Little children are sacred* report. Senator Siewert was very passionate in her concern about that. The report emphasised:

It is critical that both governments commit to genuine consultation with Aboriginal people in designing initiatives for Aboriginal communities.

When I say this, I am really echoing what Mick Dodson and Tom Calma have said. You cannot have sustainable solutions without involving the communities. When consultation takes place, you end up with measures that work on the ground. You end up with provisions that seem to be missing from this intervention, such as language and cultural training for police officers and soldiers or consultation that enables us to take into consideration relationships between kin and country for Indigenous people—an understanding which seems to be manifestly lacking in the language of this government.

The government does not have a good record of consulting or engaging with Indigenous communities. We heard all about that in the report evaluating the COAG trials and the shared responsibility agreements that have never worked. Labor is committed to prioritising questions of Indigenous wellbeing in a much more consultative way—moving forward, as Jenny Macklin said yesterday, with trust and a reciprocal partnership with Indigenous Australians.

In relation to the social security amendments and quarantining of welfare payments that are part of this package, this legislation establishes a national income management regime applying to people on welfare payments and those whose children are deemed to be at risk of abuse or who are not enrolled in or are not attending school. It applies to all



people on welfare payments in designated areas of the Northern Territory, but there is a broader application to parents on welfare across Australia. Under this income management regime, people falling within these categories are going to have part or all of their payments held in an income management account, the purpose of which will be to pay for basic needs. We understand that this is a way of making sure that welfare payments go towards those they are intended to help, towards feeding children and making sure that they are clothed and cared for so that they can get to school and be engaged and develop the skills they need. But reciprocal obligations are important and there are longstanding and deep-seated problems in the relationship between Indigenous and non-Indigenous communities in Australia. These have to do with the long history of dispossession suffered by Indigenous Australians and what we have to acknowledge have been some haphazard and often damaging attempts by Australian governments to involve, assimilate or coerce Indigenous peoples into Australian society. One of the real issues that the Aboriginal people who came here yesterday wanted to make sure was put on the record was that this should not be about making people lose their Aboriginality and live as white people.

Whole communities are not punished in our society for what only some people have done, and yet that is really what it seems will happen under this legislation. The jury is still out as to whether this kind of welfare quarantining is effective in reducing disadvantage. That is why it is important to have a statutory review of the provisions, and we certainly need to think about the implications of this legislation for the wider Australian community.

Mutual responsibility will only work as a policy if it is actually that—mutual. Both sides need to take responsibility, and that

includes government. It is incumbent upon the government to consult, to listen, to earn the trust of Indigenous communities and to make good on the promises to provide employment and economic development as well as health services, education and community safety initiatives that it has committed to in this package but which have to be delivered sustainably over the long term.

More broadly, there are significant concerns about the working of this legislation. For example, the National Welfare Rights Network has expressed its concern that Aboriginal parents in the Northern Territory will lose their right to appeal against a Centrelink decision to take over the management of their welfare payment. Their argument is that the right to appeal has always been a fundamental protection for social security recipients against what they might refer to as bureaucratic neglect and error. They are concerned that this sets a very dangerous precedent for us all and strips away protection for an entire group of Australians, based solely on where they live.

On the 40th anniversary of the 1967 referendum, Kevin Rudd spoke about Labor's commitment to Indigenous children. I know that several other people have referred to his speech and how significant his commitment is. He spoke about the importance of having achievable, measurable goals to address Indigenous advantage. He gave Labor's support to the Cape York Institute model because it is inclusive, it has been thought through and it is consultative. We support the model because it shows that tough policy decisions and consultations do not have to be mutually exclusive. As a result of that 1967 referendum, we are all Australian citizens. With that comes a responsibility to be involved in the community, to vote, to work, to abide by the law and to bring up our children so that they can participate too. A measure to encourage such participation is needed, but it

needs to be aimed to involve and not to punish, to include and not to ostracise. The aim of this policy should be social inclusion and helping people to participate in the community. To do that, we need to boost support services as much as we need to quarantine welfare payments. We need more early intervention programs to deal with alcohol abuse, drugs, gambling and violence. We need to be careful that this legislation is not unnecessarily punitive.

We certainly need to ensure that there are rights of appeal and rights of review. There needs to be a statutory review of both the township leases and the welfare quarantining, especially in the Northern Territory. It is our responsibility not just to make the grand gesture, the ones that make those in power look tough; we need to be there for the long term and make sure that the measures we put in place work. It is in that spirit of taking responsibility for ensuring the long-term safety of these children, and the long-term sustainability of their communities, that we ask the government to support Labor's amendments during the committee stage.

I want to touch on the issue of the transitional payments to make up the difference between CDEP earnings and income support payments, and the phasing-out of the Community Development Employment Projects. This is useful but it is not enough. Many people have expressed serious concerns about the impact on communities that the transition from CDEP to Newstart will have within nine months, by 1 July 2008, and how quickly that process, which was to be a managed process, has now really gone out of the window.

I will give an example of how this intervention is being carried out. Organisations running CDEPs in the Northern Territory have received letters from Indigenous coordination centres amending the conditions of

their funding to include a condition that they must comply and cooperate with all directions given by the government's to-be-appointed administrator, and they have been given 20 days to sign their contract or lose their funding. These are not measures that will empower communities. They usurp, rather than strengthen, Indigenous governance structures.

Community organisations currently working under CDEP will now have to engage in a competitive tendering process for Work for the Dole programs or will have to engage in STEP. Of course, they may not be successful in winning those tenders. Another provider, perhaps one from interstate, may be successful. I refer, for example, to Mission Australia and WorkVentures, who are doing fantastic work around Australia. But if an interstate provider wins those tenders it will lead to the disempowerment of local communities to engage in developing solutions. Fundamentally, it draws moneys that would otherwise be invested in the community to support local community activities out to these organisations that do not belong in the communities.

The 2006 changes to CDEP provided incentives to move people from the program into enterprises. Firstly, we have no idea how many enterprises were successfully established and, secondly, we have no idea how many of those enterprises have actually been sustainable, even over 12 months. There is no information about how effective this measure, or any other transition to employment measure, has been. This is critical to the ongoing sustainability of these communities.

A Cape York Institute report highlighted the importance of creating an economic base for Indigenous communities, but there is little evidence in the legislation that that has been thought through very well at all. So

there is little confidence that this emergency response will address the fundamental issue of economic independence. The legislation aims primarily to protect Indigenous children from abuse and neglect. We are all in agreement that the protection of children is a fundamental obligation of government, especially as we have seen in the report, and, as Jenny Macklin said yesterday, when their vulnerability has been so laid bare.

For this reason, Labor are providing our in-principle support for these measures, and we continue to support them, but we do have reservations. We need to focus not on punishing these communities but on building their capacity to take responsibility, on empowering them and not disempowering them. We welcome action on this most important question, but we want to be able to act in partnership with Indigenous people, in consultation with them. We do not want to repeat the mistakes of the past. This time, we need to listen very carefully.

With respect to Senator Bartlett's contribution this morning, I note that he is a passionate supporter of Indigenous communities and of addressing the disadvantage of those communities. We are all in this boat together, and we all have a responsibility to address this issue now.

Debate interrupted.

#### **DISTINGUISHED VISITORS**

**The ACTING DEPUTY PRESIDENT (Senator Sandy Macdonald)**—Order! I draw the attention of honourable senators to the presence in the President's gallery of the Hon. Lawrence Gonzi, Prime Minister of Malta. I welcome you, Sir, and trust that your visit is informative and enjoyable.

**Honourable senators**—Hear, hear!

#### **SOCIAL SECURITY AND OTHER LEGISLATION AMENDMENT (WELFARE PAYMENT REFORM) BILL 2007**

#### **NORTHERN TERRITORY NATIONAL EMERGENCY RESPONSE BILL 2007 FAMILIES, COMMUNITY SERVICES AND INDIGENOUS AFFAIRS AND OTHER LEGISLATION AMENDMENT (NORTHERN TERRITORY NATIONAL EMERGENCY RESPONSE AND OTHER MEASURES) BILL 2007**

#### **APPROPRIATION (NORTHERN TERRITORY NATIONAL EMERGENCY RESPONSE) BILL (No. 1) 2007-2008**

#### **APPROPRIATION (NORTHERN TERRITORY NATIONAL EMERGENCY RESPONSE) BILL (No. 2) 2007-2008**

#### **Second Reading**

Debate resumed.

**Senator ALLISON** (Victoria—Leader of the Australian Democrats) (12.27 pm)—I say at the outset that the Democrats abhor the sexual abuse of children. We want something done about it, and we want it done urgently. We wanted it done urgently last year, and the year before that, and 10 years before that. That is the point I want to make today: this is not a crisis which has arisen in the last five minutes or even in the last six months. And it is not a crisis about which the Commonwealth knew nothing. It is an ongoing neglect of a problem which has been around for a very long time.

By all accounts, action is being taken. Doctors, nurses and Army personnel have moved into Aboriginal communities, and that is not a bad thing. It is appropriate for children to be examined and for medical assistance to be provided where necessary. It is appropriate to turn so many dysfunctional

communities into places which are safe for children, for women, for those who have been subject to abuse in the past, and to turn the situation around.

The legislation that we are dealing with today—the Social Security and Other Legislation Amendment (Welfare Payment Reform) Bill 2007 and related bills—as well as for the rest of this week and next week, is part of the government's response to the *Little children are sacred* report by Pat Anderson and Rex Wild QC. It is just one report in a very long line of reports that have been presented to this government. I have lost count of the reports, on various websites, that outline the horrible abuse that has been taking place in these communities.

Like so many others, the Anderson and Wild report is nuanced. It is wise. It demonstrates a deep understanding of the complexity of abuse in communities that have suffered for a very long time from the processes of colonisation: processes such as land grabs, stolen children and the fundamental lack of respect and racism from the dominant white culture in this country. But their report did not call for a declaration of war. It did not call for the Army and the police to be sent in in the first instance. It did not call for the jackboot approach to this problem, with all of those reminders of domination and crisis. The report called for a thoughtful, consultative process that stood some chance of achieving meaningful short-, medium- and long-term change.

I have listened to the debate so far, and I have not heard anybody say that there is no need for change. No-one is questioning the need to act. The plight of Indigenous children and the dysfunctional communities are a national disgrace. They are an international disgrace. Countries around the world point to the way in which we have failed Indigenous communities, and they have pointed to the fact that they are akin to the Third World in

every possible imaginable way. So, whether we are talking about poverty, housing, health status or educational or economic status, our Indigenous community has a problem of huge dimensions, and it has had for a very long time.

Living standards are appalling. Many in this chamber will have been into many Aboriginal communities in the course of our work on inquiries into health or education in Indigenous communities. So we are reasonably well informed on this issue, I would argue. We have been to and seen the worst of them. And we have seen some good ones as well. I am not suggesting that every Aboriginal community is dysfunctional. Many are not. Some are fantastic, and they provide models that should be adopted elsewhere. But it is hard work that gets them there, and we need to find out how to achieve that for those communities that have not got there.

I have been particularly interested in some of the health issues that go with the poverty associated with many Aboriginal communities. Typically, on going into one of these communities—to a school, for instance—I ask about the rate of scabies infection amongst children. The usual response is, 'Somewhere between 70 and 80 per cent of our kids will have scabies.' I remind the Senate that scabies is a Third World disease. It is a mite that gets under the skin and causes insufferable itching and pain and has long-term effects on the major organs of the body. It is probably responsible for a lot of the very early deaths that we see in Aboriginal communities. And guess what? It is actually easy to fix. There is an ointment which you can rub on a scabies infection which pretty much eliminates it.

We went to a school on Elcho Island. I am not sure, Senator McLucas, whether you were on this delegation, but I will never forget it. I asked the principal, 'How many of

your children have scabies?’ The answer was, ‘Five per cent at the most.’ I asked, ‘How do you do it?’ and he said: ‘We close down the school twice every semester’—it might have been for one or two days; I forget the details exactly—‘and we go out into the community with the clinic, with the teachers, with the kids and with the families, and we make sure that anyone with any sign of scabies receives the ointment treatment. The dogs are cleaned up. The bed linen is cleaned up. We do this on a regular basis in order to keep that rate down.’ In other places, I have been told: ‘That is impossible. We can’t do anything about it. It is not a problem that can be solved.’ And we have taken no notice of that. We have not used the best examples and said, ‘This is what we should do to avoid the problem.’

Otitis media is another infection which causes children to become deaf, which makes it impossible for them to learn in school. It is why they wander off. It is one of the reasons that they are often not there at school; they cannot hear. That is because of a simple infection that we have eliminated in our society, but we apparently cannot find the wherewithal to go out and do it in Indigenous communities. We have heard about petrol sniffing. The exploitation of children in petrol sniffing is a dreadful blight on our society, in my view. It is the same with alcohol abuse. Why is there so much alcohol up in the Northern Territory? It is because a lot of people are making big profits from it. So there are things that we can do, and we are long overdue in introducing the policies and the actions that would improve the wellbeing of our Indigenous populations.

The *Little children are sacred* report joins a long line of reports that found evidence of child sexual abuse in every one of the 45 communities visited in the Northern Territory. The report identified poor health, alcohol and drug abuse, unemployment, poor

education and housing, and disempowerment as contributing to the violence. Housing is critical. Even on Elcho Island, we were told that there were 18 to 20 people in every single household. To keep such an environment clean and healthy, much less provide meals on the table for people, is obviously an absurd proposition. If we do not solve the housing problems then we are never going to get to the child abuse problems, the health problems or all of the other problems that arise in these communities, where overcrowding just makes life impossible. Imagine your own house with 18 people in it. It does not bear thinking about, especially as these houses are quite small.

The Prime Minister was right when he said that anyone who had read the report would be horrified by that level of abuse. And, yes, people have been horrified by all the reports that they have shown that level of abuse. Everyone wants to save children from abuse, whether they are Indigenous or not. So it is good in many ways that the government, in coming out in the way that it has, has finally highlighted the appalling reality for many Aboriginal people. That situation, as I said, is not new, and many reports previous to the *Little children are sacred* report have made similarly shocking findings and called for similar urgent action.

Aboriginal women were calling on governments to address violence back in the mid-1980s in investigations commissioned by the Commonwealth and the state governments. The 1988 report of the rape of a 17-month-old Aboriginal child in a Cape York community exposed the widespread nature of child abuse in Indigenous communities. A task force was established, comprising 50 Aboriginal and Torres Strait Islander women who consulted widely and who produced a report with 123 recommendations across nine areas. I ask the government: what happened to those recommendations? How is it

that it is almost two decades later and they appear not to have been picked up or acted upon?

Again in 2003, Indigenous family violence was placed on the agenda following an impassioned plea by Mick Dodson, Chair of the ANU Institute for Indigenous Australia. The Prime Minister convened a summit with 15 Indigenous leaders to discuss the issue and identify a way forward. One of the proposals put to this summit was the need for a national Indigenous children's wellbeing and development task force. What happened to that task force? Who knows? But that task force would have included representation from all governments and from Indigenous organisations. The proposed goal of this task force was to develop a package of measures to reverse the overrepresentation of Indigenous children in child protection and their underrepresentation in early childhood and other essential health and education services.

In 2004 the Council of Australian Governments agreed on a national framework on Indigenous family violence and child protection, which had six principles: safety, partnerships, support, strong resilient families, local solutions and the need to address the cause. Alice Springs Crown Prosecutor Nanette Rogers released a report last year describing a culture of violence and abuse of women and children. In response, Minister Mal Brough called for an urgent summit with the leaders of the states and territories to draft a national plan to eliminate this violence. An Intergovernmental Summit on Violence and Child Abuse in Indigenous Communities, involving ministers from the Australian government and all states and territories, was held in June 2006. So what happened to the outcomes of that summit? Yet another summit; yet another talkfest—where are the results from it?

The promise of \$130 million from the federal government on the condition the states and territories matched the dollars was focused on law and order. There is a report from the Child Sexual Assault Working Party, which contained representation from FaCS, the former Department of Families and Community Services, which outlines a coordinated response to child sexual assault in the Top End. I seek leave to table this report so we can get it on the record as one of the many reports into this issue.

Leave granted.

**Senator ALLISON**—As I said, FaCS was involved in this working party and outlined a coordinated response on children in the Top End. But all of that was forgotten when it came to the announcement that suddenly we must do something—the minister claimed the Northern Territory had not acted so it was time for the Prime Minister to step in.

The latest report, *Little children are sacred*, contains many recommendations on what action needs to be taken—in fact I think there were 97 recommendations altogether, only two of which the Prime Minister mentioned in his announcement, and they were: schools providing food programs and boarding schools. Neither of those appear to be in the legislation we are dealing with here, and they seem to have dropped off the agenda. So none of the recommendations has been picked up in the way that they were presented in that report.

So there is information out there and it has been out there for a long time. We do not need more talk; we need to act on the basis of evidence and the best possible advice. That is why people are questioning what the government is doing. At the present time there is no suggestion that the input of Indigenous people will be taken seriously in all of this. Why is the government taking this particular action right now and why is it tak-

ing the action at all? What does the work permit system have to do with child abuse? What do the five-year leases have to do with protecting Aboriginal children? The government has not adequately answered those questions. This leaves people to assume that there must be another motive; that this is yet another excuse to attack Indigenous people and to take away some of their very hard fought-for rights. They are not peripheral questions. The government's motivation shapes the action it takes and will affect the community's response to government actions.

How can it not be seen as a headline-grabbing, election-year fix designed to wedge Labor when these problems have been known about by governments for years? Aboriginal leaders and many others have been asking for action over the entire life of the government. I ask the minister to explain, when he gets a chance, just why it has taken so long. And why is the government's intervention flying in the face of the comprehensive approach recommended by the very report that has finally prompted the government to act after more than a decade of neglect? Pat Anderson, the co-author of the *Little children are sacred* report, has been reported as saying:

There is no relationship between all these emergency powers and what is in our report.

And that they:

... feel betrayed, disappointed, hurt and angry - pretty pissed off all at the same time.

The government's record of throwing children into refugee detention centres suggests that the government's concern about the wellbeing of young people in general is very recent. Child abuse is a difficult area for policy intervention wherever it occurs. Remoteness and the greater relative scale of these issues in Indigenous communities are additional barriers for policy intervention. But

vulnerable children should not be used as a political tool, and legislation that contains ideologically inspired measures unrelated to the protection of children increases cynicism and undermines any good that might come from government action.

Many people are asking: what is the logic in the proposal to remove the permit system whereby Aboriginal leaders decide who can come onto their land? Surely that will only enable non-Indigenous paedophiles to have easier access to Aboriginal children. Yet we understand that non-Indigenous paedophiles are a significant part of the problem.

Our children deserve our best efforts. The principles and strategies for effective action are known and the evidence for what will work is available. But there does have to be change, and that will only happen if Aboriginal people are listened to, respected and fully involved in the planning and the strategy. So rather than sending in the Army and the police—they are surely part of the action—we need long-term commitment so that we do not again walk away from Indigenous communities after a talkfest or after that initial assault. We need to have that commitment and it needs to be clear that that is what the government is about. The last thing that should happen is that after the next election we drop all of this and another report in a couple of years time finds that nothing has improved.

Debate interrupted.

#### **MATTERS OF PUBLIC INTEREST**

**The ACTING DEPUTY PRESIDENT (Senator Hutchins)**—Order! It being 12.45 pm, I call on matters of public interest.

#### **Local Government**

**Senator BOSWELL** (Queensland—Leader of The Nationals in the Senate) (12.45 pm)—I wish to raise today an important matter of public interest that is of con-

cern to so many Queenslanders. The forced amalgamation of local councils in Queensland from 156 to 72 is causing great angst in most of the communities affected. Premier Beattie's Labor government is acting as though drunk with power and simply shutting down the viability and local identity of many Queensland communities. The decentralised nature of the state means that Queenslanders beyond Brisbane have a strong and enduring attachment to their local institutions, social and business networks and self-governance. They are fiercely independent and self-reliant and are demanding a say in their own future. Premier Beattie has rammed through the local government amalgamations in state parliament, so I do not ever want to hear anyone from Labor stand up in this place and accuse the government of rushing legislation through.

The Queensland Premier is so out of touch and arrogant that he is reported in this morning's *Courier-Mail* as declaring that he could govern Queensland for another century if he wanted. That is the most extraordinary statement. It would have done Stalin proud. The federal government has restored the right of any Queensland council to express their opinion and to run a plebiscite on the amalgamation if it wishes. The Premier says it will not stop the involuntary amalgamations. The point is that people will get a say. Just like we provided them with a say on the Traveston dam issue, the federal government is letting the people speak because Premier Beattie has denied them this basic democratic right.

Unlike the Queensland Premier, I want to hear what Queenslanders are saying. Since the announcement of federal funding for the referenda, Queenslanders have been saying plenty. The Redcliffe mayor, Allan Sutherland, says his city wants the plebiscite. Councillor Sutherland says that he and other councillors are pushing a wheelbarrow to

state parliament today filled with 22,000 signatures on an anti-amalgamation petition. Councillor Allan Sutherland told Brisbane ABC radio this morning:

You know, when we were walking across the highway this morning, there's our big glowing city sign in full light—Redcliffe, first settlement city. Well it won't be, it won't be a city, and I'm just so upset that the government are hell-bent on pushing this through.

He says the City of Redcliffe will take up the Prime Minister's offer to pay for a plebiscite, saying:

All of the councillors are on the phone last night saying bring it on, absolutely. And I notice that there's still the threat of the fine, no matter what, even if the federal government are paying for it. Well I'll write out my cheque now. I just want the people of Redcliffe to have their say. And I do think that's what the government is scared of.

The ABC also reported that Noosa residents who are fighting the amalgamation of the shire say they are disappointed with the federal opposition leader's response to forced council reforms. Kevin Rudd, who is a former Sunshine Coast resident, has called for Beattie to make any amalgamations voluntary. He placed ads in Queensland newspapers calling on Beattie to change his mind, but to no effect. So much for federal Labor getting things done with state Labor. What a divided mess! Friends of Noosa spokesman, Bob Ansett, told ABC radio that Mr Rudd's lack of intervention is likely to lead to a backlash against Labor from local voters. He said:

It's been very disappointing because I think initially he seemed to think that there was certainly an argument for some of the councils anyway to avoid the amalgamation process. I suspect that there's going to be a real backlash against the opposition, the Labor Party, in the federal election coming up in a few months.

The new seat of Flynn is one which will suffer greatly if the forced amalgamations go through. The number of councils in the Flynn



division will be slashed from 28 to nine whole councils. The whole state of Queensland will be represented by more state members—89—than local shires, of which there will be 73. Brisbane radio 4BC reported that Aramac mayor, Gary Peoples, believes many councils will take up the offer. Councillor Gary Peoples said:

There's a lot of people across Queensland would like to voice their opinion on it, and I think ... it would be their right to let them have their say.

The Premier said this morning that his initial legal advice is that the federal government does not have a head of power to do the referenda. He threatened that it could end up in the courts and that there may be an injunction of some kind sought. As the Redcliffe councillors said, 'Bring it on.' Bring it on, Premier, and see where you end up by challenging the rights of Australian citizens to express their opinion. Every Australian citizen has a right to conduct their own public affairs. Is the Premier of Queensland really going to go to court and argue against that? Is he going to jail local mayors? You could forgive Queenslanders for thinking that Premier Beattie cares more about the rights of Dr Haneef than about them.

If Premier Beattie fights in the courts to deny hundreds of thousands of Queenslanders a voice, he will not govern Queensland for the next century; he will not last till Christmas. If he goes down that track, he will be hounded from office and will take the federal Labor Party with him. At the Nationals' Federal Council last weekend, we passed the following resolution:

That this Federal Council of the Nationals calls upon the federal government to provide sufficient immediate federal funding to enable Queensland local councils to: (a) conduct a referendum within the boundaries of their existing council on the decision by the Beattie government to destroy their local council; (b) allow local elected councillors to prepare a case of objections to show

how the draconian boundary changes do not work for local communities.

The Nationals were listening and we acted promptly to address the concerns of Queenslanders. Within days, the Prime Minister announced that the Australian Electoral Commission would conduct these plebiscites free of charge to those councils that wished to take up the offer. This move has great support in Queensland. An independent market facts survey taken following the announcement of changed boundaries found that 58.9 per cent of respondents wanted a local referendum regardless of cost. The survey found that 60.5 per cent said that community identity would suffer under the changes, with 59.6 per cent expecting a lower quality of council service.

The other ramifications, which have not really surfaced yet, are that the transition committees to set up the new councils are stacked with union members. It looks like local council employees will no longer exist as such. The Queensland local government minister has said that they will ensure that council workforces are considered as local government employees and not constitutional corporations. Does that mean that they will come under a statutory authority that would just be part of a recruitment drive for the AWU? The federal Leader of the Opposition appears to be happy about supporting the AEC process, according to comments made as recently as this morning, but will he have the power to stop Premier Beattie challenging that basic democratic right?

#### **NAIDOC Week: Geraldton Celebrations**

**Senator WEBBER** (Western Australia) (12.54 pm)—We have recently returned from the winter recess, and a lot of us enjoyed the time back home in our electorates. One event I was particularly pleased to take part in was a ceremony in Geraldton as part of NAIDOC Week celebrations. I congratu-

late the RSL in Geraldton, which hosted and organised a special dawn service at the commencement of NAIDOC week to place on record their recognition of the Indigenous men and women who died serving our country. I thought that was particularly moving from a community that, as Senator Ellison knows, is sometimes, though not always, seen as being a bit more conservative than other communities in our home state. It was particularly moving that they acknowledged the important contribution that their local Indigenous community has made in serving our nation in overseas conflicts. I want to place on record my appreciation of that event and say that, although it was quite cold at 6 am in Geraldton in the middle of winter, it was a real honour to attend.

#### **Military Justice**

**Senator MARK BISHOP** (Western Australia) (12.56 pm)—I thank Senator Webber for making that significant contribution concerning a most important event and I wholeheartedly support the comments she made.

Today I will return to a topic on which I have made some contributions in recent years and make some comments concerning reforms to military justice since the tabling of a landmark report by the Senate Foreign Affairs, Defence and Trade References Committee in 2005. I want to give a status report—a wrap speech, if you like—as to where government efforts to reform military justice are to date.

By way of introduction, I think there are two elements to the summary that would be worth while putting on the public record. The first is the progress of the systemic reform to military justice that was recommended by the committee and, in some ways, accepted by the government in its response. The second, and more important, is the outcome of those changes and any identi-

fiable or observable evidence of success in the last 12 or 18 months.

Much of the systemic reform is now in place, judging from the six-monthly reports provided to the Senate committee. A significant weakness in the system found by that committee was the then inadequacy of service police. Nowhere has this been more evident than in the unfortunate death of Private Kovco. The investigation there was simply incompetent and it continues to have repercussions, from an equally poor board of inquiry through to the likely New South Wales Coroner's inquiry. Following a tri-service audit conducted by Ernst and Young, a plan is being put into action. The new provost marshal has been appointed, along with 140 staff, including qualified investigators who will be appointed as part of this new single entity.

We are also advised that new arrangements are being made for seconding civilian police, along with new arrangements for enhanced training of the same. A new position of Director of Military Prosecutions has been created and recently filled. It is not independent of the military, as the committee preferred in its recommendations, but it is certainly an improvement on the previous, much compromised arrangement. Resources for the Director of Military Prosecutions have also been provided. There is associated training for staff and awareness building of the DMP's new capacity.

At the peak of this organisational pyramid is the newly created Australian Military Court. Our reservations on the independence of that have already been expressed. Its effectiveness will need to be monitored as insurance that it is not compromised and is legally effective. Further legislation for trial procedures, including trial by jury and appeal rights, has been foreshadowed but the

amending bill has not yet, as I understand it, been introduced into the parliament.

Below this level of investigation and judgement, there is an equally critical level of grievance process and resolution. That is where the committee found the system of military justice to be most unsatisfactory. Key defects that were identified were lack of transparency, lack of independence and conflicts of interest. We are told that new guidelines have addressed these shortcomings and that new redress of grievance management and procedures have been put into place. It is also pleasing to note that the backlog of grievances has been whittled down significantly but, in that context, it would be preferable to have an independent evaluation to see how far the committee's most serious misgivings have been remedied.

It is also noted that the position of Inspector-General of the ADF has been established as a statutory position. I trust that this will eliminate former suspicions of compromise, which pervaded much of the military justice system. Indeed, the office of inspector-general has been the subject of its own controversy—for instance, in investigations of alleged substandard maintenance on HMAS *Westralia* before the 1998 fatal fire and also the controversy over independence of view concerning the dismissal of AVM Criss. In my mind, these issues were never satisfactorily resolved.

Boards of inquiry were also a feature of the committee's recommendations, particularly with respect to legal representation of persons affected. This now appears to have become standard practice, although the operation of the boards themselves seems to remain controversial. I mention this in connection to the board of inquiry into the death of Private Kovco, because its own findings were disowned by the Chief of the Defence Force and the Kovco family. Contrast that

with the appointment of a civilian to head the inquiry into the fatal crash of the Black Hawk helicopter. That appears to have intervened in a meaningful way to challenge the time-honoured practice of secrecy. By contrast, the recent Sea King and Kovco inquiries are not encouraging examples—but they are, it must be said, in some respects legacy matters.

This same provision for civilian appointments to inquiries also applies to investigations of suicides, which at one stage were a serious and almost out-of-control problem. Fortunately, of late there have been no suicides to test the new arrangements for a mandatory commission of inquiry. That in itself is a pleasing indicator of progress. That such a commission would be comprised of a civilian with legal experience lines up with the committee's express recommendations and preferences.

If there is one message from that Senate committee report, it is that defence inquiries had to cease being so protective of process and evidence. That is why the committee strongly recommended a civilian system of review and adjudication. The ADF had to cease, in this respect, being a law unto itself. It also had to obey modern demands of accountability and transparency. This is a deep cultural issue where the mystique and secrecy of military justice were and are preserved but at the cost of all the shortcomings that were identified by the committee. So, as with the operation of the grievance system, the operation of boards of inquiry needs to be kept under review.

There are two final matters worth mentioning with regard to the review of military justice to date. The first is that the government suggested that a review should be conducted every two years. The first of these is due towards the end of this year. I trust this will be done promptly and by an independent

agent, free from compromise or the suggestion of compromise. I look forward to the completion of that process.

The final matter I want to mention in relation to the six-monthly report from Defence concerns suicides. The review of training establishments—which is a euphemism for a review into bullying and harassment—conducted by Mr Andrew Podger may have been a bit of a whitewash in terms of its management speak. Of course, it found no evidence of those stressors which lead to suicide but, almost in contradiction, it asserted that there was a long way to go in cultural terms in changing attitudes. As mentioned, the fact there have been no suicides in recent times is salutary. Perhaps this call is too early to make, but the CDF's determination to fix this problem appears to have been successful. The feedback seems to be positive, as does the PR effort accompanying the campaign to stamp out bullying. That is welcome and I trust we will hear no more of that issue.

This leads me, however, to the matter of cultural change. This has been stressed many times as being critical to changing the face of military justice. It is regrettable that there have been some instances where attitudes remain combative. The case of Trooper Lawrence is one which has been discussed privately by the foreign affairs, defence and trade committee. Frankly, our concerns remain extant. Questions put on notice at the last Senate estimates remain unanswered. Defence was fined almost half a million dollars for a breach of its OH&S responsibilities in this matter, yet there is not a skerrick of contrition.

The finding of culpability by the Northern Territory coroner—with which the judgement of the Federal Court was consistent—appears to be irrelevant to Defence. Defence continues to dodge acknowledgement of

wrongdoing or mistake, even to the extent of contradicting the coroner and the Federal Court as to culpability. These perhaps isolated instances of legacy cases do not augur well for the future of necessary cultural change.

Closely associated with reform of the military justice system is a range of cases seeking compensation for past, serious breaches. Adverse publicity associated with a number of those has been such that settlement flowed quickly once the political button was pushed. The cases of AVM Criss, Lt Commander Fahy, and Mrs Susan Campbell are three in particular. They were fought vehemently and, it must be said in the final analysis, pointlessly by the Defence lawyers. The application for ex-gratia payments to the grieving parents of young suicide victims is still being fought by the Howard government. They should have been settled sensitively and responsibly long ago. Sadly, those words do not exist within Defence's legal lexicon.

Many cases are not successful, despite the apparent merits. Here I mention the case of Ms Kellie Wiggins. She alleged sexual harassment, as did Lt Commander Fahy and, no doubt, many others. For many aggrieved ex-service personnel—and perhaps current serving personnel—sexual harassment remains a serious issue. Looking on from the outside, it appears that some major areas of Defence remain sexist environments. I refer to the recent controversy on the recruitment campaign featuring buxom caricatures of women, representing presumably the image desired by the ADF. Let me quote a response to this campaign by people blogging to my website:

As a young adult I joined up—what a huge shock it was to find that all the positive reinforcement I had been taught about equality throughout my life stopped at the door of the ADF. The subtle innuendo of sexual harassment was ever-present but

you also knew that to tell meant upping the sly and very often degrading comments. I wasn't so naive as to expect to be treated like one of the guys but I was appalled at what myself and other young women were actually subjected to. Yes I did leave at the first opportunity with my self-esteem still in tact but totally disillusioned in regard to equality in the armed forces. So I am not at all surprised with this latest recruitment campaign, that's exactly how you are made to feel. In fact it's a very honest portrayal of army life.

There are several more comments of equal import. I think I can speak for many members of the Standing Committee on Foreign Affairs, Defence and Trade who retain an interest in this subject. The real test of the outcomes from the government's response to the committee's report will be seen in reported behaviour since. There have been several good and positive indications of committed reform. Equally, though, there are risks and some signs of recidivism. Some cases being reported, including two recent reports of rape and sexual harassment, pre-date the committee report.

In summary, while much change has been made to institutional structures and processes, theoretically for the better, evidence to date does not disclose the same constancy of complaint as existed previously. In that context, to be fair, there are legacy cases from the past. These tend to colour my judgement because they do not go away. They are not resolved and this continues to be of concern. By far the largest risk, however, is that attitudinal change might be slower than we would like. This is the inference from the Podger review. Certainly the shilly-shallying in response to the committee's interest in the case of Trooper Lawrence confirms that concern. The watching brief of the committee, therefore, remains quite important.

#### **Local Government**

**Senator IAN MACDONALD** (Queensland) (1.07 pm)—Today I want to speak on

a matter of very great public importance—that is, to lament the passing of democracy in Queensland. The actions of Premier Beattie and the state Labor government in their approach to council amalgamations—which are, in fact, constitutional matters dealing with government and how people have a say in their own future—have been appalling and entirely undemocratic and un-Australian.

The action announced yesterday by the Prime Minister of allowing the people of Queensland to have a say in their future governance arrangements is in stark contrast to Mr Beattie and his Minister for Local Government, Mr Andrew Fraser. You would not expect much of Mr Fraser. He has never had a real job in his life. He is only young. He started his working life on the national secretariat of the ALP—so you will understand me when I say he has never had a real job. When he left the ALP national secretariat, he became a Labor Party organiser, running around organising all the unions, belting up a few people probably, stacking a few branches and getting people elected to parliament—obviously not a real job. He entered parliament at the age of 26 and became a minister at the age of 30. So he has not had many life experiences to clearly understand what democracy is all about and what the people of Queensland want.

The Local Government Association of Queensland is a very respected organisation which has been apolitical all its life. In fact, it is chaired by an old mate of mine, Councillor Paul Bell from Emerald, who will not mind me saying—because it is well known—that he is a member of the Labor Party. Last I heard he was a member of the Labor Party, although I would imagine he has seriously considered ripping up his membership because of the way he and local government in Queensland have been done over by Mr Beattie. Polling done for the Local Government Association of Queensland

by a respected pollster called Market Facts Queensland shows that nobody in the affected areas, with one exception, is in favour of these amalgamations.

Whether the amalgamations are good or bad is something that I guess you could argue about, but what the people of Queensland are absolutely appalled at and antagonised about is the process that has been followed. A so-called independent committee was set up—although it has been suggested to me that Mr Beattie wrote the terms of reference and ensured the outcome before the committee even met for the first time—and allowed submissions, but with no consultation it came up with recommendations, which Mr Beattie adopted immediately. Councils and local people had no opportunity to have a say in what should happen.

This is not like an ordinary decision of government—this is not: ‘Will we reduce taxes?’ as our government often does, or ‘Will we put tax up?’ which we never do, but the Labor Party does. You do not expect to have a poll of people on those sorts of things, but this is an issue of governance. It is almost a constitutional issue: ‘Who do you want to govern you; how do you want to be governed?’ The Queensland government has, with the stroke of a pen, taken away from Queenslanders the opportunity to have a say in how they will be governed at the local level.

The results of the survey that I mentioned show clearly that 32 per cent of citizens in the affected areas—and this poll was only taken of people in councils who are being affected by the amalgamation—strongly oppose amalgamation and 21 per cent oppose it; that is, 53 per cent. Twenty-two per cent do not have a view—they neither support nor oppose—and 13 per cent support it. Nine per cent strongly support it. That is, a total of 22 per cent of the people support it, which

means that 80 per cent do not support it—either very strongly or in a medium way—or do not have a view. This piece of legislation is being thrust through the Queensland parliament I think today.

There is no limit to the trickery that Mr Beattie’s government will go to. This is a government that, I might say, has learnt its skills from a bloke named Kevin Rudd, the current leader of the Australian Labor Party in the federal parliament. Mr Acting Deputy President Hutchins, you would know that Kevin Rudd was Peter Beattie’s right-hand man, his adviser for many a year.

**Senator McLucas**—Are you rewriting history?

**Senator IAN MACDONALD**—Is that not true? Okay—Senator McLucas might know. So Kevin Rudd was not an adviser to Mr Beattie; he was not head of the Department of the Premier and Cabinet?

**Senator Webber**—That was Mr Goss.

**Senator IAN MACDONALD**—It was Mr Goss—okay. Mr Goss, and the government that Mr Beattie was in, was clearly influenced by the federal Labor leader, also a Queensland, as you would know. Here is the point: why is Mr Beattie so intransigent about trampling on people’s rights and ignoring people altogether? Let’s have a closer look at this. I understand that the minister’s second reading speech yesterday indicated that workers in all new councils will not actually be employed by the councils, because the councils are seen as trading organisations, and that means they can take advantage of the Howard government’s industrial relations system and Australian workplace agreements. Most councils have workplace agreements—they have negotiated very cooperatively with their staff and enjoy the freedoms which the Howard government’s industrial relations system provides—and a lot of them have gone on to individual con-

tracts. But what is Mr Beattie proposing in this new legislation currently before the Queensland parliament? Statutory authorities set up in those council areas will employ people. Why is that? Because Senator Ludwig's dad, 'Big Bill'—the union heavy, the union boss of Queensland—went soft on Mr Beattie. His members know, particularly in the western shires, that amalgamations mean their jobs. What did the union say about it? Nothing. The union was bought off by this proposal to have the statutory authorities employ the workforces, so that they could not be part of the Howard government's flexible industrial relations system. One would think that that is the underlying reason for all of this.

Mr Acting Deputy President, you will not believe this—I do not believe it, but I am told on good authority and happen to know that it is a fact. There are SES workers in Yepoon, a seaside suburb outside Rockhampton—a very go-ahead area, a very aggressive area, chaired by a very good chairman of the shire, even though, I dare say, he is a member of the Labor Party; he is another Bill Ludwig, but not 'Big Bill'; this one is very distantly related, I think; Mayor Ludwig is not a bad fellow and he runs a good council—and they are having a rally in Yepoon on Sunday. They expect about 5,000 people at the rally. Safety would require that you put up barricades to make sure that the rally can occur without any prospect of injury for those taking part, and some 5,000 people are expected there. But, Mr Acting Deputy President, do you know what has happened in Queensland? Mr Beattie has told the SES workers that if they lift one barricade, if they take one step, they are sacked.

*Senator McLucas interjecting—*

**Senator IAN MACDONALD**—This has been reported, Senator McLucas. Do not shake your head at me; shake your head at

the farewelling of democracy in Queensland. They are going to put up barricades so that people can demonstrate safely, and SES workers have been told, 'Lift a barricade and you've lost your job.' That is what I mean when I say: 'Farewell to democracy in Queensland.'

What is worse, there are mayors and councillors who have been elected by their constituents who thought: 'Even though Mr Beattie is not interested with what the people think, we're going to conduct a little local poll ourselves. We'll run a poll and get a real view. Maybe we're wrong, maybe people do want to amalgamate, but let's find out for sure.' The Queensland government is passing laws that make it a criminal offence for a mayor to suggest a poll, to suggest getting the democratic views of the people in their localities. They will be fined, something like \$1,100, if any mayor or councillor should dare to vote or put up a motion that says, 'We'll do a fairly basic democratic thing of having a vote.' Where is Mr Rudd in all this, with all his pious comments about human rights and democracy? I can tell you that he is very much absent from Queensland, because he will not stand up to Beattie and 'Big Bill' Ludwig either.

So you get fined if you, as a councillor, take on your normal duty of finding out and doing what your people want. To add insult to this, if a council does, somehow, find a way to conduct a poll, Mr Beattie has said that the costs of running that poll will be taken out of the pockets of the councillors themselves. Can you believe this, in a state in Australia? You would not even believe it in Zimbabwe! What about Joh Bjelke-Petersen? What a wimp he was when he had those demonstrations all those years ago. Why didn't Bjelke-Petersen think about threatening the SES workers with the sack if they put up a barrier?

Where are we going in Queensland? The next step will be Mr Beattie saying, 'Not only can you not have your say, but if you have your say and happen to vote for someone other than the Labor Party you'll get a \$1,100 fine too.' This is appalling conduct, and members opposite sit there and smirk and think this is funny. Farewell to democracy in Queensland.

Time does not allow me to go through all of the forced amalgamations that are very unpopular. But I ask Senator McLucas, who happens to be in the chamber what about your constituents in the Daintree? Do they want to be amalgamated? No. What have you done about it? Of course they do not want to be amalgamated. What about your constituents out west, Senator McLucas, where I know you originally come from, in the Barcaldine and Aramac area? They are totally opposed to it but not even given the chance to express their views. If their mayor is courageous enough to run a poll, he will get slapped with a fine of \$1,500, he will be sacked from his job as a mayor and he will be made to pay for it himself. And you wonder why the federal government has had to come in and say, 'We'll get the AEC to conduct a poll if you want to have a poll.' It is up to the councils themselves.

What about Noosa, an iconic place in Queensland? People come from all over the world to Noosa because of its particular approach to the environment. It has a very environmentally friendly council, very well led by Bob Abbot. They wanted to stay apart because they have something different that people the world over recognise. Tourists flock there. But what happened? Mr Beattie, without consultation, lumped the three Sunshine Coast councils together and the unique atmosphere and feel of Noosa will, in years to come, disappear.

Mr Acting Deputy President, you may think I am being overdramatic when I say farewell to democracy in Queensland. But, just think about it: if you make a decision to ask people's opinions, you would get a fine, get sacked and you would have to pay for it yourself. If SES workers want to put up barricades to make people at a demonstration safe, they will be sacked. This is a Labor Party government and it is a forerunner and foreteller of what will happen should Australia ever be silly enough to elect Kevin Rudd as Prime Minister of this great country.

#### **Local Government**

**Senator McLUCAS** (Queensland) (1.26 pm)—I seek leave to table a document, which is my letter to Premier Beattie which refers to the amalgamation of the Douglas Shire Council with the Cairns City Council. That letter is on its way to the chamber, and Senator Ian MacDonald might be interested to read it.

Leave granted.

#### **Housing Affordability**

**Senator MURRAY** (Western Australia) (1.26 pm)—In July, I visited the east Kimberley and the Pilbara regions of Western Australia to speak with key organisations. Everyone is aware of the boom in the Pilbara as the mining industry tries to keep pace with the demands of China and India. The east Kimberley is a region that the federal government is increasingly interested in, as it is one of the few regions of Australia which has adequate water to irrigate crops. However, there are significant infrastructure problems in both these areas, and they are problems which the federal government could address if it had a mind to.

The Commonwealth government needs to invest in roads, ports and airport infrastructure in the regions. This should be a priority for the Commonwealth. The Pilbara value of iron ore and petroleum products, including



liquefied natural gas exports, amounted to some \$22 billion in 2005-06, which was about 25 per cent of Australia's total mineral and petroleum product exports in that year, or around 14.5 per cent of Australia's total merchandise exports in that same year.

It was clear from all of my meetings and my own observations that social infrastructure, in particular the availability of housing, needs urgent and coordinated attention. It is a problem in Kununurra and the east Kimberley. Social infrastructure, in particular housing, in the Karratha-Dampier area of the Pilbara is a very significant problem, and the lack of it is impeding the progress that can be made in one of the most important economic regions in Australia. As with my previous visits to Karratha, I came away with an abiding impression of immense frustration at the lags in the provision of affordable and available accommodation and the supporting social infrastructure, and the lost opportunities as a result. I remain surprised at the almost universally low housing density in Karratha-Dampier, where apartment blocks are uncommon.

Before I get into my comments on the Pilbara's particular problems with respect to social infrastructure, let me lead in with some comments on house prices in general. The increase in Australian house prices has been phenomenal. In the last 20 years, house prices in Australia have more than quadrupled. In real terms, after taking inflation into account, houses are now 80 per cent more expensive than they were 10 years ago. In some capital cities, such as Perth and Brisbane, the increase has been even more dramatic. This asset inflation has been welcomed by many homeowners but it has created plenty of problems for those without homes. The Commonwealth HIA Index of Housing Affordability is at its lowest level since the index was established in 1984, meaning that, despite our overall economic

prosperity, owning a home is harder than ever for many Australians.

Despite lower interest rates and higher overall national disposable income, housing affordability has deteriorated dramatically, with the ratio of an average house price to annual household disposable income increasing from 2½ times in 1986 to 5.4 times in 2006. Whilst fluctuations in housing prices can be cyclical and market driven, the federal government have played an important role through its policies, including taxation policy. They have encouraged Australians to take advantage of tax concessions. The combined effect of negative gearing and capital gains tax concessions have helped promote speculative investment and have reduced housing affordability.

Negative gearing is different from standard business practice. The principal motivation is not to earn regular business income from an investment but to make a capital gain on an asset when it is finally sold. Negative gearing enables the minimisation of the annual holding costs off by setting annual operating losses against other income for a tax benefit. Business investors in rental property seek to make an annual profit and therefore seek a commercial return, which means the rent must be affordable to the class of renter targeted. Negative gearing, in contrast, encourages speculative investors to focus on asset inflation, not annual profit.

Despite the great national benefits of the previous Labor government's compulsory superannuation contributions—now over \$1 trillion in savings—Australia's tax system has had, overall, less incentives for savings, and has, rather, encouraged the accumulation of wealth through borrowing to buy assets that are expected to appreciate at a rate faster than inflation. A key stimulus for the most recent housing boom and consequential crisis in housing affordability was the 1999 deci-

sion by the Liberal-Nationals government to implement a 50 per cent concession on capital gains tax for properties held for longer than one year.

The appeal of negative gearing was greatly enhanced by this decision. If you look at the graph showing the acceleration in house prices, it trends sharply upwards from the year 2000. This change to capital gains tax law in 2000 was supported by Labor but opposed by the Democrats. The doubling in Australia's capital cities house prices has occurred since that decision. The investment surge was fuelled by borrowings, largely funded by increased bank borrowings offshore, in turn helping to raise Australia's foreign liabilities to record heights.

To go back to the Pilbara, there is a great deal of frustration among local councils and business at the lags in the provision of affordable and available accommodation and supporting social infrastructure, and the lost opportunities which result. Considerable research has been done in the area of housing affordability and availability, and several papers have determined that it is not simply a lack of supply that is to blame—and that is right. However, the focus of these papers is generally on major metropolitan areas rather than on booming regional areas. Attempting to resolve policy issues on this broad scale is important, but a targeted approach to key regional or local centres of national significance is also warranted, particularly where employment opportunities and unprecedented growth have put pressure on lagging social infrastructure.

It is time to ensure that housing and social infrastructure lead to or at least match, rather than lag, development in the Pilbara to maximise the growth potential of that region. The Treasurer has proposed an audit of land supply in the states to determine how further land can be released to fulfil the demand for

housing. It is an axiomatic economic principle that if you wish to meet demand you have to increase supply, and if you increase supply prices will fall or stabilise. In my view the Treasurer's proposed audit should not just be broad scale but should have a number of target areas identified for early intensive analysis and reporting, of which the Pilbara should have priority. It is also likely that, with major gas projects coming on line in the next decade offshore of the East Kimberley area, similar pressures will be felt by communities there, and the matter should be addressed urgently so that similar problems do not increase in that region.

When a major event requires it, like the cyclone in Queensland, the Commonwealth and the state act quickly to process approval for planning requirements, land, services and supporting infrastructure, and more rapid construction performance. There is no reason such a mentality or approach could not be applied in the north-west of my state to address these problems. We all know that supply lags are a feature of land development and that housing supply cannot always respond to surges in demand, because of the lead times needed to service lots, to redevelop land and to construct dwellings. Sometimes it can take years to make land construction-ready with roads, water, electricity, drainage and sewerage.

Recommendation 6.2 of the 2004 Productivity Commission inquiry report, *First home ownership*, stated:

State and local governments need to give priority to the scope to .... streamline permit approval processes to enable minor or uncontentious developments to by-pass unnecessary informational or consultative requirements ...

This is a laudable recommendation, and I note that the Commonwealth government supported it. However, the problem goes much deeper. In Western Australia the Western Australian Land Authority Act 1992,

known as the LandCorp act, which established LandCorp to develop and release land in WA, requires LandCorp to comply with the provisions of approximately 36 state acts for each land release. It is also legislatively required to consult with relevant parties, and there are often further Commonwealth obligations which need to be addressed. All of these requirements put pressure on its ability to release land quickly or to address shortages which arise, particularly in rural and regional areas.

There are also other obligations which come into play. For example, the 2003 National Charter of Integrated Land Use and Transport Planning requires the Western Australian planning minister, through LandCorp and in consultation with the minister for transport, to have regard to the aims of that charter when considering land release. So, although it is easy to say that the state governments should be streamlining their processes, there are legislative safeguards which, although proper in intent, will actively impede this intention. In the circumstances, the Commonwealth should investigate whether there are any aspects of Commonwealth or state legislation which impact on the streamlining process and whether it is appropriate that they be adjusted to assist with the streamlining process. I should make the point that the Productivity Commission did not do that job. One of the objects of Western Australia's LandCorp act, set out in section 3(d), requires the agency to dispose 'of surplus government land assets to maximise the financial return to the state'. Let me repeat that: 'to maximise the financial return to the state'.

This section, read in conjunction with section 19, which requires LandCorp to 'act on commercial principles', requires the agency to ensure that it is maximising its return. Maximising profit rationally requires the management of LandCorp to ensure the

highest prices are realised. This is likely to conflict with an aim of increasing supply significantly, so that land prices fall or remain stable, since that will result in lower prices and lower dividends from LandCorp to the state government.

Such an objective in the Western Australian act means that, to fulfil its objects clause, LandCorp may be compelled to limit land releases to 'maximise financial return' or at least not release so much land as to have a negative price impact on the market and cause property prices to fall. In other words, supply is being constrained. This is obviously a complex area. In the *Australian* on 17 July 2007, Michael Cooney pointed out that:

... governments should work together to expand supply in the local housing markets where there really are supply problems. For example small funding pools—

from the Commonwealth—

made available to local governments to convert brownfield sites and release new land in target areas could make a considerable difference.

That is a suggestion that would fit well in the Kimberley and the Pilbara and would be greeted favourably by the locals and those seeking to work in the area but who cannot at the moment because there is nowhere to live. Recommendation 7.2 of the Productivity Commission report states that:

Investments in items of social or economic infrastructure that provide benefits in common across the wider community should desirably be funded out of borrowings and serviced through rates, taxes or usage charges.

Particularly in the Pilbara, this is a contentious matter and again an area that needs attention. The Shire of Roebourne, as an example, is not in receipt of high rates or taxes from the surrounding industry due to the way in which the state values industrial land. This means that large industrial projects around Karratha pay less tax to the local council

than the local shopping centre, even though those large industrial projects generate income of billions of dollars.

The presence of these large companies generating huge amounts of money wrongly gives the impression that the shire has a substantial revenue stream and is therefore able to provide extensive local services. This is not the case. This is a matter which the Commonwealth government could perhaps address through a regional assistance package, which would assist the councils to provide further and better social infrastructure for the region.

I note in passing that the Productivity Commission saw regional centres as places which might ease housing affordability pressures. However, in Karratha, where house prices are tipping the \$1 million mark, and Kununurra, where \$700,000 is the going rate, there is certainly no respite from high house prices.

In conclusion, since the Commonwealth has taken an open and public interest in housing and since the Pilbara is a region of vital national significance, responsible for an estimated 16 per cent of Australia's output, I think there is a case for targeted attention by the Commonwealth, particularly in view of the Pilbara's considerable proposed further development and projects. I would start with the Commonwealth campaigning for state authorities, such as LandCorp, to have their objects and processes changed so that their main job is to meet demand and not to make a profit.

**Sitting suspended from 1.41 pm to 2 pm**

#### **QUESTIONS WITHOUT NOTICE**

##### **Interest Rates**

**Senator CHRIS EVANS** (2.00 pm)—My question is to Senator Minchin, the Minister representing the Prime Minister. Does the minister recall the Liberal Party advertise-

ment in the 2004 election campaign which said that the government would, and I quote: 'keep interest rates at record lows'? Is the minister aware that, at the time of that claim, mortgage interest rates were at seven per cent? Is the minister further aware that as a result of today's interest rate increase, the fifth since the election and that promise, rates will go up to 8.3 per cent? Doesn't that mean that working families will pay on average an extra \$200 per month on their mortgages compared to when the government promised it would keep interest rates at record lows? Minister, given that interest rates are now higher than at any time in the last 10 years, hasn't the government broken its promise to the Australian people to keep interest rates at record lows?

**Senator MINCHIN**—Not unsurprisingly, I thought we might get a question or two today about interest rates, because the Reserve Bank announced today that at its meeting yesterday the board—the independent Reserve Bank board—did decide to increase the cash rate by 25 basis points to 6½ per cent. The Reserve Bank noted:

Domestic economic data in recent months have signalled a pick-up in the pace of growth in demand and activity. Capacity utilisation is high after a lengthy period of expansion, and unemployment over recent months has continued to decline. Business and household confidence are strong. The demand for finance has strengthened.

In other words, the Reserve Bank has said that, in relation to its charter to keep inflation in the band of two to three per cent, the Australian economy is extraordinarily strong. We have record low levels of unemployment and very high levels of business confidence—in other words, a very strong domestic economy. In those circumstances the bank has, on balance, in its independent fashion, come to the view that another one-quarter per cent rate rise is justified. The remarkable thing about that is that, even with this rate rise,

mortgage interest rates under this government are still lower than they ever were at any time under the last Labor government. So in the 13 years of the last Labor government, interest rates on home loans were never as low as they currently are, even with this rate increase. That is quite a staggering statistic. The mortgage interest rate as a result of today's decision will still be four percentage points lower than the average under the 13 years of the last Labor government.

The Leader of the Opposition points to the 2004 election campaign, the result of which the Labor Party has never gotten over—and we can understand that because it was a monumental disaster for the Labor Party. The consistent theme of the coalition throughout that campaign was that interest rates would be lower under a coalition government than they would be under a Labor government. That is a message which we reassert with great conviction—and even greater conviction today. We believe that the circumstances now are such—with an even stronger economy than in 2004 and with a much more damaging rollback of the industrial relations arrangements in this country proposed by the alternative government, the Labor Party—that our view that interest rates will always be lower under the coalition than under Labor is even more to the point. It is clear from all the economic analysis, all the data and all the evidence that, if you re-regulate the labour market—if you bring back pattern bargaining and abolish Australian workplace agreements—then you will introduce inflationary pressures into the Australian economy, which will, of course, feed through to interest rates. So we assert again, and we will do so until election day, that interest rates will always be lower under the coalition than under Labor.

**Senator CHRIS EVANS** (2.04 pm)—Mr President, I ask a supplementary question. I note that this is the fourth interest rate rise

since the government introduced its IR Work Choices system. I note that the minister failed to defend the claim of the last election campaign that he would keep interest rates at record lows. Can the minister confirm that nine consecutive rate rises under the Howard government have increased repayments on a \$300,000 mortgage by \$433 a month? Given that, does the minister seriously believe the Prime Minister when he says to Australian families that working families have never been better off? Don't the government's broken promises on interest rates confirm why their own pollsters, Crosby Textor, found that the Australian people are disillusioned with the government because of their fundamental dishonesty?

**Senator MINCHIN**—I would just point out to the Leader of the Opposition in the Senate that, under our government, the standard variable home loan rate has fallen from 10½ per cent in March 1996 when we came to office to around 8.3 per cent as of the latest interest rate increase. That interest rate reduction from 10½ per cent to 8.3 per cent would save around \$449 a month in interest charges on an average new mortgage of \$245,000. In other words, home borrowers are better off as a result of our government than they were under the last Labor government because of the interest rate reductions we have managed to achieve.

#### **Workplace Relations**

**Senator BARNETT** (2.06 pm)—My question is to the Minister representing the Minister for Employment and Workplace Relations, Senator Abetz. Will the minister outline to the Senate the importance of the Cole royal commission and the subsequent Australian Building and Construction Commission in delivering real and positive outcomes for Australian workers and their families. Is the minister aware of any threat to the ongoing maintenance of these benefits?

**Senator ABETZ**—Can I thank Senator Barnett for his question and commend him for his strong and ongoing interest in cleaning up Australia's building and construction sector. Everyone knows that the Howard government's strong action in establishing the Cole commission of inquiry and the Australian Building and Construction Commission has been crucial in this clean-up—organisations that Labor opposed and would abolish if they ever got into government. The clean-up is paying dividends. A recent Econtech report shows that GDP is 1.5 per cent higher than it otherwise would have been because of this clean-up in the building and construction sector. There has been an average fall in construction costs of 5.2 per cent. That means cheaper roads and cheaper homes for Australians. But the good news does not stop there. Not only do people get cheaper roads and cheaper homes as a result of our reforms; importantly, the consumer price index is now a whole 1.2 per cent lower because of these reforms, and that, of course, is reducing pressure on interest rates. If Labor were to get into power, they would abolish the commission and all these activities would resume, and the consumer price index would once again increase by one per cent to 1.2 per cent.

Unfortunately, Labor threatens all these benefits because Labor's union masters think that the ABCC should be abolished, giving the unions, once again, unfettered access to do as they please on our building sites. And Labor will abolish the ABCC so union thugs can do things like, 'kick heads to sort out locals', 'block access to work sites during a concrete pour' and 'black list subcontractors because they refuse to have a union enforced EBA'—all actions endorsed by the Labor Party because the man who did all these activities, as found by the Cole commission of inquiry, was none other than ETU official Kevin Harkins. He is the Labor candidate for

Franklin and he is endorsed by the federal leader, Mr Rudd. Desperate to get rid of the bad headlines that Mr Harkins is making, Mr Rudd is not simply willing to disendorse him; Labor, rather, is now resorting to trying to break the law by quietly trying to shuffle him on. Indeed, according to today's *Mercury*:

Despite offers of an elevated union position, increased salary and a future Senate seat, Mr Harkins is determined not to quit voluntarily.

The Commonwealth Electoral Act says:

(2) A person shall not, with the intention of influencing or affecting

- ...                    ...                    ...
- (b) any candidature of another person; or
- ...                    ...                    ...

give or confer, or promise or offer to give or confer, any property or benefit of any kind to that other person ...

I understand that Senator Barnett has in fact written to the Australian Electoral Commission today with these matters, and I will be very interested to look at that report.

When Mr Rudd started weeding the garden by getting rid of Mr Mighell for bad language, he realised that, once he had started weeding and he kept on, there would be no plants left in the garden, because he would have to deal with Mr Harkins. (*Time expired*)

**Senator BARNETT**— Mr President, I ask a supplementary question. The minister referred to the Australian Building and Construction Commission. He also referred to the Australian Electoral Commission. I ask the minister to provide further and better particulars on the concerns he has raised with respect to the Australian Electoral Commission and the evidence that he has put to the Senate.

**Senator ABETZ**—Senator Barnett is absolutely right. These are matters of great importance that the Labor Party seek to laugh

at. But the reality is that these have been costing Australians extra in road construction and home construction, and impacting on our inflation rate. We are getting rid of these sorts of rorts, but of course the Labor Party oppose that. Mr Rudd has told the Australian people that he has a zero-tolerance policy in relation to illegal behaviour. No, he has not. If he did, he would be disendorsing Mr Harkins and he would be dealing with Joe McDonald. He has not done that. Do you know who the only person he has been dealing with is? Mr Harry Quick, the member for Franklin. Why is he being dealt with? Because Labor has a zero-tolerance policy on people telling the truth about the trade union influence in the Australian Labor Party.

#### **DISTINGUISHED VISITORS**

**The PRESIDENT**—Order! I would like to draw the attention of honourable senators to the presence in the President's gallery of Mr John Beattie, a former distinguished Deputy Speaker in the Tasmanian parliament who, by the way, for history's note, presented the Hansard desk to this parliament on behalf of the Tasmanian government in 1988.

**Honourable senators**—Hear, hear!

#### **QUESTIONS WITHOUT NOTICE**

##### **Interest Rates**

**Senator WONG** (2.13 pm)—My question is to Senator Minchin, the Minister representing the Prime Minister. Has the minister seen the report in today's *Daily Telegraph* headed 'Don't promise what you can't deliver', where Mrs Lyndal Spooner of Northmead in Western Sydney says that she wants the Prime Minister to stop promising to keep interest rates low? Isn't Mrs Spooner, like so many other working Australians, sick of the government's broken promises—promises like its claim that it would 'keep interest rates at record lows'? Aren't working families like that of Mrs Spooner already paying an additional \$400 a month compared to

what they were paying before the first of the nine consecutive interest rate increases under the Howard government? Could the minister tell us what his advice is to working families—families like that of Mrs Spooner—who will now be hit with another increase in mortgage repayments on top of rising fuel costs, rising childcare costs and rising grocery costs?

**Senator MINCHIN**—We acknowledge that an increase in interest rates is never welcomed by anyone borrowing money. Those with investments earning interest obviously would welcome increases in interest rates, but those who borrow—and some 32 per cent of families do borrow money to pay for their homes—obviously do not welcome at all an increase in interest rates. However, the critical thing in an economy like ours is to keep inflation under control. We must not ever allow a return to the bad old days of high inflation, which is so crippling to the working families that the Labor Party purports to represent.

In the eighties and nineties we had inflation out of control in this country. The most extraordinary thing about our record in office, which I would have thought even the Labor Party might be prepared to concede, is the very low level of inflation in this economy. Inflation has averaged 2½ per cent in the 11 years that we have been in office. This is quite an extraordinary outcome, given the amazing growth in the economy, the low unemployment—the lowest unemployment we have had for 30-something years—and the strong growth which we have experienced. The inflation rate averaged 5.2 per cent under the Hawke-Keating government—more than double the rate of inflation that has occurred in our 11 years in office.

The best thing we can do for working families in this country is to keep inflation low, and every lever under our control is set

at low inflation. We have run surplus budgets, we have paid off the debt that we were left, we are not borrowing like the states to pay for capital expenditure and we have reformed industrial relations to take away the inflationary pressures from the old industrial relations system. So every single lever under our control is set at low inflation. Nevertheless, because we have told the Reserve Bank that it is their job to keep inflation between two and three per cent, they have deemed another interest rate rise necessary.

Of course, if you are not interested in keeping inflation between two and three per cent and you are happy to have it back at five or six per cent, as was the average under the Labor Party, you may not need to increase interest rates. But we all know the real evil in an economy like ours is inflation. It eats away at people's savings and makes people worse off. So we are determined to ensure and to preserve the independence of the Reserve Bank and to do everything we possibly can to keep inflation low so that we protect working families. And if working families of this country want any advice from us, it would be to think very carefully about the choice they face in the next few months, because we believe that the extreme strength of this Australian economy, and the pressures that that brings, means that economic management is more important than ever. It is much more important than ever to have an experienced set of hands on the wheels of this economy and not take the risk of the neophytes of Rudd and Swan running a trillion-dollar economy.

**Senator WONG**—Mr President, I ask a supplementary question. Does the minister say to Mrs Spooner and families like hers that the Howard government has kept interest rates at record lows, after five consecutive increases since that promise was made and nine consecutive increases overall? Isn't this broken promise yet another example of

why Crosby Textor concluded that there is significant disillusionment with the Liberals because of their broken promises and dishonesty? Given that people with mortgages now pay an extra \$433 a month on average as a result of nine interest rate increases in a row, does the minister still agree with the Prime Minister that working families have never been better off?

**Senator MINCHIN**—As I said to Senator Evans, what we asserted at the last federal election—and which was endorsed by the Australian people at that election—is that under a coalition government interest rates will always be lower than under the Labor Party. We continue to assert that to be true and we will again assert that to be true at this federal election. The record proves this. Interest rates have averaged four percentage points lower under our government than they were under the last Labor government, and interest rates today are lower than they ever were under the party that Senator Wong represents.

#### **Housing Affordability**

**Senator BIRMINGHAM** (2.18 pm)—My question is addressed to the Minister for Community Services, Senator Scullion. Will the minister provide an update on the coalition government's contribution to the provision of housing in Australia? Further, will the minister provide details on any actions that further reduce the affordability or availability of housing?

**Senator SCULLION**—I thank the senator for his question and his longstanding interest in housing affordability and the availability of public housing, particularly in his state of South Australia. Since this government came to office in 1996, the population has grown by around three million.

*Opposition senators interjecting—*

**Senator SCULLION**—If those opposite are not all that interested in this particular



question, I am sure the young people that I see surrounding us in the gallery will be, because housing for their parents is a fundamental part of their future.

Housing affordability has been on everyone's mind for quite some time, and I think that the question really went to what the Commonwealth government has provided. We have provided \$9.6 billion over the last decade, which is a considerable amount of money. And we have done it in the great spirit of partnership—principally with partners in the states and territories from the Labor Party. In this spirit and in the interests of future generations of Australians like those in the gallery, we provided \$9.6 billion. A little bit of simple maths: \$9.6 billion at around \$250,000 a house over that period of time is about 36,000 homes. You can imagine 36,000 homes in really big suburbs—houses as far as the eye can see. But we do not have 36,000 homes; we do not have 3,600; we do not have 360; we do not have any! An investment in public housing of \$9.6 billion over 10 years by this government has, through the state and territory governments, resulted in 13 fewer houses than we started with.

I tell you what: I am sure those in the gallery will understand that if you spend \$9.6 billion on houses and a truck arrives and the doors open and there are none, you would not want to do that again, would you? It is pretty basic stuff. And so, no, we are not going to be doing that again. We are engaging with the private sector and the community sector and with non-government organisations that are prepared to do the right thing. When we enter into a deal, we say, 'We will provide money and you will come up with houses that keep people out of the rain.' That is pretty basic sort of stuff. We know that the government has provided the money. We can come up with the invoices—I can tell you that now. We can provide absolutely unques-

tionable evidence that \$9.6 billion has been provided. So when we say to the states and territories, 'Excuse me, where are the houses—

**Senator Chris Evans**—What sort of economic manager are you?

**Senator SCULLION**—The Leader of the Opposition interjects, 'What about economic management?' That is just what I am talking about: how can you lose \$9.6 billion and expect Australians to support you in this matter? This is a complete outrage. It is absolutely essential that people start to recognise and support the very good work of this government by not simply throwing good money after bad but investing in the private sector and the NGOs. The only way we are going to deal with any of these issues is to ensure that we abolish the money-grabbing taxes that have been imposed by the states and territories on land and house building. A complete waste of money, \$9.6 billion, was invested by the Labor Party for an outcome of absolutely nothing.

### Economy

**Senator CONROY** (2.22 pm)—My question is to Senator Minchin, the Minister representing the Prime Minister. Does the minister recall saying in question time on 11 May 2005:

... there have been no further interest rate increases, because of the tremendous record of economic management of this government ...

Can the minister advise the Senate whether this is the same economic management that has now delivered nine interest rate rises in a row to working families? Is it the same economic management that has caused today's interest rate rise, which will mean that working families will now pay an extra \$50 in monthly repayments on a \$300,000 mortgage and an extra \$433 a month in repayments since interest rates started going up in 2002? Can the minister explain to working families

why he thinks nine interest rate rises in a row is an example of a tremendous record of economic management?

**Senator MINCHIN**—The government's record on economic management is remarkable, and that is why the Australian people say by a majority of two to one that they would prefer to have the economy run by the coalition than by the Labor Party. They remember better than anybody the disastrous economic management of the Labor Party when it was last in office and the time before that. They are also experiencing the disastrous management of the state economies by the Labor Party. Extraordinarily—given the revenue flows the states have had and the strength of the economy—the state budgets are all going into deficit. It is quite extraordinary. The Australian people have empirical evidence of the fact that the coalition is much better than the Labor Party at managing money and managing economies.

As a result of that great economic management, we now have unemployment at a record low—the lowest for some 30-plus years. We have inflation at an average of 2½ per cent over 11 years, compared with 5.2 per cent under the previous government. We have the budget in surplus. We have debt paid off and we have \$50 billion set aside in the Future Fund for future generations. It is a staggering record of economic management. It is recognised throughout the world as one of the best records of any Western government. We are proud of our delivery of good economic management for this country, which means an enormous amount to the people of Australia. As CommSec has demonstrated in its latest analysis of prices and wages, in the last five years from 2002 to 2007, average wages have increased by 25 per cent but the CPI has increased by only 14 per cent. By definition, that means Australians are better off after the last five years of our outstanding economic management.

As I have said, the Reserve Bank is independent as a result of our instruction to the Reserve Bank. Its charter is to keep inflation low. That is why it is critical that the Reserve Bank act independently, in its own judgement, to keep inflation in the band of two to three per cent—something the Labor Party could never achieve in office. If, in the Reserve Bank's judgement, an interest rate rise is needed to ensure that Australian families are protected from the high inflation of the Labor years, then that interest rate rise needs to occur. Australian families understand that their greatest enemy is inflation, and we are ensuring they are protected from it.

**Senator CONROY**—Mr President, I ask a supplementary question. Why is it that the government is happy to claim responsibility for interest rates when they are low but runs a million miles from any responsibility when they go up? When will the government take some responsibility for the financial hardship now confronting working families due to huge mortgage repayments and rising prices for child care, petrol and groceries? Or does the government still think working families have never been better off?

**Senator MINCHIN**—We are happy to take responsibility for the fact that interest rates, even today, are lower than they ever were under the previous Labor government. Home mortgage interest rates are lower today than they ever were under the last Labor government. Housing mortgage interest rates under our government, on average, are four percentage points lower than the average under the previous Labor government. We are very proud to take responsibility for that outcome.

#### **Organised Crime**

**Senator FIERRAVANTI-WELLS** (2.27 pm)—My question is to the Minister for Justice and Customs, Senator Johnston. Will the minister outline to the Senate any action that

the government is taking to crack down on outlaw motorcycle gangs?

**Senator JOHNSTON**—I thank Senator Fierravanti-Wells for her question and for her longstanding interest in and commitment to law enforcement in the Illawarra and Wollongong regions of New South Wales.

*Opposition senators interjecting—*

**Senator JOHNSTON**—Isn't it funny how, when one wants to answer a question on law and order, it is a matter of humour on the other side of the chamber! Outlaw motorcycle gangs have long been a significant organised crime issue in Australia, and the Australian government has taken this issue very seriously for many years. These gangs are a national problem, and any legislative reform should be nationally consistent across the states and jurisdictions, as far as possible. The investigation of organised and serious crime, including the activities of outlaw motorcycle gangs, often extends across jurisdictional borders. The Australian government and I are not interested in symbolic gestures and talkfests. What I am interested in is taking organised crime gangs off the streets—and I can assure the Australian community that outlaw motorcycle gangs will certainly have a tough time ahead of them under this government. It is vital that we have effective laws in place and work closely with our state and territory counterparts to ensure that crime gangs are shut down completely. The Commonwealth has already developed model laws for controlled operations, assumed identities and witness protection. I do not resile from developing tough legislation to protect the Australian public.

May I say in passing that I think John Kerin's article in today's *Financial Review* echoed what a lot of Australians think about the opposition's perspective on the subject: Labor is soft on crime. I will do whatever it takes in introducing legislation that will ef-

fectively crack down on the cones of silence that are associated with outlaw motorcycle gangs. In recognition of the national importance of this issue and as a matter of leadership, I put to the police ministers' meeting in New Zealand in June that we develop a proper, effective framework to deal with this problem. The states and territories agreed to take part in a working group with the Australian government and all other jurisdictions, including New Zealand. The working group will prepare a comprehensive report on the measures currently in place to combat outlaw motorcycle gangs and organised crime, make recommendations on possible proposals to enhance policy and legislative responses and identify potential gaps in the law.

We are already doing a number of things, and the Australian government has previously taken significant steps in dealing with outlaw motorcycle gangs. The Australian Crime Commission has conducted a range of highly successful operations targeting outlaw motorcycle gang activities, including the recently established Australian Crime Commission national intelligence task force into outlaw motorcycle gangs operating under the high-risk crimes group determination. This built on the work previously undertaken by the Australian Crime Commission outlaw motorcycle gang intelligence operation which concluded last year. In May this year I wrote to the Chair of the Parliamentary Joint Committee on the Australian Crime Commission to look at ways to learn from other countries, especially in response to outlaw motorcycle gangs.

The Australian government has set about the task of establishing some benchmarks, learning from the national experience, to coordinate a national response to outlaw motorcycle gangs to enable police of all jurisdictions to have the best opportunity to use the best powers to attack this problem. The public should be pleased with what we are

doing and should look at what the Labor Party say when they oppose everything we do.

### **Housing Affordability**

**Senator BARTLETT** (2.31 pm)—My question is to the Leader of the Government in the Senate, Senator Minchin. Does the minister accept that there is a crisis in housing affordability in Australia? Does the government accept that there are very significant increases in the cost of renting a home in the private rental market which are causing serious financial stress to a growing number of Australians in many regional cities and towns as well as in the capital cities? Does the minister accept that interest rate rises harm not just people with mortgages but also many people in the private rental market? What is the federal government planning to do to alleviate the serious and growing financial stress faced by many people who have to rent their own home?

**Senator MINCHIN**—The government is obviously concerned to ensure that the maximum number of Australians have access to affordable housing, and that is why our economic policies are geared to ensure that we have the maximum number of people in employment—because it is critical that people have the prospect of employment to enable them to afford rents—and that we keep inflation low. I referred earlier to the Comm-Sec analysis of prices and wages between 2002 and 2007 and I draw attention to the fact that overall the average wage has grown by 25 per cent, whereas the consumer price index has increased by 14 per cent, meaning everybody's real wages are higher. I point to the fact that, while the average wage has risen by 25 per cent, average rents have risen by 14½ per cent; therefore, the capacity to pay high rents is greater because of the higher wages. I know this was not exactly the question but, even in relation to mortgage

repayments, with an average wage rise of \$850 a month in the last five years, repayments on the average home loan have risen by \$740 a month, some \$110 less than the increase in average wages.

The issue with rental housing accommodation comes back to basic principles of supply and demand. We have seen that government intervention in this area has got to be very critically judged. The previous Labor government, I think, experimented with the abolition or winding back of negative gearing, believing that it was a bad thing. What happened? There was a drought in investment in rental properties. We have pledged to maintain—and I think I can acknowledge that the Labor Party has also—current negative gearing arrangements because we believe it is critical that policy settings ensure that there is the incentive to invest in rental properties. It may be that there are other measures that the government can take to ensure that there are adequate incentives to invest. One of the phenomenons of the marketplace in recent years has been that, because of the rise in the cost of housing with the demand for housing, the returns on rental accommodation have fallen. That has reduced the incentive to invest in rental accommodation and has made it harder for people to find rental properties. You have to ensure that your policy settings are such that there is the incentive to invest in rental properties.

This also goes to the wider issue of the supply of housing in the Australian market. While the federal government has got to have its policy settings right in terms of controlling inflation, maximising job opportunities and maximising the incentives to invest, it is important that other levels of government also play their part in ensuring an adequate supply of land for housing and incentives at their own level for people to invest in rental properties, and that they play their part

in public housing. Senator Scullion commented earlier today about the issue of housing availability for low-income people supplied through public housing. It is critical that state and local governments play their part in ensuring that their policy settings are such that low-income housing and rental housing is clearly available. We believe that state Labor governments should be making more land available for housing. We believe that they need to examine their own levels of state taxes and charges, planning charges and infrastructure charges that all go to increasing the cost of housing and, therefore, making it more difficult for low-income people to have access to affordable housing. We do not deny there may be other things which we can contemplate that may be able to be put in place to increase the incentive to invest in rental housing. (*Time expired*)

**Senator BARTLETT**—Mr President, I ask a supplementary question. To focus my question and to go to the point that the minister was perhaps about to enunciate: does the minister accept that many people in the private rental market are facing much higher costs now in many cities and towns around Australia? Will the government do anything to help those people in the private rental market who are facing much higher financial costs?

**Senator MINCHIN**—Yes, I think I did concede that rents have risen and that this is of course of considerable concern to low-income earners. That partly flows through from the supply and demand equation with respect to housing. The housing market is such that demand is exceeding supply. That is forcing up prices, and that flows through to rents. But I did point out that, on average, over the last five years wages have risen somewhat faster than have rents, so the capacity to pay those higher rents is greater because average wages have risen as a result of the policies we have put in place. As I say,

it is critically important that we keep policies in place to ensure that we maximise job opportunities so that low-income earners have access to employment, to enable them to pay the rent, and to ensure that we maximise the incentives to invest in rental housing.

#### **DISTINGUISHED VISITORS**

**The PRESIDENT**—Order! I draw the attention of honourable senators to the presence in the President's gallery of a parliamentary delegation from the Republic of South Africa, led by the Hon. Tsietsi Setona. On behalf of all senators, I wish you a very warm welcome to Australia and, in particular, to the Senate.

**Honourable senators**—Hear, hear!

**The PRESIDENT**—While I am on my feet, I also draw the attention of honourable senators to the presence in the chamber of a parliamentary delegation from the Federal Republic of Germany, led by Ms Nina Hauer, Chairman of the German-Australian-New Zealand Parliamentary Friendship Group. On behalf of all senators, I wish you a very warm welcome to our Senate and to Australia.

**Honourable senators**—Hear, hear!

#### **QUESTIONS WITHOUT NOTICE**

##### **Telecommunications**

**Senator EGGLESTON** (2.39 pm)—My question is to the Minister for Communications, Information Technology and the Arts, Senator Coonan. It is a decade since the Howard government spearheaded reforms to the telecommunications sector. I ask the minister to outline to the Senate how these landmark competition reforms have increased investment in the telecommunications industry and are delivering real benefits to consumers throughout Australia.

**Senator COONAN**—I thank Senator Eggleston for such a thoughtful question on communications. Ten years ago the Howard

government took on the challenge of reforming Australia's telecommunications sector, thereby opening it up to full and robust competition. The intention in tackling this reform agenda was to improve the quality and the price of services for all consumers, regardless of where they live. Under the previous Labor government, telecommunications, like other industry sectors, had simply failed to keep pace with the world economy. As a result, the industry and, critically, Australian consumers suffered because of Labor's policy paralysis in this area.

After 10 years of competition reform by this government, consumers are now the real winners, I am happy to say, with prices falling on average by over 26 per cent and prices for mobiles falling by well over a third—by a whopping 36 per cent. The Australian government's Australia Connected package will see OPEL, a joint venture between Optus and Elders, roll out a new high-speed broadband network, using a mix of technologies, to 99 per cent of all Australians at affordable prices. It will reach people on farms and in locations where, despite proximity to an exchange, they have simply been unable to get a fast internet service.

I also understand that the expert task force will shortly release the draft guidelines for competitive bids for the new high-speed broadband network in capital cities and major regional centres. If the media reports and analysts are to be believed, Australia is also about to benefit from a significant upgrade to Telstra's hybrid fibre-coaxial, HFC, cable network. Speeds in the order of 30 and even 50 megabits have been bandied about over the last couple of days and, if these reports are well founded, this upgrade will be another great result for consumers. However, most importantly, this rumoured investment will be driven by commercial interests without regulatory wind-back or taxpayer funding.

The government settings for industry stand in very stark contrast to the Labor Party. Labor has moved from mandating dial-up to hiding under Telstra's skirts and adopting holus-bolus an old broadband plan that even Telstra has stepped away from. This shows that Labor has not done the hard policy yards and is afraid of scrutiny, while calling for it from the government. Labor's so-called broadband plan rests on nothing more than a flimsy press release—I think we all need to be clear about that—so it was interesting to hear Mr Rudd's response to Fran Kelly on Radio National's *Breakfast* on Monday, in an interview about whether he would declare his position on Tasmania's Mersey hospital, in which he said he needed 'a comprehensive piece of paper' explaining the model and how it is to be constructed, organised and delivered. Here is the kicker: he said he will not respond to a government press release with no detail attached. That is the same old Labor: 'Do as I say, not as I do.'

Labor is going to try and slide out of any scrutiny until election day, with no transparent costing of a \$5 billion raid on the taxpayer. This government has a genuine plan that can stand up to scrutiny and that is going to deliver immediate results, not in five years time.

#### **Senator Heffernan**

**Senator ROBERT RAY** (2.43 pm)—I direct my question to Senator Minchin, the Minister representing the Prime Minister. Is the minister aware of an article in the *Sunday Age* newspaper of 24 June 2007, under the heading "'ASIO agent' Heffernan makes some odd calls', which claimed that Senator Bill Heffernan had phoned the general manager of Cubbie Station and posed as an ASIO agent? Has an investigation been launched to determine whether or not Senator Heffernan may have committed an offence under divi-

sion 148 of the Criminal Code by impersonating a Commonwealth public official? Isn't it true that Senator Heffernan has confirmed that he does indulge in such impersonations? Is it a defence to claim eccentricity or slavish sycophancy to the Prime Minister and, if so, can all other potential criminals in the country make similar excuses?

**Senator MINCHIN**—I have no direct and personal knowledge of the circumstances of which Senator Ray speaks. Of course it is wrong, generally speaking, to impersonate anybody in any phone call, but I do not have a brief on the matter to which Senator Ray refers and I would prefer to be fully briefed before I give him an answer. I undertake to get him an answer as soon as I possibly can.

**Senator ROBERT RAY**—Mr President, I ask a supplementary question. I appreciate that the minister is going to be briefed and get back to us but, while he is doing that, could he also confirm that Senator Heffernan has boasted that he impersonates Senator Barnaby Joyce—the horror, Mr President, the horror!—and rings Queensland constituents of Senator Joyce and asks them what they think of Senator Heffernan? Is it the case that section 7.3 of the Criminal Code provides that a person can be held not criminally responsible for an offence by reason of mental impairment?

**Senator MINCHIN**—I can confirm that Senator Heffernan has a remarkable and attractive sense of humour which endears him to all his colleagues. I can also confirm that Senator Joyce has a most distinctive voice that I would not have thought was capable of being impersonated. Nevertheless, I am not in a position to confirm the allegation and I will not undertake to get any further information on that matter.

#### **Lucas Heights Reactor**

**Senator NETTLE** (2.46 pm)—My question is to Senator Brandis, the Minister rep-

resenting the Minister for Education, Science and Training. Can the minister outline to the Senate how many Australians have missed out on getting the medical tests or care that they need because no nuclear medicine has been produced at Lucas Heights for the last 12 months?

**Senator BRANDIS**—I do not have a brief on that matter. I will make inquiries and respond.

**Senator NETTLE**—Mr President, I ask a supplementary question. Does the minister stand by ANSTO's claim that the reactor will be operating again in eight weeks? Is it not more likely that it will remain shut down for six to 12 months? Does the government still stand by the Prime Minister's description of the new reactor as a 'triumph' when major design flaws have forced it to shut down after just three months of operation? Doesn't this highlight the dangers and flaws in the government's proposal for 25 nuclear reactors in Australia? Why doesn't the government use the opportunity of the emergency shutdown of the nuclear reactor at Lucas Heights to scrap its multibillion-dollar white elephant?

**Senator BRANDIS**—I will respond in detail to the earlier part of Senator Nettle's question, but I observe to Senator Nettle that, when the government is considering future energy options for Australia, it will be governed by science, not dogma or blind faith, and all relevant scientific options will be considered in a methodical, rational manner, unlike the approach of either Senator Nettle's party or the opposition.

#### **Hospitals**

**Senator McLUCAS** (2.48 pm)—My question is to Senator Ellison, the Minister representing the Minister for Health and Ageing. Is the minister aware that Senator Parry made a submission to the review of the Tasmanian hospital system on 10 April 2004

supporting the reform of the Tasmanian health system? Is the minister further aware that Senator Parry's submission stated that duplication of health services in north-west Tasmania had failed to deliver the standard of care that the community needed and indeed deserved? Is the minister also aware that Senator Parry wrote to the Tasmanian health minister, Lara Giddings, on 7 February this year supporting the state government's plans for reform, stating that:

I am encouraged that at long last we are tackling the real issues of duplication in order to provide better health services.

Given that Senator Parry's position is now clear, can the minister explain why Minister Abbott now asserts that this is not his view?

**Senator ELLISON**—I am not aware of the submission that Senator McLucas refers to, but, in relation to the Commonwealth government's position, it is quite clear that we aim to have a health system which benefits all Australians and, where we have state and territory governments that fall down in their duty, we will back up those communities that have suffered from the negligence of those state and territory governments. I am advised that Senator Parry put out a statement. That statement, which I understand is dated today, says that comments attributed to Senator Parry in the company of others, including a journalist, have been taken out of context. Senator Parry states:

I am disappointed that the Labor Party has mischievously used a remark from a private conversation to achieve political mileage regarding the Mersey Community Hospital. I support the Government's plans to deliver a sustainable, safe and viable health system for the people of Tasmania.

The people of north-west Tasmania would be better served if Mr Rudd, the Labor Party and the Tasmanian government supported the government's actions to improve hospital services, including the Mersey Community Hospital. The injection of \$45 million should

free up additional resources for north-west health services. Senator Parry, a very strong supporter of medical services in Tasmania, endorses the actions that the government have taken—and quite rightly so—in addressing community concerns where there is a gap in the provision of health services due to the negligence of the state government. The national government of Australia will not stand by and see the diminution of services to the Australian people because of the negligence of state and territory governments.

**Senator McLucas**—Mr President, I seek leave to table Senator Parry's letter to Tasmanian health minister Lara Giddings and his submission to the review of the Tasmanian hospital system, for the benefit of the minister and in order to ensure accuracy in this chamber.

Leave not granted.

**Senator Chris Evans**—You coward!

**The PRESIDENT**—Order! Senator Evans, that is unparliamentary. Withdraw.

**Senator Chris Evans**—I withdraw, Mr President.

**Senator Bob Brown**—Mr President, on a point of order: I ask the government to reconsider the non-tabling of that document so that the Senate can look at it. It is going to be a public document. They have made a mistake, and I ask them to reconsider the failure to give leave on this occasion.

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

**Senator McLUCAS**—Mr President, I ask a supplementary question. Why is the government heavying Senator Parry, as evidenced in the press release that the minister has just referred to, when his considered views are supported by locals like the Mayor of Burnie, the Burnie Chamber of Commerce, clinical staff at the hospital, the Tas-



manian AMA and the Tasmanian health minister? Why has the government placed the advice of Canberra and Sydney based pollsters Crosby Textor ahead of Senator Parry from Tasmania, who has listened to Tasmanians and called the intervention a disaster?

**Senator ELLISON**—I think Senator Parry has made his position quite clear in the statement I have related to the Senate. Senator Parry is a very independent senator, as I know firsthand. He has made his position as to where he stands very clear by this statement—that is, to see increased provision of health services to the people of Tasmania.

#### **Beijing Olympic Games**

**Senator BERNARDI** (2.54 pm)—My question is to the Minister for the Arts and Sport, Senator Brandis. Will the minister inform the Senate of how the Howard government is helping bring home gold for Australia at the Beijing Olympics?

**Senator BRANDIS**—I thank Senator Bernardi for his question. In passing, I note his own very distinguished, and indeed famous, contribution to Australian sport, in the sport of rowing.

Today, 8 August, marks one year until the commencement of the 2008 Beijing Olympic Games. There will be few Australians who do not feel a growing sense of pride and anticipation in the lead-up to the games as our elite athletes finalise what for some of them has been a lifetime of preparation.

I am pleased to say that the Howard government feels that pride, and we are playing our part in helping Australia's elite athletes to take on the world in Beijing. The first way we are doing this is through our support of the world's best elite sports training facility, the Australian Institute of Sport. This financial year, the Howard government, through the Australian Sports Commission, will provide \$27.7 million for AIS sports scholarship

programs. That is an increase of over \$13 million since the last Labor government.

To prove that the money is well spent, one need only look at the results of the 2004 Australian Olympic team. Of all the individual medals won by Australians, three-quarters were won by current or former AIS trained athletes. Of the 133 medals that the 2004 Australian Olympic team brought home, 100 were won by AIS trained athletes.

Our support for our Olympic team goes further than merely the AIS. In March, I announced funding of \$2.9 million, shared between 16 Australian sports preparing for the Beijing Olympics, and that the Paralympics would share in that extra funding. With their share of the funding, we invested in boats specially designed to assist competitors to cope with race weather conditions in China, and our equestrian team used their funding for portable gear to monitor the health and condition of their horses. So the Australian government, through the Australian Sports Commission, has committed \$14 million in direct athlete support through to 2008-09 as part of the Australian government's sports training grants scheme. This direct financial support, distributed at arm's length through the Australian Sports Commission, has helped our athletes to make the most of their training and competitive opportunities in the lead-up to Beijing.

Finally, while we are talking about our Olympic competitors, I should also mention that the coalition government has announced that it will provide \$130,000 to help meet the costs of sending the Australian team to the 2007 Special Olympics World Summer Games in Shanghai. That decision brings total Howard government support for the Special Olympics in 2007-08 to \$255,000.

We are a year away from Beijing, and I am sure all honourable senators wish our

athletes well for the hard year of training ahead.

### Broadband

**Senator WORTLEY** (2.57 pm)—My question is to the Minister for Communications, Information Technology and the Arts, Senator Coonan. Can the minister confirm her statement in parliament on 19 June that the electorate maps of coverage of OPEL's broadband network were released to all MPs on the day of the announcement and that all this information was public? Is the minister aware that the department is refusing to release the same maps unless they are kept confidential? Will the minister now direct her department to put the full set of electorate maps on its website? Will the minister also immediately release the list of 426 exchanges that will be ADSL2+ enabled by OPEL?

**Senator COONAN**—I thank Senator Wortley for the question. Funnily enough, it has an eerily familiar ring to a request I had from Telstra. That particular request has an eerily familiar ring to it, Senator Wortley. The request really relates to maps for the Australian Broadband Guarantee, not for OPEL coverage maps, which in fact have been publicly available. But it is interesting that Senator Wortley talks about maps. I wonder why we have not seen a map, a plan or any technical information—not one skerrick other than a flimsy press release—for 4½ months from the Labor Party.

The Labor Party cannot come in here and lecture the government about maps and plans when we have a fully costed, fully able to be rolled out, whole new wholesale broadband network for rural and regional Australia that not only will reach 99 per cent of the population but will look after the seven million households that Labor's plan simply fails to address—simply because the Labor Party has not got its head around the mix of technolo-

gies that is necessary to deliver a range of solutions for a range of circumstances in rural and regional Australia. When Senator Wortley comes clean with some maps from the Labor Party, perhaps I will consider some further Australian Broadband Guarantee maps more broadly.

**Senator WORTLEY**—Mr President, I ask a supplementary question. The minister has again failed to answer the question, but I will put my supplementary. Is the minister's refusal to make the maps and exchange details publicly available because they show that 90 per cent of the exchanges getting OPEL ADSL2+ already have ADSL and that 40 per cent of exchanges getting OPEL ADSL2+ already have it? Don't the Broadband Connect Infrastructure Program guidelines say that coverage should be provided to under-served areas and those that do not have access to metro-comparable broadband? Hasn't the minister breached her own guidelines?

**Senator COONAN**—I say to Senator Wortley: if you are going to ask technical questions, try to get them right. It is actually ADSL2+, not ADSL+. When we are looking at Labor's broadband plan, we see that Labor falls at the first fence. Mr Rudd says that policy should be evidence based, and Labor does not have the courage, does not have the policy bottle, to do the hard yards. It just hides behind Telstra. Come out. Show us your plan; show us your maps. Then, as another person says, we can have a real conversation.

**Senator Minchin**—Mr President, I ask that further questions be placed on the *Notice Paper*.

### MS ANNE STEELE

**The PRESIDENT**—For the information of the Senate, all Tasmanians would be aware, I hope, that Anne Steele swam the English Channel—the first Tasmanian to do

it—in the time of 10 hours, 58 minutes and 33 seconds.

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

**Answers to Questions**

**Senator CONROY** (Victoria) (3.02 pm)—I move:

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

Let us be clear about what has happened today to Australian families, because while this government tries to blame everybody else for its own failings the Australian public, working families, have been slugged by this government. They have been slugged by the impostor of a Minister for Finance and Administration, Senator Minchin, who is incapable of saying no to the Prime Minister. He is a doormat to the Prime Minister. As Alan Mitchell said in an article yesterday:

The Prime Minister's claim that his government is in the clear because it is running a budget surplus and that it is all the fault of the states and their budget deficits is nonsense.

He went on to say:

After adjusting for Treasurer Peter Costello's accounting fiddles, the federal government's cash surplus is budgeted to fall by almost 1 per cent of gross domestic product this financial year. However, even that does not fully capture the extent to which the Howard government's budget decisions will add to the pressures on the economy.

Let us be clear: yesterday the *Financial Review* exposed the impostor of a minister for finance. Jim Cairns did a better job than you are doing; you look profligate next to Jim Cairns, Senator Minchin. You cannot say no to a Prime Minister.

Let us go through the list of the \$7 billion of expenditure since the budget—not included in the budget but since the budget: for the Northern Territory Indigenous community intervention, \$2 billion; for Common-

wealth Disability Assistance, \$1.4 billion; for broadband access, \$358 million; for school solar tank revamps, \$336 million; for the RAAF Amberley redevelopment, \$331 million; for the C-17 facilities, \$268 million. And it goes on and on, totalling nearly \$8 billion. There has been \$8 billion of new expenditure since the budget, which was already out of control. Is it any wonder that the Australian public thinks, according to Mark Textor, that this is a deceitful government and that the Prime Minister is untruthful? Is it any wonder that the Prime Minister's own pollster is telling him that?

You just have to go to the recent biography of the Prime Minister, where Mr Costello was talking about the lavish expenditure engaged in by the Prime Minister during the election campaign three years ago. What did Mr Costello have to say about Mr Howard's promises during that election? He said:

I have to foot the bill and that worries me. And then I start thinking about not just footing the bill today but if we keep building in all these things, footing the bill in five, and 10 and 15 years and you know I do worry about the sustainability of all these things.

The Australian public are worried about it. The financial markets are worried about it. And, most importantly, today the Reserve Bank showed it is worried about it. The Reserve Bank showed that it is so concerned that it put up interest rates for the ninth time in a row. And you just have to listen to the economists in the market passing their judgement on this government, on Senator Minchin—the man who is in charge in this country of saying no.

What do the economists say? They had warned that a pre-election spending binge coming on top of the additional \$36 billion of tax cuts and higher benefits in May's budget could feed inflation by fuelling demand at a time when the economy is already

stretched. What did Ken Henry, the Secretary to the Treasury, say to his own troops this year? He said that expansionary fiscal policy in such an environment would tend to 'crowd out private sector activity putting upward pressure on prices and interest rates'. Because this finance minister is a failure, because he makes Jim Cairns look like a good Treasurer of this country, because he cannot say 'no'—

**Senator Minchin**—I am not that bad!

**Senator CONROY**—You are that bad, Senator Minchin! You have put upward pressure on interest rates because you cannot say 'no' to the Prime Minister. No wonder the Reserve Bank had to put a missile across the bows of this government today. (*Time expired*)

**Senator RONALDSON** (Victoria) (3.08 pm)—What a very silly speech from someone who I think should have known better. It is interesting that the only people who are actually concerned about the interest rate rise today, delivered by an independent Reserve Bank, are those on this side of the House because we are aware of the pain that will cause. Quite frankly, I have seen nothing but crocodile tears from the other side. You are actually pleased about the interest rate rise today because you can talk about it for political reasons. You are shedding crocodile tears, your hands are over your mouth, but underneath you are smirking about the fact that there was an interest rate rise.

The RBA made it quite clear today that this interest rate rise is due to the strength of the economy. It strongly reinforces the message that even with a strong economy there are challenges and pressures, and they have to be very carefully managed. It does require the commitment of senior government financial managers. It requires experience, dedication and commitment from the Prime Minister, the Treasurer and the finance minister. It

is not the sort of management that you would trust to inexperience. It reinforces the point that even a strong economy needs safe hands to make sure that the levers are pulled properly. What you need is a Prime Minister and a Treasurer who are working together for short-, medium- and long-term gains. You do not need a Prime Minister without policies and you do not need a Treasurer without any ideas.

That effectively is what Senator Conroy is acknowledging today—their alternative is a Prime Minister with no policy and a Treasurer with no ideas. The cat was let out of the bag today—the inexperience of this alternative team. The shadow Treasurer, the would-be Treasurer, and his leader, who will be required to work together to manage this economy, cannot even get their lines right. The shadow Treasurer indicated today that he would, as Treasurer, maintain balanced budgets but only at the moment and in the current economic circumstances. When pressed by a journalist as to what his response would be in different circumstances he had no idea. His leader needed to step in over the top of him and say, 'Our policies mirror the government's policies.' I can tell you quite clearly that this government's policy does not under any circumstances countenance non-balanced budgets—deficit budgets. We have made that quite clear and we have stuck to that. That indeed has delivered to this country the sorts of outcomes that the Labor Party can only dream about. It has delivered low inflation and unemployment rates which are their lowest in 33 years. Already the shadow Treasurer, the would-be Treasurer of this country, has acknowledged that he may well deliver deficit budgets.

I am sure there is no-one listening to this today who would, under any circumstances, countenance the delivery of deficit budgets. This government has been able to maintain strong economic growth, low inflation, low

employment and low interest rates on the back of surplus budgets. But three or four months out from an election we have an acknowledgement from the would-be Treasurer of this country that he will potentially run deficit budgets. I do not need to tell you what the outcome of that would be. It would be higher inflation and higher interest rates. (*Time expired*)

**Senator WONG** (South Australia) (3.13 pm)—On a number of occasions today in question time we put to Senator Minchin, the Leader of the Government in the Senate, the Minister representing the Prime Minister, that famous promise that this coalition government—the Liberal Party and the National Party—made to the Australian people: they would keep interest rates at record lows. That was the promise; that was the advertisement. ‘We will keep interest rates at record lows.’ How hollow does that sound now as Australian families struggle with the fifth consecutive interest rate increase since that promise was made and the ninth interest rate increase under the Howard government? Keep interest rates at record lows. How does that promise sound today? What we see in response from the Howard government is just more of the same, more ducking and weaving, more blame shifting—let us blame anyone but ourselves; let us not take responsibility.

One of the things that the Australian people will be very clear about as they deal with the impact of this interest rate increase on their mortgage repayments and the increasing financial pressure of rising childcare costs, rising grocery costs, the rising cost of living and an increase in their mortgage repayments due to the ninth consecutive interest rate increase is that this Prime Minister cannot take credit fast enough if interest rates go down. Do not get between John Howard and a microphone if interest rates go down. He cannot take credit quickly enough. But, as soon as interest rates go up, what do you

see? You see this government yet again ducking and weaving and trying to blame everyone but themselves because they do not want to take responsibility. The contrast could not be starker: the government want to take all the credit when interest rates are low and then, when interest rates go up, all of a sudden the government are missing in action and trying to blame everybody else.

We have had nine consecutive interest rate increases under this government and five since that famous promise of, ‘We’ll keep interest rates at record lows.’ What we now see from the government, and the Prime Minister confirmed this yesterday, is that suddenly that is no longer the line. Yesterday, the Prime Minister said:

What I promised, and what I repeat here today ... was that in Australia interest rates will always be lower under a coalition government than under a Labor government.

Suddenly’ it is no longer, ‘We’ll keep interest rates at record lows,’ because the Australian people know that that is simply not true after nine consecutive increases. All of a sudden it is a sneaky, probably poll driven, line where the government try to get out of the fact that interest rates have risen five times since the last election.

Let us talk about record interest rates. Let us talk about who really holds the record on interest rates. Let us be clear about who really is the record high interest rate holder over the last few decades. The highest interest rate in the last 30 years was 22 per cent. And who was that under? It was under the then Treasurer, John Howard. So much for the history lesson that we get from the Howard government and their claim that interest rates will always be at record lows. What we know is that when John Howard was Treasurer interest rates were 22 per cent. We know that he promised to keep interest rates at record lows and we know that since he made

that promise we have had five consecutive increases. When they made that promise the Liberal Party were either lying or simply wrong.

Today in question time I asked Senator Minchin what his advice was to working families like those of Mrs Spooner, who appeared in the *Daily Telegraph* today talking about the impact of interest rate increases. What was his advice to her and families like hers who are going to be hit with an increase in their repayments on top of rising fuel, childcare and grocery costs? I might have misheard Senator Abetz's interjection, but what I heard him to say was very simply, 'Vote Liberal.' That's it—vote Liberal! This government is extraordinary. They say, 'Vote Liberal,' and 'Working families will never be better off.' That's what Australian families will understand. They will understand you made a promise you have not kept and they will understand that you arrogantly stand there and say, 'Working families have never been better off.' It simply shows how out of touch this Prime Minister has become and how out of touch this government has become if it honestly thinks that working families who are struggling with interest rate increases, and with the blow-out in the percentage of families who are suffering from housing stress, have never been better off. (*Time expired*)

**Senator McGAURAN** (Victoria) (3.18 pm)—Senator Minchin, the greatest Minister for Finance and Administration that Australia has ever seen, is sitting at the desk at the moment. I would like to put on the record that the outrageous claim by Senator Conroy that Senator Minchin is the equivalent to Jim Cairns simply highlights what many of the public still have in their minds—that is, Labor cannot manage the economy. The comparison that Senator Conroy made was that the finance minister of Mr Gough Whitlam, the great icon from his own side, was a fool

and that he wrecked the economy. That is the sort of comparison that those on the other side wish to make. Many Australians still remember how the economy was run by Labor governments.

No-one, as the finance minister said, welcomes a rise in interest rates, least of all those with mortgages. But many people have mixed mortgages, with both fixed and variable rates, and those who have savings, particularly those on a pension, have another view about interest rate rises. We agree that no government, particularly in the political cycle that we are in, seeks an interest rate rise. But what the other side fail to understand, as they always have, is that what we have is the integrity of the Reserve Bank making a decision for the good of the whole economy. The independence of the Reserve Bank was one of the first reforms that this government introduced when it first came into office. The Reserve Bank makes decisions with no fear, favour or political influence at all for the good of the whole economy. Its objective is to maintain inflation within the two to three per cent band and it is carrying out its objective.

As mortgage holders and Australian householders know, nothing eats into their savings, wages and business profits like runaway inflation. But the other side come in here and try to say that the government has jacked up interest rates with some voodoo economics when in fact we have an independent, non-political Reserve Bank making that decision on the grounds of strong demand and a strong economy. There is no feel in the marketplace of a boom-bust cycle. We have had 10-plus years of record growth, we have strong demand and we have a strong economy in which the Reserve Bank has independently undertaken its objective to maintain inflation. That is the basis of its decision. The Reserve Bank bases its decision on a strong economy. The fundamentals

are that interest rates are—in comparison to those under the previous government—low, inflation is within the two to three per cent band, employment is at its lowest rate, growth is expected to continue at record levels and this government has zero debt and runs surplus budgets. They are the fundamentals of any economy and the Reserve Bank makes its decisions based on those fundamentals—fundamentals that are good. The economy is in a strong state.

Naturally, households, governments and businesses understand that there are fluctuations in interest rates, but these have not been the 1.5 per cent interest rate hikes made by the previous government and visited upon Australian households and businesses. The decisions to lift interest rates by that 1.5 per cent level were made by the previous government. They were made by the Treasurer of the time. What a disgraceful way to run the economy! The current government brought in reforms such as industrial relations reform and the independence of the Reserve Bank so as not to get the boom-bust cycle that we had in the past. The greatest danger to interest rates is not a surplus budget and zero debt, about which those on the other side are trying to mount some crazy economic case; the greatest threat to interest rates is debt raising by the states. This is acknowledged by the former Reserve Bank governor himself. Time does not allow me to develop the case relating to the states, but rest assured that others on this side of the House will. The states are the greatest danger when it comes to further and higher interest rates.

**Senator HURLEY** (South Australia) (3.23 pm)—It is breathtaking arrogance that the government decry the Labor Party for politicking on interest rates when it was they who set the agenda at the last election campaign which led them to make foolish promises that they have been unable fulfil. The

background to this is that the interest rate rise in August this year appears not to have slowed consumption but there is some evidence to show that the tax cuts that came into effect at the beginning of July are boosting household spending. On top of that, and after repeated warnings against just this occurrence, the Howard government have gone on an election year spending spree. As the *Australian Financial Review* pointed out, they have outspent the Labor Party something like three to one in populist political spending. That is what is creating pressure on interest rates and that is what has resulted in the increase that we have seen today.

In his press conference today, the Prime Minister was noticeably tetchy when asked about political spending this year because he does not like being held to account. He likes to blame others, and preferably the Labor Party. The best evidence of this, of course, is the pre-emptive strike—the Liberal Party's ads which blamed state spending on infrastructure for interest rate rises. I notice that Senator McGauran parrots this without supplying any evidence of it. The ANZ Chief Economist, Saul Eslake, had it right when he said that there was little connection between state government borrowing and interest rates. He said:

It's true state governments will be borrowing money over the next four years but there's very little historical evidence between government borrowing and the cash rate. It's political propaganda. It's not economic analysis.

I think that encapsulates my response exactly. The Liberal Party and Senator McGauran know that that kind of argument is complete nonsense.

The Prime Minister does not seek to explain economic matters to the Australian public; he tries to hoodwink them with confusions and half-truths. That is what he is about, in the last election and currently in dealing with the latest interest rate rises. But

it is crystal clear to Australian families that they are finding it increasingly difficult to manage their household finances. They may not understand the economic background of why they are finding it difficult to manage, but they know that they are. They know that this interest rate rise will make it far more difficult for them to manage those finances—not only with regard to housing costs, whether they be mortgage or rental, but also with regard to their credit card debt. Households are paying much more on a range of costs, like education, private health, child care and petrol. Unfortunately, for many families credit cards have become part of their income stream. That debt has now reached something like \$40 billion in Australia and that has to be repaid at higher interest rates.

Where is the government on this? Mr Howard says that Australians have never had it better. Mr Howard and the Liberal government have ridden on the back of an unprecedented period of excellent terms of trade and the productivity gains initiated by a former Labor government. Mr Howard has never had it better, but too many Australian families have been left behind, and they know it. Despite the Liberal government's great good fortune in being in power during a world upturn, after this term of government they will leave behind much to be done in attracting investment to Australia, increasing productivity and improving the quality of life for working families. Working families are now faced with the double jeopardy of steadily rising prices and the government's Work Choices system eroding their wages and conditions. All the while, the Prime Minister refuses to acknowledge that there might be a problem with his management of the economy.

**Senator BARTLETT** (Queensland) (3.28 pm)—For the last half-hour or so we have heard backwards and forwards sledging

about whether Labor is better on the economy or the Liberals are better on the economy, and who is best on interest rates, inflation and all those sorts of things. People can make their judgement on that, but my feeling is that the great majority of Australians who are battling more and more with the impacts of these interest rate rises frankly could not care less about that sledging backwards and forwards. They are interested in how they are going to deal with the severe financial consequences many of them are facing because of not just interest rate rises but a whole range of factors that have created a massive housing affordability crisis in Australia. That is what we should be dealing with.

The core question that I asked Senator Minchin today was: what is the government now going to do to help people, in particular people in the private rental market, many of whom in recent times have suffered very severe increases in the price they have to pay for their rental and many of whom have had to shift cities because they can no longer afford to pay private rental on flats and houses they have lived in for decades? And that is where our debate should be.

I am really sick of people going back to what the average was under the Hawke-Keating government, what the average was under the Fraser-Howard government, what the average was in different eras and what the situation was with inflation figures. There are a whole lot of big economic figures around the place that people throw backwards and forwards as some sort of statistical justification. I am sure there is some value in assessing that in a general, intellectual sense but it obscures the immediate reality that many Australians are suffering enormous hardship as a result of financial stress caused by the housing affordability crisis. Frankly, we hear very little from either of the major parties about what they are going to do about that. I do acknowledge that the Labor



Party in recent times has at least accepted that housing affordability is a national crisis and has made some moves towards proposing to adopt a national strategy in this area. That is a partial step forward from where the coalition has been at—which is basically, ‘We’ll do our bit over here. All the rest is the state’s fault. We’ll just tinker around where we can with some general economic management and leave it up to the market to fix it.’ That approach has clearly failed. It has been failing for many years. Frankly, that is a clear legacy and a very sad legacy of the Treasurer, Mr Costello’s, mismanagement and lack of interest in this serious area. We saw that years ago with the cynical action by the Treasurer in responding to the housing affordability crisis, which is much worse now than it was then, by initiating an inquiry by the Productivity Commission into first-home ownership. He then totally ignored all of the recommendations from the Productivity Commission which applied to the federal government and simply blamed the states for not dealing with those recommendations that related to them. That was his approach three years ago: blame the states, ignore the evidence from the inquiry that he called himself and continue to fiddle while the housing affordability situation burned.

Now we have a far worse crisis three years later with a massively increased gap between those who own their own home, those who have significant and huge mortgage burdens, and those who cannot even manage that and are in the private rental market. That was usually the broad safety net between those who could afford their own home and those who were in public and community housing. The private rental market has now itself become unaffordable for many people. We need to do something about that now. The simple question that was asked of the Leader of the Government in the Senate was: what is the government going to

do now to help those people who are suffering enormously? There was no answer. That is the most serious non-response out of everything that was said today in question time from all sides about this issue. This is impacting cities and towns across Australia. In my own state of Queensland—in towns like Mackay, Townsville, Cairns, Maryborough and Hervey Bay—it is different in different areas but the common thread is a dramatic increase in private rental and people being forced out of homes they have rented for decades. People are being forced to move away from communities which they had been part of for decades. Worst of all, there is no sign of any relief down the track—there are no signs other than that it is likely to get worse. (*Time expired*)

Question agreed to.

#### PETITIONS

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

#### Immigration

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

That we re affirm our support for the Constitution of the Commonwealth of Australia which states “Whereas the people of New South Wales, Victoria, South Australia, Queensland and Tasmania humbly relying on the blessing of Almighty God, have agreed to unite in one indissoluble Federal Commonwealth “(Constitution Act 9th July 1900) and the affirmation of 69% of our Australian population that they are Christians, and the statement of one of our founders that “this Commonwealth of Australia from its first stage will be a Christian Commonwealth” (Sir John Downer 1898), and the Opening Prayer of the Parliaments “Almighty God we humbly beseech Thee to vouchsafe Thy blessing upon this Parliament. Direct and prosper our deliberations to the advancement of Thy glory” and recognises the importance of these beliefs in ensuring the ongoing stability and unity of our Christian nation.

Your petitioners therefore pray the Parliament of Australia will:

1. Review our Commonwealth Immigration Policy to ensure the priority for Christians from all races and colours, especially from persecuted nations, as both immigrants and refugees.
2. Adopt a ten year moratorium on Muslim immigration, so an assessment can be made on the social and political disharmony currently occurring in the Netherlands, France and the UK, so as to ensure We avoid making the same mistakes; and allow a decade for the Muslim leadership and community in Australia to reassess their situation so as to reject any attempt to establish an Islamic nation within our Australian nation.

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

by **Senator Faulkner** (from 12 citizens)

#### **Information Technology: Internet Content**

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

We, the undersigned citizens of Australia draw to the attention of the Senate the common incidence of children being exposed to Internet websites portraying explicit sexual images. These images may involve children/teens, sexual violence, bestiality, and other disturbing material. Many such websites use aggressive, deceptive or intrusive techniques to induce viewing. We submit to the Senate that:

- Exposure to pornography is a form of sexual assault against children and should be considered, like all sexual abuse of children, as a serious matter causing lasting harm.
- It is not adequate to charge individual parents with the chief responsibility for protecting their children from Internet pornographers determined to promote their product, OR to expect parents to teach children to cope with the damaging effects of pornographic images AFTER exposure.
- It is the primary duty of community and Government to prevent children being exposed to pornography in the first place by placing restrictions on pornographers and those businesses distributing such material.

- Internet Service Providers (ISPs), should accept responsibility for protecting children from Internet pornography, including liability for harm caused to children by inadequate efforts to protect minors from exposure.

Your petitioners therefore, pray that the Senate take legislative action to restrict children's exposure to Internet pornography. We support the introduction of mandatory filtering of pornographic content by ISPs and age verification technology to restrict minors' access.

by **Senator Lightfoot** (from 95 citizens)

#### **Asylum Seekers**

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

WHEREAS the 1998 Synod of the Anglican Diocese of Melbourne carried without dissent the following motion:

"That this Synod regrets the Government's adoption of procedures for certain people seeking political asylum in Australia which exclude them from all public income support while withholding permission to work, thereby creating a group of beggars dependent on the Churches and charities for food and the necessities of life;

and calls upon the Federal government to review such procedures immediately and remove all practices which are manifestly inhumane and in some cases in contravention of our national obligations as a signatory of the UN Covenant on Civil and Political Rights."

We, therefore, the individual, undersigned attendees at St Thomas' Anglican Church Upper Fern-tree Gully 3156, petition the Senate in support of the above mentioned motion.

AND we, as in duty bound will ever pray.

by **Senator McGauran** (from 62 citizens)

Petitions received.

#### **NOTICES**

##### **Presentation**

**Senator Chris Evans** to move on the next day of sitting:

That the Senate:

- (a) condemns the actions of Senator Hefferman in gatecrashing the press conference

- of a delegation of Indigenous leaders on 7 August 2007;
- (b) notes that this is now the third time Senator Heffernan has committed such an offence;
- (c) calls on the Prime Minister (Mr Howard) to discipline his close friend, Senator Heffernan, and require him to observe the normal courtesies extended to visiting delegations and fellow parliamentarians; and
- (d) believes that retaliation for Senator Heffernan's actions would not add to the dignity of the parliamentary process.

**Senator Stott Despoja** to move on the next day of sitting:

That the Senate:

- (a) notes that:
- (i) the final report of *Australian University Student Finances 2006*, published by Universities Australia, includes the following indicators:
- (A) 12.8 per cent of students regularly go without food or other necessities due to lack of funds,
- (B) 14.5 per cent of full-time undergraduate students who are also working during semester are working more than 20 hours per week,
- (C) 40.2 per cent of full-time undergraduate students believe work is having a significant adverse effect on their studies, and
- (D) 16.4 per cent of full-time postgraduate coursework students have their applications for income support rejected, and
- (ii) the Government has yet to respond to the Employment, Workplace Relations and Education References Committee report, *Student income support*, tabled on 23 June 2005;
- (b) acknowledges that:
- (i) university graduates are vital for Australia's competitiveness, and

- (ii) significant financial stress is not conducive to a good education outcome;
- (c) welcomes the student income support measures contained in the 2007-08 Budget; and
- (d) urges the Government to consider and respond to both the Senate committee report and the recommendations for alleviating student financial stress put forward by Universities Australia, formerly the Australian Vice-Chancellors' Committee, on 15 March 2007.

**Senators Barnett and Chapman** to move on the next day of sitting:

That the Senate—

- (a) acknowledges that 2007 is the half-time progress mark in the global effort to meet the Millennium Development Goals, which aim to halve extreme global poverty by 2015;
- (b) notes that, since the Millennium Declaration was signed by the Prime Minister (Mr Howard) and other world leaders, there has been progress with:
- (i) an additional 34 million children worldwide afforded the opportunity to enter and complete primary school,
- (ii) more people than ever receiving treatment for HIV, and
- (iii) 30 of the world's poorest countries receiving debt cancellation or some reduction;
- (c) affirms the positive contribution that Australia has already made, by:
- (i) providing up-front, Australia's 10-year contribution to multilateral debt relief for poor nations,
- (ii) increasing Australia's aid budget to approximately \$4 billion by 2010,
- (iii) strengthening Australia's commitment to coordinate aid with other donors and better aligning Australia's aid with partner countries own priorities and processes, and
- (iv) renewing the focus of Australia's aid on education and health;

- (d) notes that, despite significant progress, some of the Millennium Development Goals will not be achieved unless new action is taken and more resources are mobilised;
- (e) affirms the work of the 'Make Poverty History' and 'Micah Challenge' campaigns in raising public awareness and generating new support for international poverty reduction efforts; and
- (f) calls on Australia to continue to play its part in supporting the achievement of the Millennium Development Goals through:
  - (i) a generous, effective and poverty-focused aid program,
  - (ii) a commitment to reducing the unsustainable debt burden of heavily-indebted poor countries,
  - (iii) the promotion of good governance in institutions and communities of developing countries,
  - (iv) advocacy for fairer international trade rules, and
  - (v) addressing the development challenges posed by climate change.

**Senator Ronaldson** to move on the next day of sitting:

That the Economics Committee be authorised to hold a public meeting during the sitting of the Senate on Thursday, 9 August 2007, from 4.30 pm to 6 pm, to take evidence for the committee's inquiry into private equity markets.

**Senator Nettle** to move on the next day of sitting:

That the Senate—

- (a) notes that:
  - (i) the Wallarah 2 Coal Project planned by Kores Australia, which is owned by the Government of South Korea, proposes to mine coal in the Wyong area of New South Wales using the longwall mining technique,
  - (ii) the proposed site of the mine in the Dooralong and Yarralong valleys includes threatened flora and fauna as well as rivers that make up 50 per cent

of the Central Coast water catchment and is close to residential areas,

- (iii) longwall coal mining is wrecking rivers in New South Wales by cracking riverbeds, disturbing aquifers, destabilising sandstone cliff formations, often resulting in cliff collapse and causing serious pollution,
  - (iv) residents in nearby areas are concerned about the proposed mine's likely noise pollution, the health effects of coal dust and effect on the local environment, and
  - (v) burning the coal extracted by the mine will contribute to global warming; and
- (b) calls on the Government to reject the proposed coal mine under the *Environment Protection and Biodiversity Conservation Act 1999*.

**Senator Lundy** to move on the next day of sitting:

That the Senate—

- (a) notes:
  - (i) the stated opposition of Federal Labor leader Mr Kevin Rudd to forced local government amalgamations in Queensland,
  - (ii) Mr Rudd's stated view that increased cooperation, including common purchase practices, can achieve improved efficiencies at a local government level, and
  - (iii) Mr Rudd's stated support on 17 May 2007 for local ballots ahead of any proposed non-voluntary local government amalgamation; and
- (b) welcomes the support of the Prime Minister (Mr Howard) for Mr Rudd's position on local democracy.

#### **Withdrawal**

**Senator BOB BROWN** (Tasmania—Leader of the Australian Greens) (3.34 pm)—Pursuant to notice given on 7 August 2007, I now withdraw business of the Senate

notice of motion no. 1 standing in my name for 10 September 2007.

**Senator BARTLETT** (Queensland) (3.36 pm)—I withdraw business of the Senate notice of motion No. 1 standing in my name for today relating to a reference to the Rural and Regional Affairs and Transport Committee.

#### **Postponement**

The following items of business were postponed:

Business of the Senate notice of motion no. 2 standing in the name of Senator Faulkner for today, proposing the reference of a matter to the Foreign Affairs, Defence and Trade Committee, postponed till 9 August 2007.

General business notice of motion no. 835 standing in the name of the Leader of the Australian Democrats (Senator Allison) for today, relating to the sexualization of children in the media, postponed till 14 August 2007.

General business notice of motion no. 836 standing in the name of Senator Murray for today, relating to alcohol abuse in Australia, postponed till 9 August 2007.

General business notice of motion no. 842 standing in the name of Senator Milne for today, relating to the Montreal Protocol, postponed till 15 August 2007.

General business notice of motion no. 848 standing in the names of the Leader of the Australian Democrats (Senator Allison) and Senators Bartlett, Murray and Stott Despoja for today, proposing the introduction of the Same-Sex: Same Entitlements Bill 2007, postponed till 9 August 2007.

### **MIGRATION LEGISLATION AMENDMENT (RESTORATION OF RIGHTS AND PROCEDURAL FAIRNESS) BILL 2007**

#### **First Reading**

**Senator BARTLETT** (Queensland) (3.37 pm)—I move:

That the following bill be introduced: A Bill for an Act to amend the *Migration Act 1958* to restore rights and procedural fairness to persons affected by decisions taken under that Act, and for related purposes.

Question agreed to.

**Senator BARTLETT** (Queensland) (3.37 pm)—I move:

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

Question agreed to.

Bill read a first time.

#### **Second Reading**

**Senator BARTLETT** (Queensland) (3.37 pm)—I move:

That this bill be now read a second time.

I table the explanatory memorandum and seek leave to have the second reading speech incorporated in *Hansard*.

Leave granted.

*The speech read as follows—*

This migration bill brings together five separate Private Senator's Bills which currently stand in my name on the Senate Notice Paper. These five Bills are amongst fifteen individual Bills I introduced in 2006 which sought to remove and amend a range of different injustices, inefficiencies and inequities that have been introduced into the *Migration Act 1958* over the last decade or so.

The injustices that result from these flaws in the law continue to occur. The recent mistreatment of Dr Mohamed Haneef has made some of these flaws much more apparent. This misuse of the law for political purposes by the Immigration Minister occurred in part because of the very limited checks on the extremely broad powers the

Minister has under the character provisions and the detention provisions of the Act.

Laws seeking to restrict the rights of migrants and ensure political motives triumph over procedural fairness and independent oversight in migration procedures have been a regular feature of Australia since the earliest days of Federation in 1901. Official moves to end the White Australia policy started in the mid-1960s. Attempts followed to recognise the reality of our culturally diverse nation and embrace its benefits through policies of integration and multiculturalism.

However, in recent decades, the Migration Act has again been regularly amended to reduce the rights of non-citizens residing in Australia, making them more and more at risk of being harmed at the whim of politicians without the protections of judicial and administrative fairness.

The mantra of 'protecting' Australians was used to justify the introduction of mandatory detention in the early 1990s, restrictions on the rights of asylum seekers through the late 1990s, draconian ministerial powers regarding 'character' decisions in 1998 and the further removal of support to asylum seekers and refugees in 1999.

There is a stark catalogue of evidence showing that these restrictions created a large number of serious injustices and increased suffering experienced by innocent people and added greatly to the cost of administering the Migration Act, while doing nothing to reduce its misuse or increase the security of Australians.

The Tampa incident in 2001 was used as the catalyst to push sweeping reforms through the Senate designed to almost completely remove basic protections and rights of migrants and asylum seekers.

These laws further removed rights to appeal, ensured the legality of indefinite detention of men, women and children under inhumane and traumatising conditions, excised islands and further restricted the rights of refugees to be recognised.

The Australian Democrats were the largest, strongest and most consistent voice of opposition and concern in the Senate during that time, calling for common sense and fundamental rights to be upheld in the face of hysteria and extremism.

The case of Dr Haneef has shown once again a government seeking to build a climate of fear in the wake of the terrorist attacks, using extreme and unaccountable powers to smear migrants, branding them as terror suspects and increasing community apprehension, regardless of the (lack of) evidence.

This bill seeks to provide a pathway to redressing some of these injustices and to introduce fairness and justice back into our migration processes.

Schedules 1 and 2 of the bill seek to repeal the introduction of a privative clause mechanism which restricts access to Federal and High Court judicial review of administrative decisions made under the Migration Act. It does so by repealing certain provisions of the *Administrative Decisions (Judicial Review) Act 1977* and the *Migration Act 1958*.

In practice these provisions sought to limit the availability of judicial review to a very limited class of errors of law. It applies not just to refugee determinations but to all decisions made under the Migration Act 1958.

The legislation unfairly stigmatises people who are simply aiming to pursue their basic legal rights. Furthermore, the whole premise on which the privative clause mechanism was based clearly implied that anyone who pursued their basic legal rights was doing so with the explicit intention of somehow rorting or frustrating the migration system.

The importance of protecting a basic safeguard such as the right to judicial scrutiny of a denial of procedural fairness is particularly acute when the decision is one affecting refugees.

In such cases, where the consequences of a wrongful decision can be extremely grave namely, being sent back to a situation of persecution—it is vital that sufficient safeguards are preserved.

However, there are also serious injustices which occur to many other migrants who have negative decisions made against them, such as visa cancellations. These decisions can have enormous long-term harmful consequences and should not be without adequate accountability.

Schedule 3 seeks to repeal the provisions introduced by the *Migration Amendment (Duration of*

*Detention) Act 2003* which prevents and limits courts from ordering the release of somebody from immigration detention whilst an appeal seeking their release is before the courts. This legislation was prompted by several cases where such release has been ordered by the Federal Court, the most notable example being the Al Masri case.

The effect of this provision means that any person whom the courts believe should be released from migration detention is now required to stay in detention whilst the government appeals it through every possible avenue. This is particularly ironic given that the Government is particularly vocal about the volume of cases before the courts and introduced further legislation to further restrict asylum seekers appeal rights.

We must recognise that it is not acceptable for people to be stuck in situations where they are left languishing in detention centres without any charge being brought against them, let alone being convicted of any crime. That can occur because of the legal fiction that detention is for administrative purposes, necessary for processing their claim and resolving their status as an unlawful non-citizen. It has also been held that detention is not punitive, despite the frequent statements by government Ministers that it serves as a deterrent, and the ample evidence of major harm that is done to people subjected to long-term detention.

The Democrats oppose provisions which take authority and jurisdiction away from the courts in determining whether or not people should be locked up and for how long.

*Schedule 4* seeks to repeal provisions of the *Migration Act 1958* inserted by the *Migration Legislation Amendment (Procedural Fairness) Act 2002*, which excluded the common law rule of procedural fairness and attempted to make it explicit that the procedures set down in the statute are all that decision makers must comply with.

The code of procedure scheme which is established in the sections of the *Migration Act* does not wholly duplicate the existing common law principles. In fact the Minister's second reading speech during debate on the 2002 bill also conceded that the code of procedure did not provide

the full protection of the common law requirements of the natural justice hearing rule.

The problem with this is the flow-on effect that applicants will only be entitled to "second rate" natural justice. These concerns are even greater given the removal of an applicant's right to judicial review also imposed by the *Migration Legislation Amendment (Judicial Review) Act 2001* which was passed by the major parties in the Senate. We do not believe further restrictions are desirable or justified.

We believe that the provisions in the Migration Act has reduced the accountability of decision makers and led to poorer decisions. It has also led to less opportunity for flawed decisions to be overturned.

*Schedule 5* seeks to repeal the *Migration Legislation Amendment (Strengthening of Provisions Relating to Character and Conduct) Act 1998* which increased the Minister's power to refuse or cancel visas on character grounds. Experience has borne out concerns expressed at the time the amending bill of 1998 was passed that there are insufficient protections in place to prevent unjust or unfair outcomes

#### **'National Interest' test for conclusive certificates**

I have major reservations about the subjective nature of the term "national interest" on which basis the Minister is able to refuse or cancel a visa on character grounds under the Act, as there is no longer an avenue for access to an independent review process. Instead, people are now subjected to the whim of the government of the day determining what is in the national interest. This deserves serious consideration because, the term "national interest" is so broad as to justify almost any issue of a certificate.

I am concerned at the potential dangers of major decisions regarding the future of individual human beings becoming more subject to immediate political pressures rather than broader, soundly based legal principles. This provision has been repealed in my bill to be replaced by a system allowing for internal review and allows for the Minister to issue a conclusive certificate under certain circumstances.

**The 'character test' and refusal or cancellation of visa on character grounds**

The provision in the Act which allows the Minister to refuse or cancel a visa on character grounds is one that has had strong objections with regards to the character test itself. The inclusion of certain levels of criminal sentences as an automatic indication of a person's character is a particular problem and has led to many blatantly unjust visa cancellations. A mindless bovver-boy law and order mentality should not be able to be applied unchecked to decisions which can have such serious consequences on people. Many decisions have been made to cancel the visa of people who have lived in Australia for decades; in some cases virtually all of their lives. The consequence of such decisions can be permanent exile from their effective homeland, and banishment to a country where a person has no family, no other support and sometimes does not even speak the language. This type of massive punishment should not be able to be meted out as if it is some sort of administrative decision which requires no form of independent merits review.

The provision formulating the character test does not take into account the fact that justice and criminality are defined very differently in various countries throughout the world with many people being jailed simply for voicing an opinion or holding an unpopular religious or political view.

I also have specific concerns about the way the character test is affecting people with psychiatric disabilities. The section in question contained in s.501 (7)(e) which states that a "person who has been acquitted of an offence on the grounds of unsoundness of mind or insanity, and as a result the person has been detained in a facility or institution" has a substantial criminal record is out of step with Australia's non-discriminatory policies in relation to people with disabilities.

As there is no clear distinction between criminal behaviour and psychiatric illness contained in the provision, it should be eliminated all together.

**Minister's personal powers**

I have major reservations with any prospect whereby the Minister is given additional personal power. The changes to the Act regarding character made in 1998 gave the Minister almost absolute

power to exclude or remove non-citizens who are determined not to be of good character. This included the ability to set aside decisions of the AAT and to refuse or cancel a visa where the Minister suspects that the person does not pass the character test and the refusal or cancellation is purportedly in the national interest.

While recognising that, from time to time, there may be a need to expedite the normal processes in order to address emergency cases involving non-citizens, I have specific concerns that the additional powers bestowed on the Minister may have the effect of undermining the rules of natural justice and will remove many of the safeguards against arbitrary and capricious decision making.

Schedule 6 seeks to eliminate the system of mandatory migration detention which was introduced by the Migration Reform Act 1992 and replace it with an alternative system which is more humane, less expensive, meets Australia's obligations under international law and provides a more effective mechanism for prompt and efficient administration of Australian migration laws.

The Democrats are fundamentally opposed to the system of mandatory detention of asylum seekers and we opposed the legislation which put it in place, which was passed with the support of both major parties.

Practice over more than a decade has shown that it is nonsensical to suggest that mandatory detention is not a penalty, particularly when it is regularly cited as being a deterrent against people considering entering Australia unlawfully. Australia is the only Western nation that imposes this system of mandatory detention which has been directly responsible for enormous and in some cases irreparable mental and physical damage to men, women and children alike.

Mandatory detention of people without charge or trial, for an indefinite period of time at the whim of a Minister and with no scope to seek bail or to challenge the detention in an independent court or Tribunal is one of the most flagrant breaches of our basic democratic rights imaginable. The recent treatment of Dr Haneef through the Migration Act demonstrated the extreme nature of mandatory detention. When Dr Haneef was facing charges under our anti-terror laws, he still had a right to apply for bail, yet when he became a per-



son who was facing no charges but had simply had his visa cancelled, he was locked up indefinitely with no prospect for bail or appeal.

The Democrats have proposed alternative programs to mandatory detention for asylum seekers. These are based on those developed and put forward by many NGOs and community organisations over some time, and have been proven to work humanely, effectively and more cheaply, whilst also addressing security concerns:

- All asylum seekers who enter Australian waters will be processed onshore;
- Asylum seekers will initially be accommodated for a limited period of time in facilities monitored by NGO's, to assess health, security and social service needs;
- When this assessment is complete asylum seekers would be released into the community with financial and casework assistance whilst their application for protection is completed;
- Case work assistance will continue for those whose applications for protection are unsuccessful, to ensure they are able to meet appeal deadlines or arrange return travel; and,
- A short-term detention facility will still be required for visa over-stayers and criminal deportees who are about to depart the country. This should continue to be located in a major capital city.
- The costs for a policy such as the above would not only be considerably less but would also be more humane, ensure that our international obligations are met and most of all guarantee that asylum seekers and refugees' rights are not trampled on.

The Democrats are committed to fighting to repeal all refugee and migration laws and policies that are an abuse of human rights.

I commend this bill to the Senate.

**Senator BARTLETT**—I seek leave to continue my remarks later.

Leave granted; debate adjourned.

## COMMITTEES

### Foreign Affairs, Defence and Trade Committee

#### Extension of Time

**Senator PARRY** (Tasmania) (3.39 pm)—  
At the request of Senator Payne, I move:

That the time for the presentation of reports of the Foreign Affairs, Defence and Trade Committee be extended as follows:

- (a) Australia's public diplomacy—to 16 August 2007; and
- (b) Australia's involvement in international peacekeeping operations—to 25 October 2007.

Question agreed to.

## BURMA

**Senator STOTT DESPOJA** (South Australia) (3.39 pm)—I move:

That the Senate—

- (a) notes that:
  - (i) 8 August 2007 is the 19th anniversary of the pro-democracy uprising in Burma, an uprising brutally suppressed by the Burmese military regime,
  - (ii) the Burmese military junta refused to recognise the results of democratic elections in 1990 that saw the National League for Democracy (NLD) emerge with a clear majority,
  - (iii) the National Convention in Burma, whose role is to recommend changes to Burma's constitution aimed at legitimising military rule, includes delegates hand-picked by the military regime and excludes representatives of the NLD and ethnic minority groups, and
  - (iv) the convention is expected to report in the near future;
- (b) condemns the ongoing persecution of pro-democracy groups in Burma and the detention of Daw Aung San Suu Kyi and other political prisoners; and

- (c) urges the Government to maintain international pressure on the Burmese military regime to:
- (i) end state-sponsored human rights abuses in Burma,
  - (ii) release political prisoners,
  - (iii) hold a dialogue with the NLD and ethnic minority groups to pursue national reconciliation and democratisation, and
  - (iv) include pro-democracy and ethnic minority groups in the National Convention process.

Question agreed to.

#### **CRONULLA SURF LIFESAVING CLUB**

**Senator FORSHAW** (New South Wales) (3.39 pm)—I move:

That the Senate—

- (a) notes that:
  - (i) 2007 is the Year of the Lifesaver,
  - (ii) that the Cronulla Surf Life Saving Club is currently celebrating its centenary year and held its 100th annual general meeting on Sunday, 5 August 2007, and
  - (iii) that during the past 100 years members of the club have performed more than 9,000 rescues with no lives lost;
- (b) recognises that the Cronulla Surf Life Saving Club has been one of the most successful clubs in the history of surf life saving championships, including being the only club to win three consecutive World, Australian, State and Branch Championships Pointscores; and
- (c) congratulates the Cronulla Surf Life Saving Club for its 100 years of 'vigilance and service' to the community.

Question agreed to.

#### **INDIA AND THE NUCLEAR NON-PROLIFERATION TREATY**

**Senator MILNE** (Tasmania) (3.40 pm)—by leave—I move the motion as amended:

That the Senate—

- (a) notes that:

- (i) India is not a signatory to the Nuclear Non-Proliferation Treaty (NPT),
  - (ii) the United States of America (US) and India have agreed to the terms of a deal to exempt India from US laws and international rules that seek to prevent states that are not parties to the NPT from using commercial imports of nuclear technology and fuel to aid their nuclear weapons ambitions,
  - (iii) under the India-US nuclear deal two reactors dedicated to making plutonium for nuclear weapons and nine power reactors, including a plutonium breeder reactor that is under construction, will be outside international safeguards,
  - (iv) India needs to import uranium to relieve an acute fuel shortage for its existing nuclear reactors and that importing uranium will free up more of India's domestic uranium for its military program,
  - (v) Pakistan has expressed its fears about the India-US nuclear deal, and
  - (vi) any sale of Australian uranium would contravene the NPT; and
- (b) calls on the Government to:
- (i) reject any sale of Australian uranium to non-NPT states,
  - (ii) encourage India to join the NPT, and
  - (iii) use its position in the Nuclear Suppliers Group (NSG) to block the submission to give India an exemption from the NSG rules preventing the supply of uranium to non-NPT states.

Question put.

The Senate divided. [3.45 pm]

(The Deputy President—Senator JJ Hogg)

Ayes.....	8
Noes.....	<u>44</u>
Majority.....	<u>36</u>

AYES

Allison, L.F.  
Brown, B.J.

Bartlett, A.J.J.  
Milne, C.

Murray, A.J.M.  
Siewert, R. \*

Nettle, K.  
Stott Despoja, N.

**NOES**

Abetz, E.	Adams, J.
Barnett, G.	Bernardi, C.
Birmingham, S.	Bishop, T.M.
Boyce, S.	Brown, C.L.
Campbell, G.	Colbeck, R.
Cormann, M.H.P.	Eggleston, A.
Fielding, S.	Fierravanti-Wells, C.
Fifield, M.P.	Fisher, M.J.
Hogg, J.J.	Humphries, G.
Hurley, A.	Hutchins, S.P.
Kemp, C.R.	Kirk, L.
Ludwig, J.W.	Lundy, K.A.
Macdonald, J.A.L.	McEwen, A.
McLucas, J.E.	Moore, C.
Nash, F.	O'Brien, K.W.K.
Parry, S. *	Patterson, K.C.
Payne, M.A.	Polley, H.
Ray, R.F.	Ronaldson, M.
Stephens, U.	Sterle, G.
Troeth, J.M.	Trood, R.B.
Watson, J.O.W.	Webber, R.
Wong, P.	Wortley, D.

\* denotes teller

Question negatived.

**NUCLEAR WEAPONS**

**Senator ALLISON** (Victoria—Leader of the Australian Democrats) (3.49 pm)—I move:

That the Senate—

- (a) notes that, on 6 December 2006, 125 nations voted in favour of United Nations General Assembly Resolution 61/83, which, inter alia, called on all nations immediately to commence multilateral negotiations leading to an early conclusion of a nuclear weapons convention prohibiting the development, production, testing, deployment, stockpiling, transfer, threat or use of nuclear weapons, and providing for their elimination;
- (b) supports the International Campaign to Abolish Nuclear Weapons in its endeavour to persuade nations to commence negotiations leading to such a convention; and

(c) urges the Government to promote, at international forums such as the Conference on Disarmament and the United Nations General Assembly, multilateral negotiations leading to such a convention.

Question put.

The Senate divided. [3.50 pm]

(The Deputy President—Senator JJ Hogg)

Ayes.....	8
Noes.....	44
Majority.....	36

**AYES**

Allison, L.F.	Bartlett, A.J.J.
Brown, B.J.	Milne, C.
Murray, A.J.M.	Nettle, K.
Siewert, R. *	Stott Despoja, N.

**NOES**

Abetz, E.	Adams, J.
Barnett, G.	Bernardi, C.
Birmingham, S.	Bishop, T.M.
Boyce, S.	Brown, C.L.
Campbell, G.	Colbeck, R.
Cormann, M.H.P.	Eggleston, A.
Fielding, S.	Fierravanti-Wells, C.
Fifield, M.P.	Fisher, M.J.
Hogg, J.J.	Humphries, G.
Hurley, A.	Hutchins, S.P.
Kemp, C.R.	Kirk, L.
Ludwig, J.W.	Lundy, K.A.
Macdonald, J.A.L.	McEwen, A.
McLucas, J.E.	Moore, C.
Nash, F.	O'Brien, K.W.K.
Parry, S. *	Patterson, K.C.
Payne, M.A.	Polley, H.
Ray, R.F.	Ronaldson, M.
Stephens, U.	Sterle, G.
Troeth, J.M.	Trood, R.B.
Watson, J.O.W.	Webber, R.
Wong, P.	Wortley, D.

\* denotes teller

Question negatived.

**FEDERAL ELECTION**

**Senator BOB BROWN** (Tasmania—Leader of the Australian Greens) (3.53 pm)—I move:

That the Senate—

- (a) calls on the Prime Minister (Mr Howard) and the Leader of the Opposition (Mr Rudd) to extend the same pre-election courtesy and access to all other sectors in the diverse Australian community that they are showing to the Australian Christian Lobby at the Press Club and around Australia on Thursday, 9 August 2007; and
- (b) notes that Indigenous groups, welfare groups, other religions, non-religious groups, unions, small business groups, students, environmental non-government organisations and other sectors of the Australian community are not currently offered the same opportunity to have direct access to addresses by the leaders of the Coalition and Labor Party.

Question negatived.

### NOTICES

#### Postponement

**Senator PARRY** (Tasmania) (3.54 pm)—by leave—At the request of the Leader of The Nationals in the Senate, Senator Boswell, I move:

That general business notice of motion no. 847 standing in the name of Senator Boswell for today, relating to Queensland Local Government, be postponed till the next day of sitting.

Question agreed to.

### MATTERS OF URGENCY

#### Nuclear Nonproliferation

**The DEPUTY PRESIDENT**—I inform the Senate that the President has received the following letter, dated 8 August 2007, from the Leader of the Australian Democrats:

Dear Mr President,

Pursuant to standing order 75, I give notice that today I propose to move:

That, in the opinion of the Senate, the following is a matter of urgency:

An imminent deal between the United States and India that will exempt India from restrictions on

nuclear trade will pave the way for Australia to commit to a bilateral agreement with India on the export of uranium, recognising:

- (a) the dangers of undermining nuclear weapons safeguards by selling uranium to a non-signatory to the Nuclear Non-Proliferation Treaty;
- (b) the extent to which nuclear energy provides a solution to the problems associated with climate change;
- (c) the prospect of the Government taking control of uranium reserves from anti-mining states.

Is the proposal supported?

*More than the number of senators required by the standing orders having risen in their places—*

**The DEPUTY PRESIDENT**—I understand that informal arrangements have been made to allocate specific times to each of the speakers in today's debate. With the concurrence of the Senate, I shall ask the clerks to set the clock accordingly.

**Senator ALLISON** (Victoria—Leader of the Australian Democrats) (3.56 pm)—I move:

That, in the opinion of the Senate, the following is a matter of urgency:

An imminent deal between the United States and India that will exempt India from restrictions on nuclear trade will pave the way for Australia to commit to a bilateral agreement with India on the export of uranium, recognising:

- (a) the dangers of undermining nuclear weapons safeguards by selling uranium to a non-signatory to the Nuclear Non-Proliferation Treaty;
- (b) the extent to which nuclear energy provides a solution to the problems associated with climate change;
- (c) the prospect of the Government taking control of uranium reserves from anti-mining states.

For this government, uranium mining is an ideological act of faith. Very early in its term

of office, it declared that restraints on uranium mines should go. Roxby Downs would subsequently expand fourfold, and in situ mines like Beverley and Honeymoon would get the go-ahead. China would be encouraged to come to Australia and open up new uranium mines to be part of the great mining boom that is filling government coffers right now. And then, more recently, it has declared that Australia itself will go down the nuclear power path, leading the world in a resurgence of interest in nuclear power.

The nuclear power industry is on its last legs. No new reactors have been commissioned in the United States, for instance, in the last 25 years. They cannot deal with the depleted uranium that comes from the uranium enrichment process or the highly radioactive waste from their reactors around the country. Yucca Mountain Repository, which is being imposed on the state of Nevada, is already oversubscribed—and it has not even been agreed to, let alone constructed. No doubt, Mr Bush would love to unload his radioactive waste on another hapless but willing country like Australia, and no doubt this country would be willing, given half a chance.

The Howard government went ahead with the new reactor at Lucas Heights without having a repository to take the waste from either the old reactor or the new one. But the push to export uranium to India is what this current motion is all about. My question today is: is it worth the risk? The price of uranium has certainly increased, but it is not big dollars in the scheme of things. Estimates for the deal with China, for instance, are that, at most, it will be worth \$300 million to Australia. Most countries will conclude that nuclear reactors are too expensive, and they will look for other options. China wants to expand its nuclear power from two per cent of total energy generation to six per cent by 2020, but it will be increasing its target for solar and

wind energy from 12 per cent of total energy generation to 15 per cent by the same date.

But the most serious problem with the proposal to sell uranium to India is the proliferation of nuclear weapons. India is one of four countries outside the Treaty on the Non-Proliferation of Nuclear Weapons that are known to have nuclear weapons. A United Nations report earlier this year said the international community is approaching a point at which the erosion of the non-proliferation regime could become irreversible and result in a cascade of proliferation. At least 40 countries have the technology now to build nuclear weapons at relatively short notice.

The nuclear non-proliferation treaty has already been weakened by the attitude of the United States—and, indeed, of Australia—which accuses the new weapons states of North Korea and, possibly, Iran of going against the treaty but not the existing nuclear weapons states with their 27,000 nuclear warheads. The last nuclear non-proliferation treaty review was a chest-beating exercise that went nowhere on disarmament, and Australia was happy to sit back and do whatever America asked. It will not get behind the middle-power initiatives, the nuclear-free zones or the new weapons convention proposals as far as I can see, and now we see why. The nuclear non-proliferation treaty is being undermined so that we can sell our uranium to India with impunity by providing some false guarantees about making sure our uranium does not get into bombs. We have to ask the question: why is India being given an exemption from the nuclear non-proliferation treaty? And the answer, I am afraid, is that it is expedient.

Another question that has been raised is about Pakistan. Pakistan is already asking: 'Why not us? We'd like Australian uranium as well.' The answer, typically, is because India has been good and has not passed on

technology to non-weapon states. That is a good thing, but India is still outside the nuclear non-proliferation treaty and its acquisition of nuclear weapons is a demonstration that it can be done and the sanctions will be no more than a slap on the hand. Not long ago it was thought likely that the first nuclear weapon to be exploded since 1946 would be by one or other of these two warring countries—that is, India or Pakistan. The tensions are still there, and who is to say that this little act of generosity on the part of the Australian government to one of them, namely India, will not inflame them and lead to that most feared of outcomes? What are Australia's responsibilities under other international agreements such as the United Nations resolution 1172 or the Rarotonga treaty? In May this year—just three months ago—Minister Macfarlane emphatically ruled out exporting uranium to India on the grounds that it would undermine the nuclear non-proliferation treaty. What has changed in the last three months? Why is it now okay when then it was not?

Nuclear power is not the answer to climate change: it is too expensive, it is too slow, it uses too much water and, finally, Australians do not want it. If the Prime Minister's polling says otherwise, why not put it to the test? I challenge the Prime Minister to take his referendum, or his plebiscite, to the people on this issue at the upcoming election, particularly to those most likely to have a reactor in their suburb, on their bit of coast. Instead of running around and pretending to oppose council amalgamations and offering to give people a say in the matter, what about doing this for one of the most contentious issues of our time? What about asking people's views on going to war without the consent of parliament as well? Or what about selling Telstra? Put that to the people as well. What about asking the people of Western Australia how they feel about their state gov-

ernment being overruled so that uranium can be mined there? Perhaps there is a limit to the Prime Minister's recently discovered push for democracy. We certainly know that Indigenous people are not getting a say on how they are being treated in the child abuse intervention. The list of ways in which this government has denied democracy is far too long for this debate.

Whilst low in emissions at the generation of electricity stage, other aspects of the nuclear cycle are very heavy greenhouse gas emitters, and that is another reason for opposing nuclear power. Everything from mining to enrichment to facility construction to reprocessing to waste management to transport is incredibly greenhouse intensive. Dr Jim Peacock, the Australian Chief Scientist, said:

Expansion of nuclear fuel cycle activities need not be part of a response to climate change.

That is what scientists have said around the world, but for some unknown reason—or reason best known to this government—the Prime Minister still keeps saying that nuclear has to be part of the answer. Again, it is a case of the Prime Minister intervening in state responsibilities, and I ask the question: where is this likely to end? Does the Constitution allow the takeover of the mining of uranium in Western Australia? I doubt it. We are already exporting 30 per cent of the world's uranium, and it seems unlikely that there is any pressing need for us to override any state responsibilities to open up new mines.

So there is a can of worms in the government's proposal on its deal with India. There are real risks and serious dangers in further undermining the nuclear non-proliferation treaty. The guarantees that have been talked about are hardly worth the paper that they are written on. We know that if India is supplied with Australian uranium there will be

tensions in the region, particularly with Pakistan, and it is not at all clear what this will do in terms of relations in that part of the world.

To summarise, there are serious dangers in us supplying India with uranium. The nuclear power industry is not going to solve the world's climate change problems. It is certainly not a solution for Australia, and we should not be going down that path. The prospect of the federal government takeover of uranium reserves from WA in order to facilitate more uranium there is an assault on democracy, a very silly approach in terms of Commonwealth-state relations and not something that would appear to be easy to do under our current Constitution.

**Senator PAYNE** (New South Wales) (4.05 pm)—I note that Senator Allison made the observation that the most serious problem to be dealt with in this debate is the question of the potential increased proliferation of nuclear weapons. As anyone would acknowledge, the question of increased proliferation of nuclear weapons is not what anyone is seeking in this process—not the government nor any other participants in discussions like the 123 Agreement nor even, I should imagine, India. But what may be a very serious issue that has not been contemplated in the comments made thus far is, in what I think is a very short-sighted view of where we are in the world now, some acknowledgement of the changing place of India in the world and some acknowledgement of the reality of the shifting relationships and the development of India's role. Part of that is dealing with its phenomenal growth, with its burgeoning economy, with its changing position strategically and with its energy needs, all of which need to be addressed in any contemplation of this particular discussion but which were not. Instead, we were treated to what some might say was a dissertation on why everything is bad and why there is nothing good in exploring en-

hanced relationships in any way in this process.

This afternoon I want to talk about Australia's longstanding role in this particular area. We have a strong record of demonstrated achievement on nuclear nonproliferation and on the advocacy of practical nuclear disarmament measures. For example, the non-proliferation treaty was opened for signature in 1968 and came into force in 1973, and we signed up in 1970 and ratified in 1973.

In the last few years, from 2005 until just recently, we had the role as the chair coordinating international efforts to promote entry into force of the Comprehensive Nuclear Test Ban Treaty. We have also played a long-term leading role in efforts underway to secure negotiation of a fissile material cut-off treaty, which would ban the production of fissile material for nuclear weapons. The fact that that treaty, for one, is still in the works and still awaiting agreement by the Conference on Disarmament shows that these are not easy processes; these are complex processes of international engagement. They cannot be dealt with and dismissed easily, and so the processes underway between the United States and India and, similarly, between Australia and India are part of that complexity.

As a nation we also spent some time playing a very prominent role in the negotiation of the additional protocol on strengthened IAEA safeguards. We were in fact the first country to conclude an additional protocol in that process. With other countries from the G8 and other participants we are a founding partner in the Global Initiative to Combat Nuclear Terrorism. That group includes Canada, Japan, France, Germany, Italy, Britain, the United States, Russia, China, Turkey and Kazakhstan, amongst others. We continue to work towards universal application of the additional protocol, including an active program to assist countries in our region with

their implementation of the additional protocol. That indicates to me that we take a serious and long-term interest in these issues and these processes, but at the same time we acknowledge that they are inherently complex; they are not simple.

A suggestion that pursuing the discussion of engagement with India on the sale of uranium should flow on to an opening up of the NNPT—with the number of signatories that it has and the sorts of processes that would be required there—is not looking at the reality of where we are in the modern world and of the role that India plays.

We have said publicly that we welcome the conclusion of the negotiations on the text of the US-India Bilateral Civil Nuclear Cooperation Agreement, which is known as the 123 Agreement. That is intended to establish a framework for full civil nuclear cooperation between the United States and India. That agreement was completed relatively recently, just last month in fact, and then approved by the Indian cabinet some days later. It is understood that the agreement will ensure that India is brought more fully into the nuclear non-proliferation mainstream, with separation of its civil and military nuclear facilities and with an expanded application of International Atomic Energy Agency safeguards.

One of the matters I mentioned in my initial remarks concerned the economic development of India, which is obviously vital for its viable future and for the sake of its people. That growth and development has in recent years helped in alleviating what has been very destructive poverty and in ensuring a better future for its citizens. India's economic development also demands an enormous increase in energy to continue, and it is not possible to turn our backs on that and ignore it.

In the last decade we have seen significant structural reforms which have turned India into one of the world's fastest growing emerging economies, with boosts to living standards and reductions in poverty in certain places—although, as some of us heard in a briefing this morning, there are still many people in the Indian community living on less than \$US2 a day. That is with an average growth rate of more than seven per cent in the decade since 1996 and a reduction in poverty by about 10 percentage points. With that expansion, with that growth and with those endeavours India also needs new and clean forms of energy to pursue its economic development while it addresses significant environmental challenges, most of which are on the record in other discussions. The situation is that, in 2006, India was drawing just over 2½ per cent of its electricity from nuclear power, which is expected to reach over 25 per cent by 2050, in just over four decades.

We are viewing this agreement as a constructive approach and framework to provide India with the materials that it requires to make full use of civilian nuclear power. As part of this process, I understand that we have, from the Indian side, a pledge of a 'no first strike' policy and a pledge not to strike non-nuclear states. Before any move towards nonproliferation for India can be secured, the US-India initiative requires India and the IAEA to enter into new safeguards arrangements and the Nuclear Suppliers Group, of which Australia is a member, to agree by consensus to make an exception to its guidelines to enable international civil nuclear supply to India. Flowing from that, the 123 Agreement requires approval by the US congress. I understand that the foreign minister and other members of the government have indicated that there is a likelihood that Australia would support a US proposal to create an exception for India in the NSG, the Nu-



clear Suppliers Group, subject to those new safeguards arrangements being satisfactory from the perspective of nonproliferation. But I do not believe that the NSG members have yet been formally asked to take a decision on this issue.

We find ourselves, as a country with an enormous resource of uranium, in the context of changing relationships and new agreements between the United States and India, wondering where we go next. The reality is that we are required to take a very serious look at what steps we might wish to take.

There is a very strong relationship between Australia and India as economic partners. On security and strategic issues we are collaborating at a very high level. Our cooperation ranges across a number of areas, not just economics but also defence, counterterrorism, law enforcement, air services, technology and so on. The reality of the advance of the 123 Agreement is that Australians are in a position where we need to address what happens to our uranium. This is a matter of current policy debate in Australia and I think that is a very good thing, whether or not we go all the way down the road that Senator Allison suggests and have popular consultations, for want of a better turn of phrase, on a whole range of issues. That begs the question of what being a government actually means. Being a government usually means taking the hard decisions and governing, and that is not necessarily the approach the Democrats would enjoy or recommend. Hard decisions would be unfamiliar to them.

In relation to the question of state bans on uranium mining, the Commonwealth is not intending to rush around overriding those bans. We would rather see the state premiers in the relevant states drop what is fundamentally ideological opposition to uranium mining. That is a matter which I am sure my colleagues will take up further. *(Time expired)*

**Senator CHRIS EVANS** (Western Australia—Leader of the Opposition in the Senate) (4.16 pm)—I rise to speak on the Democrats urgency motion, moved by Senator Allison. I must say at the outset that I think it lacks a bit of clarity. I am inclined to vote for it, but I am not quite sure what it meant to say. It is an interesting discussion document. I think I will vote for it, because I basically agree with all the assertions, but it does not hang together very well. With all due respect to whoever drafted it, it needs a bit of drafting work. But we are not allowed to do that. Essentially, I support the sentiments and most of the claims made in the motion. On that basis, on balance, we are going to vote for it.

At the outset, it is important to note that the US-India uranium deal is not really imminent, as it still requires ratification by the US congress and the Indian parliament. Indeed, the US congress will examine the 123 Agreement against safeguards and conditions laid out by congress in the Henry Hyde Act—the US legislation which paved the way for the deal to be signed. Before any supply of uranium can occur, the Nuclear Suppliers Group—of which Australia is an important member, as a major uranium supplier—will receive a submission from India to be granted exemptions under the NPT. For India to import uranium, the rules of the Nuclear Suppliers Group will need to be changed. Why? Because the present arrangement is that the Nuclear Suppliers Group will only support the export of uranium to nations which have signed the NPT. Britain, France and Russia are supporting India at the Nuclear Suppliers Group, and the indications so far, although they have been a little all over the place on it, are that the Howard government may also support India in that forum. A Rudd Labor government would not do so. Labor's national platform on uranium exports clearly states that Labor

will allow the export of uranium only to those countries which, inter alia, are signatories to the Treaty on the Non-Proliferation of Nuclear Weapons. Therefore, Labor would not support the export of uranium to a non-signatory as it would further undermine and weaken an already fragile non-proliferation regime and, in my view, equally undermine the Australian uranium industry.

Labor recognises that security weaknesses exist in monitoring the global use of uranium. The director of the International Atomic Energy Agency, Dr Mohamed El-Baradei, has made it clear how much work is required to strengthen the nuclear safeguards regime. Labor have recognised this and acknowledged it with recent changes to our national platform, which now includes a strengthening of our policy on safeguards. Labor will actively pursue more effective international export control regimes, through the IAEA, and tighter controls on the transfer of nuclear technology. Our 2007 national platform commits Labor to reinvigorating diplomatic efforts towards nuclear disarmament and the responsible use of nuclear technology.

Labor does not believe India is responsible for the illicit trafficking or proliferation of nuclear technology. Indeed, we understand why India is frustrated by the current non-proliferation regime. But there can be no doubt that the NPT, although requiring reform, is the bedrock of the international nuclear safeguards regime and further undermining of the treaty would not be in our best interests. Instead of writing cabinet submissions seeking approval for the export of Australian uranium to India, Labor believes the foreign minister should be urging and leading the way to greater global nuclear safeguards cooperation.

The Howard government should join Labor in campaigning for wide-ranging reform

of the NPT to encourage India to join. The Howard government's exuberant promotion of nuclear power is cause for concern, particularly given its weakness on the issue of nuclear nonproliferation. For instance, in 2006, with two other nations, Australia voted against a United Nations resolution moved by Mexico. The resolution called for a conference specifically focused on nuclear dangers that would include non-nuclear non-proliferation treaty states. Also in 2006, Australia abstained from voting in support of a UN motion to reactivate the issue of nuclear disarmament and specifically 'accelerating the implementation of nuclear disarmament commitments'.

Australia has also voted against a UN motion calling for nuclear disarmament within a specified time frame, legally binding negative security assurances and an international conference on nuclear disarmament. Under the Howard government, Australia has also voted against a convention on the prohibition of the use of nuclear weapons, including calls for the Conference on Disarmament to commence negotiations on an international convention prohibiting the use or threat of use of nuclear weapons. Australia consistently abstains on the UN resolution that calls for multilateral negotiations leading to an early conclusion of a nuclear weapons convention. In short, this is a mountain of evidence that the Howard government is not prepared to encourage strong, internationally agreed safeguards. Our concern is exacerbated by their extremely poor record in the area of nuclear nonproliferation.

I think that the second issue raised in Senator Allison's motion, which is the extent to which nuclear energy provides a solution to the problems associated with climate change, is a useful issue to raise because there is going to be an increasingly vigorous debate in this country about whether Australia should pursue a nuclear energy industry.

The Howard government, for want of a climate change policy and for want of anything to offer with regard to tackling climate change, has seized upon nuclear energy as some sort of quick fix for the problem that climate change represents to Australia. In looking to pursue nuclear energy as its response, Labor believe the government is going down the wrong path. We do not support the development of a nuclear energy industry in Australia. We know that for some countries nuclear energy is seen as a viable energy option, but they do not enjoy the energy choices that Australians take for granted.

Labor is adamant that Australia does not need nuclear power or enrichment and that we should not become the world's nuclear waste dump. Australia has established domestic power industries with strong skills bases, massive capital assets and considerable public support. The strength of these industries and the scale of their resource bases mean that nuclear power would struggle to compete economically.

The Prime Minister's own nuclear review, led by Dr Ziggy Switkowski, found strong economic arguments against nuclear power in Australia. It noted that our access to low-cost coal and gas meant that nuclear energy would be up to 50 per cent more expensive than electricity from fossil fuels. Dr Switkowski's report also noted that high up-front costs of regulatory approvals and construction are drivers of that unfavourable comparison.

The review also found that nuclear energy may only become economically viable in Australia if a carbon tax or emissions trading value of up to \$40 per tonne is levied on CO<sub>2</sub> emissions. Even then, the review acknowledged that significant government support—taxpayer support—would be required to offset the cost of establishing a regulatory

framework and developing the skills needed to build nuclear facilities in Australia.

On top of the up-front capital cost, and the unknown cost of government subsidies to get the industry started, the cost of decommissioning and waste disposal is also uncertain. In March 2007, the UK's Nuclear Decommissioning Authority estimated that the total cost of decommissioning Britain's 20 nuclear sites was £70 billion—up from an estimate of £56 billion the year before.

The decision to develop a domestic nuclear power industry would also mean Australia accepting the safety risks inherent in nuclear energy generation and taking on the problem of radioactive waste storage. Critically, any domestic nuclear power program would also face considerable challenges in gaining the necessary levels of public support. All senators would be aware of the difficulty faced over the last 15 years in establishing a disposal site for our existing radioactive waste. The difficulty in gaining public support for a nuclear power industry should not be underestimated.

The task for Australia in developing energy options to respond to climate change is not to develop a new nuclear industry but to put our vital fossil fuel industries on an environmentally sustainable footing and to build our renewable energy capacity. Australia's coal and gas industries are vital not only for domestic power generation but also for our economy. Coal represents more than 10 per cent of our exports by value and provides around 30,000 jobs. Rather than developing a nuclear power industry, we need policy that focuses on developing clean coal technologies, which will clean up our fossil fuels and protect our economic interests. That is why Labor's clean coal initiative is a key element of our response, and it has to go hand in hand with considerable efforts to boost our renewable energy capacity.

The Howard government has chosen a different course and seems committed to implementing the Prime Minister's nuclear vision—although I think we are seeing some nervousness on the part of many on his backbench. The Prime Minister has already indicated that he believes that nuclear power is the cleanest and greenest form of electricity. In April, he announced a number of measures that his government was going to take to progress his vision of a nuclear powered future. Those included repealing Commonwealth legislation prohibiting nuclear activities, including provisions of the Environment Protection and Biodiversity Conservation Act 1999.

The government has already committed Australian taxpayers' money to fund research for the Generation IV advanced nuclear reactor research program. We know that a director of Nuclear Fuel Australia, an Australian company proposing a domestic nuclear enrichment plant, has been in talks with the Minister for Industry, Tourism and Resources regarding the enrichment project. He has made it clear that he thinks his prospects of developing his proposals depend on the coalition winning the next election. He is certainly right about that.

John Howard has also recently got the backing of the Liberal Party Federal Council, which unanimously called for the establishment of nuclear reactors and high-level waste dumps in Australia. In addition, the Prime Minister has charged ministers and departments with preparing work plans which are expected to be presented to cabinet next month for implementation in 2008, should the government be returned. We know from Senate estimates hearings that these plans will include options to override state bans on nuclear power, which would eliminate the final protections Australians have against the imposition of a nuclear power plant in their region.

Clearly, at the coming federal election, Australians will have very real choices to make about Australia's energy future. Labor's future energy mix of clean coal and gas, geothermal, solar, wind and other renewable energies is in stark contrast to John Howard's plan for 25 nuclear reactors dotted around our coastline.

The government's indication that it is seeking advice on overriding state bans on nuclear power brings me to the final point raised in Senator Allison's matter of urgency—the overriding of state controls on uranium mining within their borders. Industry minister Macfarlane has been campaigning for some time for state governments in Queensland and Western Australia to end their opposition to uranium mining. He was recently reported as saying that he was investigating suggestions that Commonwealth powers could be used to determine uranium mining policy in those states. Given the extraordinary extension of Commonwealth powers into other areas of state responsibilities in recent days, this should come as no surprise. The government is clearly looking to extend its powers in a whole range of areas, and it seems that uranium mining and nuclear energy may just be another of these.

The decision on whether or not to allow uranium mining within their borders is rightly a decision for state governments. That is Labor's view. In modifying our position on uranium mining and export this year, federal Labor asserted the rights of the states to make decisions regarding land use and mining within their borders. Both the WA and Queensland governments were elected at their respective last state elections on the basis of a policy platform which included a continued commitment to refuse applications to mine uranium. For Premiers Beattie or Carpenter to submit to Minister Macfarlane's pressure and allow uranium mining would be a reversal of commitments those premiers

made to their electorates. For the federal government to override those restrictions would be a direct contravention of the policies Western Australians and Queenslanders voted for at the last election.

I have publicly expressed my personal view a number of times that the state restrictions will be removed. But their removal, in time, is a state matter. It is a state political issue and it should remain so. I respect the Labor premiers' decision to stand by the policy platforms upon which they were elected.

In closing, I think this motion has raised a number of important issues about Australian and global security, about our energy future and the state of our federation. I thank Senator Allison for putting these issues on the Senate's agenda. I think the Howard government's pursuit of uranium sales to India fundamentally undermines the integrity of the NPT, and as such is contrary to Australia's security interests.

Australia should focus on rebuilding the NPT, not undermining it further. We have real choices in Australia about our future energy mix. We reject the Howard government's focus on going down a nuclear path. We have much better options. I think Australia should pursue the options of cleaner fossil fuels and renewable energies rather than endorse the government's plans to turn Australia into a nuclear energy country.

**Senator MILNE** (Tasmania) (4.31 pm)—I rise today to support this urgency motion and to say emphatically that the Australian Greens are totally opposed to the sale of uranium to India because it is outside the non-proliferation treaty and for reasons which I will expand on in a moment, given that I have got only five minutes in which to speak. It is extraordinary to hear members of a government that constantly trade in fear suggest that the escalation of the nuclear fuel cycle can be managed in an extraordinarily safe

way. The United Nations Security Council resolution 1172, passed on 6 June 1998, unanimously calls upon India and Pakistan to:

... immediately stop their nuclear weapon development programmes, to refrain from weaponisation or from the deployment of nuclear weapons, to cease development of ballistic missiles capable of delivering nuclear weapons and any further production of fissile material for nuclear weapons.

The federal government decided to acquiesce to the Bush administration's desire to ramp up India's nuclear capacity. The Australian government went along with it. Up until then, Foreign Minister Downer had been one of the strongest advocates for saying that we should uphold the non-proliferation treaty. Once President Bush made his views clear to the Prime Minister, the Australian government shifted position.

Contrary to what Senator Payne put to the parliament, it is not true to say that the International Atomic Energy Agency will have coverage and oversight of all of India's facilities. Many of the reactors, two of which are dedicated to making plutonium for nuclear weapons, and nine power reactors, including a plutonium breeder reactor that is currently under construction, will be outside international safeguards. Just to ramp up the tension in the region even more, Pakistan's President Musharaff has declared that, 'In view of the fact that the US-India agreement would enable India to produce a significant quantity of fissile material and nuclear weapons from unsafeguarded nuclear reactors, the NCA expressed firm resolve that our credible minimum deterrence requirements will be met.' So, by agreeing to this, by sending Australian uranium to India, you are ratcheting up the degree of tension between India and Pakistan and significantly shifting the balance that is already there. It is disgraceful. It is based purely on an agenda to

facilitate the Global Nuclear Energy Partnership set up by President Bush and to which Prime Minister Howard kowtows.

I am interested to hear Labor say today that it upholds this, because just a few moments ago in the Senate Labor voted with the government against a motion which called on the government to reject any sale of Australian uranium to non non-proliferation treaty states, to encourage India to join the NPT, and to use its position in the Nuclear Suppliers Group to block the submission to give India an exemption from the Nuclear Suppliers Group rules, preventing the supply of uranium to non-NPT states. So it appears that Labor in government would be prepared to express their disapproval in the Nuclear Suppliers Group, to register their dissent, but they would not block. That is the key difference.

That is where I would like clarification from the Labor Party. If they are going into government, people have a right to know exactly what they would do. We have the shadow minister, Mr McMullan, saying that they would not block. In the Senate, Senator Evans is saying that they would oppose. 'Oppose' is different from 'block' with consensus decision making, and the Australian people need to know very clearly whether Australia would have the courage of its convictions in the Nuclear Suppliers Group—which interestingly was set up because of India exploding its nuclear test and so on. That is why they set up the group. Now they are going to tear it apart again and change the rules to facilitate India to ratchet up tension in that part of the world. Given India's record—which is not good, contrary to the Prime Minister's assertion—in managing nuclear technology and knowledge, there is no guarantee that terrorists could not access this material from India just as easily as they can from other states which have a poor re-

cord in this regard. What we see here is a very serious issue. (*Time expired*)

**Senator KEMP** (Victoria) (4.36 pm)—Following Senator Milne reminds me why the Australian people will continue to reject the Greens. The Greens have a habit of extreme language, of opposing most developments in a modern economy. I was intrigued that Senator Milne accuses the government of fear tactics. The Greens trade on fear. Basically that is one of the leitmotifs of the Green movement—to trade on fear and to avoid wherever possible rational debate.

In the brief period that I have to debate this issue, let me go through matters which have been raised in relation to India. Senator Milne, why not put on the table exactly what Mr Downer said? Why try to invent comments from the government? Why try to make extreme comments? This is what Mr Downer, the Minister for Foreign Affairs, has said in relation to a press question about any prospects of selling uranium to India:

If we were to sell uranium at all, we would only do that under strict conditions we would negotiate with India as we have with France, Britain, America, China and so on ...

Nothing like that, of course, emerged from Senator Milne's statement. Mr Downer went on:

... a nuclear safeguards agreement so we could trace that uranium and that uranium would only be used in several nuclear power stations, not used for any military purpose.

He went on to say:

But we haven't made any decision to do this yet, even to negotiate such an agreement, because first we would want the nuclear reactors that we would sell the uranium for, to come under the strict controls of the United Nations International Atomic Energy Agency and they would be able to send inspectors and inspect how the reactors operate and the like.

Let us get those facts on the table. In her remarks, Senator Payne added considerable

details. In fact, there are various hoops that this proposal would still have to go through before any such matter could even be considered. For example, India and the IAEA must enter into new safeguard agreements, the Nuclear Suppliers Group must agree, by consensus, to make an exemption to the guidelines to enable international civil nuclear supply to India, and the so-called 123 Agreement that the US government has negotiated would have to be approved by the US congress. So there are many hoops to go through before such a matter could even be considered.

I was intrigued that the Labor Party sent Senator Evans in to debate this issue. It is a sensitive issue for the Labor Party and the Labor Party is hopelessly divided on this matter. Senator Evans, I think, as part of the leadership group, could be guaranteed to carefully tread the minefield as he went through it. Senator Webber is shaking her head. Of course, under the famous three mines policy of the Labor Party, which Senator Webber strongly supported, there was massive expansion of uranium mining in Australia, supported by a number of state premiers. Now, of course, the notorious, the useless, the pathetic three mines policy has been rejected by the Labor Party. But, in order to avoid upsetting some of their supporters, who are, as I said, hopelessly divided on uranium mining, they have said that, in relation to Western Australia and Queensland, it is a matter for the premiers. In the meantime, Labor Premier Rann is massively trying to expand uranium mining in that state. In listening carefully to the very moderate delivery of Senator Evans, I detected that the *Hansard* will show that. He said that the states do have a constitutional responsibility in the area, which is true, but he said he thought it would be better if the states of Queensland and Western Australia removed these restrictions and came on board. It was

said very carefully and in a way to not highlight this issue. But what does this mean? In effect, it means Senator Evans was saying that Australia and the Labor Party wanted to expand the nuclear mining industry—that is the effect of what Senator Evans said.

*Senator Webber interjecting—*

**Senator KEMP**—Now Senator Webber is looking upset because she is very opposed to this. Oh, hello, Senator Webber is in favour of the expansion! This is very important, that Senator Webber is now in favour of the expansion of uranium mining in Australia which is very interesting for the record. Now, let me deal with the second part of the motion.

*Senator Wong interjecting—*

**Senator KEMP**—Don't get sensitive, Senator Wong, or I might start to speak about some of your issues. In relation to the second part of the motion, it is interesting to note that it is poorly worded and it was not precisely clear what the motion is. If we banned nuclear power plants around the world, emissions of carbon dioxide would be some 2.5 billion tonnes higher per year. The person who is drawing our attention to the important debate of climate change and greenhouse gas emissions wants to ban nuclear power. If you ban that, according to the figures I have, you would increase carbon dioxide emissions by some 2.5 billion tons per year. A remarkable policy and again it shows the unreality of much of this debate and the unreality of the Greens, and, I regret to say, the Democrats, on this. The Labor Party, of course, because of its hopeless divisions in this area which will paralyse it, finds it hard to debate this policy in any sensible and rational way.

Then, of course, the final part of the motion is the alleged prospect of the federal government taking control of uranium reserves from anti-mining states. I explained how carefully Senator Evans walked around

this particular minefield for the Labor Party. We did come to the conclusion, when we listened carefully to Senator Evans, that the Labor Party was in favour of an expansion of this industry. It has expanded and we should not apologise. While Hawke and Keating were in office, uranium mining expanded greatly in Australia and we should not hide from that fact. My advice is that the Commonwealth government has no plans to override state bans on uranium mining, and I understand that the legal advice provided suggested that this would probably not be a viable option anyway. Of course, the most effective way for Australians to benefit from surging international demand for uranium mining is—(*Time expired*)

**Senator WEBBER** (Western Australia) (4.44 pm)—Unlike Senator Kemp, I will do my best not to misrepresent others in this debate. Senator Kemp is somewhat sadly mistaken, I think: Labor is not divided when it comes to the issue of selling uranium to India; we are at one. We had an interesting debate within our party about the future of uranium mining and we now have an agreed platform. We have an open and public process. We have a lively debate and we form a view, unlike those opposite who just do what their Prime Minister tells them to.

Senator Payne made an interesting contribution earlier, talking about the importance of Australia's relationship with India. Indeed, it is of growing importance and a relationship that all of us in this place should probably spend more time contemplating. However, even more important are our responsibilities as a nation when it comes to being an exporter of uranium. Therefore I, like Senator Evans, have absolutely no problem with supporting, in particular, part (a) of Senator Allison's motion and, indeed, the sentiments expressed in the rest of the motion.

If anyone is confused about the conditions under which uranium and nuclear power can be used, it is those opposite. You only have to look at the way they choose to treat two different nations: India and Iran. There is deep and significant confusion and division there.

Not only the shadow minister for foreign affairs, Mr McClelland, but also all of the media have pointed out the problems the federal government has with its contemplation of selling uranium to India. Mr McClelland has been on the record as saying that the federal government is pretty much into unrestrained promotion of nuclear power and that this is a cause of great concern, especially when it comes to the government's poor record in the area of nuclear nonproliferation.

I notice that there are a whole lot of new strict conditions—not a strict condition that says you have to sign up to the NPT but a whole lot of other strict conditions that we may or may not be aware of. Instead of trying to work out a way of coming up with strict conditions under which to sell uranium to India, which the foreign minister has been trying to do, he should be joining us on this side in campaigning for wide-ranging reform and strengthening of the nonproliferation treaty. And then he should encourage India to join it.

It is important that we place on record here that the NPT allows the development of the nuclear energy industry, provided that countries do not build nuclear weapons. India, of course, has tested nuclear weapons, to our knowledge, in 1974 and 1998. India joins Pakistan, North Korea and Israel as the only four countries that have not signed the NPT.

So the government is going to contemplate selling uranium to India, and we are going to look at some nefarious 'strict conditions' that do not include signing up to the



NPT. This is the same government that wanted to use the NPT to quite justifiably deal with the challenges that we were confronting with Iran. Well, you cannot opt in and opt out of an NPT. You cannot say that it is really important that Iran has to be a signatory and they have to obey it but that it is okay for us to sell uranium to India, which refused to sign it and which is on record as testing nuclear weapons. You cannot have it both ways—you either believe in the NPT and you want it enforced universally or you do not. You cannot play sneaky games with the United States about who is good and who is bad and opt in and opt out of the NPT. You cannot do that and be a responsible exporter of uranium.

What you also cannot do is go and seek legal advice—which the government did confirm at estimates hearings it was getting; I know because I was there with Senator Evans—about overriding the states when it comes to nuclear power and enforce nuclear power and uranium mining on them, yet, at the same time, override state governments and say they cannot have wind farms. Well, who cares about the environmental future of this nation and the energy sustainability of this nation? You cannot do that. You cannot have it both ways. Just as you cannot opt in and opt out of the NPT, you cannot pick and choose when you are going to override people— (*Time expired*)

**Senator TROOD** (Queensland) (4.49 pm)—I am very pleased to be able to participate in this debate this afternoon and, just by way of introduction, say that I share Senator Evans's mystification as to the real intent of this motion. It seems to me that this is probably the only matter upon which he and I agree in relation to this debate. It is poorly drafted and it is not entirely clear as to its intent. But, insofar as one can divine that, it seems to be a good example of the Democrats hyperventilating on an issue of public

importance but completely overstating the possible implications of the matter and, in that context, devaluing the sentiment contained within the motion. But, of course, the Senate is a very democratic place.

I confess that I had some concerns about the India-US nuclear deal when it was first announced. In fact, I think I am on the public record as expressing some reservations about it. The reason for those reservations was that it was not clear, when the agreement was announced, how restrictive it might be. It was not clear, when the agreement was announced, as to the extent to which there might be protections for the nonproliferation regime or to the extent to which there might be safeguards in relation to the materials and the technology that were to be transferred under the agreement. But we now know the answer to these questions.

The agreement was concluded on 20 July this year and is now available for public scrutiny, and I suspect that it would be a productive thing if all of those who had participated in the debates, but particularly those on the other side of the chamber, were to go to the agreement and look specifically at the provisions, because they are very illuminating. Let me take you to article 10 of the agreement. It reads very straightforwardly:

1. Safeguards will be maintained with respect to all nuclear materials and equipment transferred pursuant to this Agreement, and with respect to all ... fissionable material used in or produced through the use of such ... materials and equipment ...

It goes on to say, at point 2 of article 10, that that nuclear material:

... shall be subject to safeguards in perpetuity in accordance with the India-specific Safeguards Agreement between India and the IAEA ...

And, importantly, it draws in the additional protocol, which of course adds a significant

and important enhancement to the safeguards regime.

It is not just article 10 of the agreement that should be of interest to those who are concerned about this. Article 5, section 6, says:

... an India-specific safeguards agreement will be negotiated between India and the IAEA providing for safeguards ... India will place its civilian nuclear facilities under India-specific safeguards in perpetuity and negotiate an appropriate safeguards agreement to this end with the IAEA.

Yet again, article 6 of the 123 agreement says:

India will establish a new national reprocessing facility dedicated to reprocessing safeguarded nuclear material under IAEA safeguards ... The Parties agree on the application of IAEA safeguards to all facilities concerned with the above activities ... Any special fissionable material that may be separated may only be utilized in national facilities under IAEA safeguards.

So at every turn this agreement, which is now available on the public record, asserts the importance, from the United States perspective, of having India participate in the non-proliferation regime. It continues to assert the importance of the regime as a means of protecting the global community, the international community, from further proliferation.

As my colleagues on this side of the chamber have said, there is a long way to go before this agreement might actually be implemented. The Nuclear Suppliers Group must of course agree to change; the 123 agreement itself must be approved by the Congress, and that may not be an easy thing to do—there is some reservation in the Congress already about the particular matter; and, of course, India itself, as the 123 agreement says, must negotiate an appropriate agreement with the IAEA. So we have a very long way to go before this particular agreement is put in place.

None of this makes certain that Australia itself will then go on to conclude an agreement to sell uranium to India. Let us assume the possibility that this course actually occurs; let us assume that Australia did take this possibility. I think we can say with some confidence that, at the very least, there would be comparable safeguards in place, as are contained in the 123 agreement concluded between the United States and India. That would reinforce Australia's longstanding tradition of supporting the non-proliferation treaty regime.

Let me remind the Senate of the extent to which that is actually the case: the considerable work we have done in relation to non-proliferation over a long period of time—the failed negotiations in New York in 2005, for example; the continuous support we have had in trying to bring into force the nuclear test ban treaty; the work we have done in relation to negotiating the additional protocol which, as I said a moment ago, substantially enhances the overall safeguards regime—and let us not forget the work that Australia has done in relation to supporting the global initiative for combating nuclear terrorism. Australia has consistently, over a long period of time, since the mid-1970s when it began to sell uranium overseas, strongly supported the non-proliferation regime. There is no reason on earth to assume that that will not continue to be the Australian government's policy should there be a decision, sometime in the future, to sell uranium to India. (*Time expired*)

Question negatived.

## COMMITTEES

### Scrutiny of Bills Committee

#### Report

**Senator WEBBER** (Western Australia) (4.57 pm)—On behalf of Senator Robert Ray, I present the eighth report of 2007 of the Senate Standing Committee for the Scru-

tiny of Bills. I also lay on the table Scrutiny of Bills *Alert Digest* No. 8 of 2007, dated 8 August 2007.

Ordered that the report be printed.

**Senator WEBBER**—I seek leave to move a motion in relation to the report.

Leave granted.

**Senator WEBBER**—I move:

That the Senate take note of the report.

I seek leave to incorporate Senator Ray's remarks in *Hansard*.

Leave granted.

**Senator ROBERT RAY** (Victoria) (4.57 pm)—*The speech read as follows*—

In tabling the Committee's Alert Digest No. 8 of 2007 I would like to draw the Senate's attention to three bills that include provisions which would abrogate the privilege against self-incrimination.

At common law, people can decline to answer questions on the grounds that their replies might tend to incriminate them. Legislation that interferes with this common law privilege trespasses on personal rights and liberties.

The Committee does not see this privilege as absolute, however, recognising that the public benefit in obtaining information may outweigh the harm to civil rights. One of the factors the Committee considers is the subsequent use that may be made of any incriminating disclosures.

Where a provision limits the circumstances in which information so provided is admissible in evidence in proceedings against the affected person, the Committee may accept that it strikes a reasonable balance between the competing interests of obtaining information and protecting individuals' rights.

In Alert Digest No.8, the Committee has commented on provisions in the following bills that may be considered to abrogate the privilege against self incrimination.

The Migration Amendment (Sponsorship Obligations) Bill 2007, would insert proposed new subsection 140ZJ(8) of the Migration Act 1958, which would abrogate the privilege against self-incrimination for a person required to answer a

question or produce a document under new subsections 140ZJ(2) and (4) of the Act. The Bill, however, includes a provision that limits the use of any information provided, or derived from the information provided, in criminal proceedings against the individual. As such, the Committee was prepared to accept that these provisions strike a reasonable balance between the competing interests of obtaining information and protecting individuals' rights.

The Financial Sector Legislation Amendment (Discretionary Mutual Funds and Direct Offshore Foreign Insurers) Bill 2007 and the Financial Sector Legislation Amendment (Simplifying Regulation and Review) Bill 2007 both include provisions that would abrogate the privilege against self incrimination. In each bill the respective provisions go on to limit the circumstances in which the information provided is admissible in evidence in proceedings against the affected person. However, that limitation applies only to the information directly supplied by the person and not to information gained indirectly as a result of the statement or document so provided.

The explanatory memoranda accompanying the bills provide no explanation as to why the provisions only permit a 'use immunity' and not a 'derivative use immunity' in respect to the information and/or documentation provided. The Committee has sought advice from the Treasurer in respect of each of these provisions. Pending the receipt of this advice, I draw Senators' attention to these bills.

Question agreed to.

#### FIRST SPEECH

**The PRESIDENT**—It being almost 5 pm, I believe we have a first speech. Before I call Senator Fisher, I remind honourable senators that this is her first speech and, therefore, I ask that the usual courtesies be extended to her. With pleasure, I call Senator Fisher.

**Senator FISHER** (South Australia) (4.58 pm)—Thank you, Mr President. I have arrived here as the fourth female Liberal senator for South Australia since Federation. I will not dwell on that, but I will do much

with it. I am honoured to have known and indeed worked with two of those three predecessors. It was the late former senator Jeannie Ferris who cemented in my mind the idea that I could aspire to this place. If I can even part repay that debt by emulating some of the great work that Jeannie did, particularly her voice for rural and regional Australia, then I will be particularly proud. Of course, I fill the vacancy created by the retirement of former minister and senator Amanda Vanstone, whose *joie de vivre* was equalled by her record as Australia's longest-serving female cabinet minister. That alone is testimony to her ability and impact.

All of us come to this place hoping to build better lives for the people and our communities. I am no exception. My history, both family and professional, is steeped with community interaction in many of its guises. These communities are continually changing. Their composition, the people who comprise them, changes. The external factors—public perception, market forces, political will, cultural issues, regulatory environments, the natural environment and technology—constantly flux. This creates challenges for community members and for anyone who seeks to represent them. For a federal government, that is protecting and advancing the interests of the nation.

Our family and heritage makes a rich tapestry of each one of us. My family includes a string of community leaders, from my great grandfather, the Hon. GW Miles MLC, who for 34 years, to 1950, served as an Independent member in the Western Australian parliament for the North Province, as it then was—as was everything north of the 26th Parallel. My female ancestry carries a legacy of service to the WA branch of that bastion of country community, the Country Women's Association, from branch president to state president. I am proud that my mum, the eldest of five daughters, left school early to re-

join the farming community to work the family farm with Pa. Mum, Dad, my brother Rob and his family are all here today. They still work that family wheat and sheep farm in Western Australia's wheat belt.

I am proud too, that our family farm, Redlands, was the childhood home of two of Australia's female senators—just a decade or so and a political policy or two apart. As for me, a farm girl, country and city educated, I realised whilst studying law at the University of Western Australia in the mid-eighties that I had a deep desire and ability to make a community difference. A catalyst for that realisation was my aunt Jo Vallentine, my mum's sister. In 1985, the year I graduated in law, my aunt Jo Vallentine began her time in this place as an Independent senator for Western Australia. I share my Auntie Jo's passion for community causes, and I am fiercely proud of her lifelong commitment to those causes before, during and after politics. It is a small matter that our solutions for those causes can be rather far apart on the political spectrum! It was those people and many others who built those communities and set the values which I and most Australians hold dear.

Aside from the communities of politics, many of those communities so championed by my family and by me in my career thus far are fighting to survive and prosper. Community takes a range of forms. There are communities of ideas, interest, association, occupation, communications and geography. This range in form results in a range of community faces, from those at book clubs to those at churches, industry organisations, farmers federations, workers unions, metropolitan shires and rural and regional communities. Since Federation, both the form and face of community have been evolving. Community organisations and interest groups, be they volunteer based or membership and subscription based, face the

same paradigms and challenges. For many, it is a continual juggle between free services and services for sale. Many are essentially not-for-profit yet must find a way to survive to support, foster or represent their members' interests because, without those organisations, those members' interests become subservient to others.

Of global necessity, the workplace community is continually changing. Liberal values have given workplace stakeholders—worker and boss—much needed choice about their workplace destiny. Like other communities of today, they juggle the work-life balls. But there is an unobvious and constant refrain from certain quarters, saying, 'We work too long and we work too hard, to the detriment of our family and leisure life.' Critics of Liberal policies claim that the debate about finding the best fit between these demands has given flexibility to the workplace at the expense of the home. Unfortunately, much debate overlooks that today's workplaces give to workers' lives in so many subtle ways. At the very least, many workplaces are the unsung heroes of helping workers deal with the everyday issues of family life. Let this debate simply acknowledge that the work-life flow is not one way and formulate policies for the future on that basis.

Still on the changing workplace community, perhaps the union movement's bid to reverse the slump in unionism comes on the back of unions' failure to stay abreast of workers' changing aspirations. United they stand; divided they fall. Maybe today's unions have mistakenly equated 'divided they fall' with 'individually they fall'. The union movement is in charge of its own destiny. Just as there is a role for organisations to service the business community, there remains an ongoing role for organisations to service workers.

Perhaps the most momentous changes to come are in Indigenous communities. Their public cry for help—urgent and unflinching help—is different from those of the past. Like many country people, my early school years were spent alongside Aboriginal children. Many were our friends. Of course, they were different—every one of them could play sport, and they always won. Those were the days when I did high jump—scissor kick it was, given that the landing pad was a sand pit. I was not bad at it, but whilst I reached a terminal height with scissor kick, the Aboriginal playmates did not seem to. Rather, they reached an age when they seemed to lose interest and stop being about. As kids, we accepted it as the way things were. In hindsight, those were the beginnings of the situation we have today. Of course, some of those then kids are now solid members of the local community. But others come to our attention from time to time and in other than a positive way.

The Australian community passed through a period when it was not politically correct to identify and pursue problems where potential solutions were deemed paternalistic. In this we failed our fellow Australians. It is refreshing that the Howard government in cooperation with many Indigenous stakeholders is tackling these issues publicly and transparently. As progress is made with the Howard government initiatives, there will be business leaders who want to reflect upon experiences like mine and who will want to help. But the time for just words has passed. I am keen to work with business and others who are offering their expertise to come up with actions to deliver. We must stabilise this national emergency and extinguish this blight on our standing as a First World nation and allow all Australians to aspire to an improved life.

No community survives for long without water, and water is a communal asset. As an

irrigator on our farming operations, I am acutely aware of its value and the fierceness of the debate about its future. For the first time in our history, we are using almost all of the easily tapped and cheap forms of water. We do have the water to support increased population provided we manage our collection, storage and use efficiently. We are on the way to doing this. Securing supplies for our cities and regional centres goes hand in hand with securing adequate supplies for efficient and responsible irrigation use. With continued application of mind and effort we will substantially improve water use efficiency by redirecting it to higher valued uses and implementing sophisticated recycling and reuse solutions. What we must not do is confuse low water use with efficient water use.

Turning to the community of the marketplace: like many I observe the might of conglomerates, their interaction with smaller players and how this impacts our communities. This issue is broader than supermarkets, grocers, butchers and bakers but it is illustrative. Doing away with the deli on the corner sees further corrosion of community. The conglomerate exertion of power risks distorting the normal negotiating position between retail giants and their suppliers. Neither smaller retailers nor smaller suppliers can hope to compete in this environment. We should not be telling supermarkets and retail chains what prices they must pay or offer, but I am keen to see this government continue to identify and reduce opportunities for unfair competition.

Multinationals spearhead debate about plant and seed rights for any genetically modified seeds. Australia, a relatively small market in almost all vegetables and fruits and many broadacre crops, needs to remain internationally competitive and be careful to maintain access to the best genetics available. Perhaps we need to be more circum-

spect about how we deal with research leading to licensing or registration of various genetic lines. The cost alone of doing research, particularly that already done overseas, can be prohibitive and counterproductive. We could be more accepting of research from others which meets internationally accepted standards.

The power of big over small: it is the job of government to provide policy frameworks that protect against might becoming right.

Now to the changing face of farming: a distinction between country and city is an inevitable and identifiable part of community. In the country, you do not really choose whether to be part of the community, you just are. The only way you can choose not to be is to leave. I am reminded of Lucindale Lore in the south-east of South Australia, where my sister and brother-in-law manage our farm and run their farm, as well as play a key part in the running of the south-east field days in South Australia. Lucindale community is just that—community. These are days of low unemployment, thanks largely to the policies of the Howard government, but Lucindale has zero unemployment. Although, colleagues, a while back, Lucindale had one unemployed chap. He fronted at the local hotel with his benefits cheque for cashing but the hotelier refused to cash the cheque and offered him a job instead. It was back to zero unemployment the next day when the chap fled town.

So, how are country communities changing? They have always ebbed and flowed with the prosperity of the local farmers and businesses but, more than that, regional communities are changing as the face of farming is changing. Right now, farmers face issues like a high Aussie dollar, high land and input costs, capitalisation issues, labour costs, and the lure of other industries. Farmers both young and 'old' are being beckoned

by the mining dollar—the luckier are managing to juggle farm work with mining work. Other traditional family farmers are getting bigger, as they buy out their neighbours. But traditional family farms need to do more than get bigger as an alternative to getting out, to do more than earn an off-farm income; they need to run what has traditionally been their home as a business. They are seeing their way to doing this—as one South Australian Eyre Peninsula farming mother put it recently, she created a farm uniform so that her family looked professional.

Traditional family farms are increasingly giving way to new breeds of farmers. Mum and dad have expanded our farm over the years, but brother Rob, sister-in-law Fiona and family may be the last to farm it in the traditional way. Neighbouring farmland, about 120 kilometres from Perth, is being acquired by hobby farmers. The family needs to contemplate that prospect; farming organisations need to predict and plan for it; and governments need to encourage early debate about it.

New breeds of farmers are motivated differently from traditional farmers—corporate farmers can be driven by shareholders, and hobby farmers by non-commercial aspirations. This can lead to competing interests, and a need for the traditional farming community to ensure that the ears of the world realise that whilst all can lay claim to the farmer title, farmers today are more diverse than even a decade ago. Farmers themselves need to realise that their farming community is not as homogenous as it once used to be. And this government has recognised that over time its processes and policies need to interact differently with farmers and rural communities.

Liberal values are wholly consistent with the notion of the importance of family and community—encouraging the thoughts,

words and deeds of individuals to build family and community. Liberals stand for a framework which allows individuals, families and communities to live and prosper. It is about government by leading rather than interfering or dictating. I believe in and will fight for a policy environment that will support progressive community organisations. Bereft of that belief and commitment, I could not have so loved my work spanning more than a decade for membership organisations—the Western Australia Farmers Federation, the New South Wales Farmers Association and Business SA. But I will also challenge those organisations and others like them to help themselves and I will work from this place to help create an environment in which they can do so.

As a servant in this chamber, I will do what I can to preserve the good and progressive aspects of current community initiatives, keeping abreast of the changing external environment. I want to be part of a parliament that builds our community's future and to ensure that our parliament fosters government which shows the way, not gets in the way. Rather than politicians with words and policies that sound good, Australians deserve politicians with policies that do good. That is what I will strive to deliver.

Today sees more than 10 years since a South Australian Liberal woman rose to give her first speech in this chamber. Thank you to my Senate colleagues, my party, my family, my friends and supporters, my husband, John—my rock—and to the South Australian community who I represent in this place.

#### **AUDITOR-GENERAL'S REPORTS**

##### **Report No. 4 of 2007-08**

**The ACTING DEPUTY PRESIDENT (Senator Hutchins)**—In accordance with the provisions of the Auditor-General Act 1997, I present the following report of the Auditor-General: Report No. 4 of 2007-08—

*Performance Audit - Container examination facilities follow-up: Australian Customs Service.*

**INDUSTRIAL CHEMICALS  
(NOTIFICATION AND ASSESSMENT)  
AMENDMENT (COSMETICS) BILL  
2007**

**INTERNATIONAL TAX AGREEMENTS  
AMENDMENT BILL (No. 1) 2007**

**First Reading**

Bills received from the House of Representatives.

**Senator JOHNSTON** (Western Australia—Minister for Justice and Customs) (5.21 pm)—I indicate to the Senate that these bills are being introduced together. After debate on the motion for the second reading has been adjourned, I will be moving a motion to have the bills listed separately on the *Notice Paper*. I move:

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

Question agreed to.

Bills read a first time.

**Second Reading**

**Senator JOHNSTON** (Western Australia—Minister for Justice and Customs) (5.21 pm)—I move:

That these bills be now read a second time.

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

Leave granted.

*The speeches read as follows—*

**INDUSTRIAL CHEMICALS (NOTIFICATION AND ASSESSMENT) AMENDMENT (COSMETICS) BILL 2007**

The Industrial Chemicals (Notification and Assessment) Amendment (Cosmetics) Bill 2007 delivers on the Government's commitment to reform the regulation of cosmetics by ensuring more effective, streamlined regulation and con-

tinued safeguarding of health, safety and environmental standards.

In November 2005, the Government endorsed the reform of cosmetic regulation as reflected in the report entitled Regulation of Cosmetic Chemicals: Final Report and Recommendations.

In the absence of legislative underpinning, the reforms were implemented on an administrative basis in relation to some specific cosmetics. However, the administrative arrangements are not enforceable and do not apply to some categories of cosmetics (such as skin whitening products and anti-ageing products).

These amendments represent an important next step by providing legislative underpinning for the reforms.

While the ingredients in cosmetics have been regulated by the National Industrial Chemicals Notification and Assessment Scheme (NICNAS) as industrial chemicals for quite some time, the Bill represents an extension of the existing approach by enabling the Minister for Health and Ageing to make standards for cosmetic products as a whole, that are imported into, or manufactured in, Australia.

The proposed standard for cosmetics will be based on the existing NICNAS Cosmetic Guidelines and are being developed in consultation with key stakeholders.

The approach adopted will deliver greater clarity and certainty for industry, capacity for NICNAS to take action in the event of non-compliance and will ensure the protection of public health, occupational health and safety and the environment. The reforms also increase international harmonisation with Australia's key trading partners and ensure greater access to the reforms for all relevant cosmetics products, by reducing the regulatory burden and costs to industry.

The Bill provides the opportunity to make minor technical amendments to improve clarity and consistency within the Industrial Chemicals (Notification and Assessment) Act 1989. These minor amendments will have no significant impact on business, do not place any restriction on competition and do not place any significant additional requirements on the industrial chemicals industry.



These amendments have been developed in close consultation with industry, government and the community. All stakeholders support the proposed amendments and I believe they further improve the already world-class system for the regulation of industrial chemicals in Australia.

#### INTERNATIONAL TAX AGREEMENTS AMENDMENT BILL (No. 1) 2007

This Bill will give the force of law to renegotiated tax treaties with France and Norway. This is a prerequisite to their entry into force. This Bill inserts the text of the Convention between Australia and France and the Convention between Australia and Norway into the International Tax Agreements Act 1953.

The Bill repeals the Schedules to the International Tax Agreements Act 1953 that give the force of law to the existing tax treaties with France and Norway and the separate Airline Profits Agreement with France, which deals with taxation of airline profits. The repeal of these Schedules is subject to transitional rules in respect of assessments of tax relating to the years in which the existing agreements were in effect.

The Conventions between Australia and France and Australia and Norway were signed on 20 June 2006 and 18 August 2006 respectively.

Details of the treaties were announced and copies were made publicly available following signature. The treaties have also been tabled in both Houses of Parliament and have been reviewed by the Joint Standing Committee on Treaties.

The Conventions will further strengthen the economic relations between Australia and the two treaty partners. The Conventions serve as another step in facilitating a competitive and modern tax treaty network for companies located in Australia. The Conventions will also satisfy Australia's most favoured nation obligations under the existing treaties with France and Norway.

Both Conventions will substantially reduce withholding taxes on certain dividend, interest and royalty payments in line with those provided in our tax treaties with the United Kingdom of Great Britain and Northern Ireland and the United States of America. This will provide long-term benefits for business, making it cheaper for

Australian-based business to obtain intellectual property, equity and finance for expansion.

The Conventions will assist trade and investment flows between Australia and France and Australian and Norway. The treaties further demonstrate the government's commitment to update ageing treaties with major trading partners as recommended by the Review of Business Taxation and the Review of International Tax Arrangements. The treaties will produce a positive economic outcome for Australia. Gains include a larger and faster-growing Australian economy with flow-on effects on employment, trade and investment.

The new Conventions achieve a balance of outcomes that will provide Australia with a competitive tax framework for international trade and investment, while ensuring the Australian revenue base is sustainable and suitably protected.

Both Conventions facilitate improved integrity aspects of administering and collecting tax from those with tax obligations in either or both jurisdictions. The Conventions reflect the Government's decision to incorporate enhanced information exchange provisions which meet modern OECD standards and to provide for reciprocal assistance in collection of tax debts.

The Government believes that the conclusion of the Conventions will strengthen the integrity of Australia's tax treaty network through bi-lateral cooperation between countries to help ensure all taxpayers pay their fair share of tax.

Both Conventions will enter into force after completion of the necessary processes in both countries and will have effect in accordance with their terms. The enactment of this Bill, and the satisfaction of the other procedures relating to proposed treaty actions, will complete the processes followed in Australia for those purposes.

Full details of the amendments are contained in the explanatory memorandum.

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

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

**AUSTRALIAN CITIZENSHIP  
AMENDMENT (CITIZENSHIP  
TESTING) BILL 2007**

**First Reading**

Bill received from the House of Representatives.

**Senator JOHNSTON** (Western Australia—Minister for Justice and Customs) (5.22 pm)—I move:

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

Question agreed to.

Bill read a first time.

**Second Reading**

**Senator JOHNSTON** (Western Australia—Minister for Justice and Customs) (5.22 pm)—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—*

I have the honour to present the Australian Citizenship Amendment (Citizenship Testing) Bill 2007. This bill amends the Australian Citizenship Act 2007 and provides for the introduction of an Australian citizenship test.

Citizenship has been a formal requirement in Australia since 1949. Before that, there was a provision, first adopted in the various colonies, whereby a person was naturalised.

The Australian Citizenship Act 2007 states in its preamble:

“The Parliament recognises that Australian citizenship represents full and formal membership of the community of the Commonwealth of Australia, and Australian citizenship is a common bond, involving reciprocal rights and obligations, uniting all Australians, while respecting their diversity.”

Migrants have come to Australia from more than 200 countries around the world. They include people from cultures and systems of government

from the Western, liberal democratic tradition like Australia – and people from other cultures and traditions.

Australia is a multicultural society. Our diversity is part of the rich tapestry of Australia today. While people are not expected to leave their own traditions behind, we do expect them to embrace our values and integrate into the Australian society. In becoming a citizen, they pledge their loyalty to Australia.

The core of being an Australian is at the heart of becoming a citizen of this country, no matter where people have come from.

Our great achievement in Australia has been to balance diversity and integration. Diversity is celebrated in Australia. But so too should we support the shared values that bind us together as one people.

For generations, Australia has successfully combined people into one community based on a common set of values.

These values include our respect for the freedom and the dignity of the individual, support for democracy, our commitment to the rule of law, the equality of men and women, respect for all races and cultures, the spirit of a ‘fair go’, mutual respect, compassion for those in need, and promoting the interests of the community as a whole.

It is important that Australian citizens understand the values that guide us and how our society works.

Australia is not simply an offshoot of the civilisation of Europe; it is a part of the West, those prosperous democratic countries that include the countries of Europe and the parts of the new world settled by Europeans: the United States, Canada, Australia and New Zealand.

From 1788 the British settlers of Australia brought with them the Anglo-Celtic principles and traditions of Christianity, the Scientific Revolution and the Enlightenment. They built a society governed according to the new principles of liberalism and democracy, but in their own way. They were determined that in some respects Australia should not be like Europe—there should be no privilege, and opportunity should be open to all.

For over 150 years the majority of the new settlers came from Britain and Ireland, but there were significant numbers from China and other parts of the world. In the last 60 years people of every country, creed and race have settled here, initially from Europe, and then from Asia and elsewhere. They have found a land of opportunity.

People living in Australia enjoy many rights including equality before the law, and freedom of religion and expression. Australian citizens also have the right to vote and stand for parliament and local councils. We also have responsibilities. We must obey Australia's laws, accept the common values and respect the rights and freedoms of others. We are also encouraged to become involved in the community, to help make Australia an even better place.

The material which will form the basis of the citizenship test will highlight the common values we share, as well as something of our history and background. It is currently being drafted and will be released once completed.

The booklet will give migrants to Australia the information they need to better understand what it means to be Australian, what Australia will do for them, and what they are expected to do in return, for Australia. It will also give a brief summary of our history, heritage, symbols, institutions and laws, as well as what migrants need to do to apply for citizenship.

The Australian Citizenship Act 2007 requires that applicants for citizenship understand the nature of their application, possess a basic knowledge of the English language, and have an adequate knowledge of the responsibilities and privileges of Australian citizenship. This bill provides that these applicants must have successfully completed a test, before making an application for citizenship, to demonstrate that they meet these requirements.

These requirements are the same as the current criteria with the addition of the requirement that applicants have an adequate knowledge of Australia. It is important to emphasise that the test is for citizenship, not settlement. Migrants who come to Australia in the future, whether under the skilled, family or humanitarian programme, will not be required to pass the test prior to, or upon their arrival. They will only need to pass it when wish-

ing to take up citizenship of Australia, which will usually be some four or more years later.

The government recognises that it would be unnecessary and unfair for some people to comply with these requirements. Consequently, people under the age of 18 or over 60, and those with a permanent physical or mental incapacity which prevents them from understanding the nature of their application will not be required to sit the test.

The test will encourage prospective citizens to obtain the knowledge they need to support successful integration into Australian society. The citizenship test will provide them with the opportunity to demonstrate in an objective way that they have the required knowledge of Australia, including the responsibilities and privileges of citizenship, and a basic knowledge and comprehension of English.

One of the main reasons people come to Australia is because they see this as a land of opportunity.

Part of our responsibility to them is to ensure they have the knowledge to make the most of what our country offers and to help them develop a sense of belonging. Citizenship is at the heart of our national identity, giving us a strong sense of who we are and our place in the world.

Becoming a citizen is a profound step requiring the individual to pledge their loyalty to Australia and its people. It involves a commitment to a shared future and core values. It means understanding the privileges that come with citizenship, but also being able to fulfil the responsibilities. We need to make sure that people are not only familiar with Australia and our values, but also able to understand and appreciate the commitment they are required to make.

The community also needs to be assured that migrants are able to integrate into Australian society. Maintaining broad community support for our migration and humanitarian programmes is critical. The ability to pass a formal citizenship test sends a clear signal to the broader community that new citizens know enough about our way of life and commit to it.

This is evident by the support from the community for the introduction of a citizenship test. More than 1,600 responses were received to a

discussion paper released on 17 September 2006 seeking community views on the merits of introducing a formal citizenship test. Sixty per cent of respondents supported the introduction of the citizenship test.

It is worth noting that many of the world's major migrant receiving countries have had formal citizenship tests in place for some time. This includes Canada, the United Kingdom and the United States of America.

A test must be approved by written determination. The bill provides that the ministerial power to make a written determination cannot be delegated.

Matters to be included in the determination will include eligibility criteria to sit a test. Only permanent residents who are able to be satisfactorily identified and provide a photograph of themselves, or allow an officer to take a photo, will be able to sit a citizenship test.

The test is expected to be computer-based and consist of 20 multiple-choice questions drawn randomly from a large pool of confidential questions. Each test is expected to include three questions on the responsibilities and privileges of Australian citizenship. The pass mark is expected to be 60 per cent including answering the three mandatory questions correctly. A person will be able to take the test as many times as required in order to pass.

The test questions will assess knowledge of Australian history, culture and values based on information contained in a citizenship test resource book. It will cover the sort of things that people learn in their primary and secondary years at school.

There will not be a separate English language test. A person's English language skills will be assessed on their ability to successfully complete the test in English.

It is expected that most people will have the literacy skills necessary to complete the citizenship test unassisted. However, the government recognises that there will be some people who do not and may never have the literacy skills required. In these special cases, it is proposed that the test administrator read out the test questions and possible answers to the person. The bill also provides

the flexibility to approve more than one test should different arrangements need to be made in the future for certain prospective citizens.

Australia can be proud of its history and have confidence in its future as one of the world's most stable democracies, where men and women are treated equally and the rule of law is paramount. A citizenship test will ensure a level of commitment to these values and way of life from all Australians, regardless of where they may originally come from.

By having the knowledge, and more importantly an appreciation of the events that have shaped this country and the institutions that have been established as a result will help foster a nation of people with a common purpose.

Many Australians would agree that citizenship is a privilege, not a right. This, more than anything, is why the introduction of a citizenship test is not only supported by many Australians, but also acknowledged as being a key part of maintaining our national identity.

It is our sense of reciprocal obligations and a vision of a common destiny that has been foundational to Australia's success.

The words of Henry Parkes, the father of Federation, first said at Tenterfield in 1889, remain true today: we are "one people, with one destiny."

I commend the bill to the House.

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

## BUSINESS

### Rearrangement

**Senator JOHNSTON** (Western Australia—Minister for Justice and Customs) (5.23 pm)—I move:

That intervening business be postponed till after consideration of Business of the Senate notice of motion no. 6.

Question agreed to.

**PRINCIPAL EXECUTIVE OFFICE  
CLASSIFICATION STRUCTURE AND  
TERMS AND CONDITIONS**

**Motion for Disallowance**

**Senator BOB BROWN** (Tasmania—Leader of the Australian Greens) (5.23 pm)—I move:

That Determination 2007/04: Principal Executive Office (PEO) Classification Structure and Terms and Conditions, made pursuant to subsections 5(2A), 7(3D) and 7(4) of the *Remuneration Tribunal Act 1973*, be disallowed.

This is, of course, the Greens' motion to disallow the regulation to increase the pay of members of parliament. The two regulations before the Senate would increase the income of members of parliament by 6.7 per cent. That comes on top of a seven per cent increase this time last year. It will mean that this year the average pay of members of parliament on the back bench will rise by \$8,000 to \$127,000 per year—that is, if you do not take into account electoral allowances and all the other provisions for members of parliament. This 6.7 per cent would increase the Leader of the Opposition's income by \$15,000 to \$235,000 per year and it would increase the Prime Minister's salary by \$21,000 to \$336,000 per year.

Let's do a comparison. The Prime Minister's salary will go up by \$21,000 per year, but the 1.2 million pensioners who made this country what it is are on a total of \$13,652 per year. We are seeing an increase in the Prime Minister's income that is almost double the total-year income for the 1.2 million pensioners of this country. That is unfair, that is unjustified, that is not right and it is no way to honour the people who have contributed so much to this country. We are proposing not simply a stopper on an unjustifiable pay rise to members of parliament but that the money go to giving a very necessary and justified lift in income to 1.2 million pen-

sioners in this country—the Prime Minister's 1.2 million forgotten Australians. They deserve the pay increase, not us.

When you look for justification for this 6.7 per cent increase on top of the seven per cent last year—a 14 per cent increase—there is none. The Remuneration Tribunal, which is said to be independent but is nothing of the sort in my book, gives no justification. It calls none of us before it. There is no increase in workload, greater demand on our services or productivity output improvement to justify this increase, which for all of us is \$8,000 per year and for the Prime Minister is \$21,000 per year. Certainly let us have an increase which keeps up with the cost of living in Australia. That is what the pensioners get. But no, that is not the case for members of parliament who represent those pensioners and, indeed, average Australians in their millions. While pensioners have had no real increase in their income during the 11 years of Prime Minister Howard's government compared to the increase in the cost of living, the income of members of parliament has gone up by 85 per cent—pensioners, zero; members of parliament, 85 per cent. Who opposite, or indeed in the Labor ranks, is going to justify those figures? There will not be justification because there is no justification.

When we look at the measly pension—the \$260 that pensioners get to make ends meet in this country—it is very easy to overlook the fact that the cost of living index does not reflect increasing costs for them in particular. As we all know, cheap imported goods—which we on higher incomes buy in great amounts—are largely beyond the reach of the people on the lowest incomes in the country, including pensioners. What is not beyond their reach—because they have to pay these costs—are the much more rapidly increasing costs of rent, food, transport and services. So in fact, when you take that factor into consideration, we see that pensioners

have not only not kept up with parity but also are very probably losing ground. The pensioners I speak to, including a wonderful group of Greek Australians in Marrickville on the weekend, are finding it very tough indeed to make ends meet in this wealthy Australia of 2007. They do not like the fact that we parliamentarians get such things as gold cards when we retire for free travel. They note it but they cannot do anything about it. They feel cheated because they have worked for decades to put this country on the basis that it is on, and none of us can deny them that. Our wealth has come out of their labours. But they are not being rewarded for it; they are being overlooked and forgotten.

What we Greens are saying is, 'Well, let's put the parliamentarians' pay increase towards giving the pensioners a pay increase instead. We are up 85 per cent. Let's lift them from zero per cent and give them a break.' If the current tax breaks for the mega-rich in this year's Costello budget can put \$3.5 billion into the pockets of people taking home more than \$75,000 a year—and every member of this parliament is included in that bracket—then we have more than ample funds to give the 1.2 million pensioners, and indeed the 600,000 part-pensioners, a reasonable increase. What will it be? Will it be the \$160 increase that we backbenchers are getting at the moment or the hundreds more for the Leader of the Opposition and the Prime Minister? No, it will be \$30 a week for pensioners—that is, one-tenth. Surely we can forgo this one pay rise and this one tax cut to give the pensioners of this country one-tenth of the amount that will land in our pay packets if we do not do this. One-tenth is \$30 a week. Is it too hard in this age of wealth in this country to give the pensioners of this country \$30 a week? We Greens say, 'No, it is not.' It is not only not too hard; it is warranted, it is right and we should be doing it. We cannot in good conscience put our

hands into the taxpayers' pockets to line our own and turn our back on the pensioners of this country, as the Prime Minister and the Leader of the Opposition want to.

I realise how the numbers fall, but I make an appeal here—and maybe this will be heard by the Prime Minister or the Prime Minister in waiting. It is high time that we were debating the pensioners, who have been forgotten, rather than ourselves—who get thought about too often. It is a tough job being in here. We are open to all sorts of pressures that maybe quieter citizens do not have. But that is our privilege and that is our option. They have none. They are dependent on us. The budget this year left them out altogether save for one thing. There were big tax breaks right across the board which privileged the rich much more than the poor and the middle-income earners in this country. On top of that was \$3.6 billion for those earning over \$75,000—which we Greens oppose. Hidden in the budget was a one-liner saying, 'Pensioners will get a once-off \$500 in the run-up to the election.' How tawdry is that? If that is not a 'sit quiet, take the money and vote for us' inducement for votes from this clever Prime Minister's backroom thinkers then what is it? I was in Burnie the other day when an aged pensioner came up to me and said, 'Well I've got \$500 and I want to put it into your campaign because I think it would do better if Mr Costello knew it was coming in your direction.' That was one person's view of how she wanted to see the country go. It is my job to see that she is not out of pocket over that, but the thought was there.

We have many elderly or incapacitated Australians on the pension. They are not highly organised. They do not have an open door to the politicians' offices like the big corporations and the big end of town to get the mega tax breaks. It is so easy here to take them for granted, and that is what is happen-

ing here. Australia's pensioners are being taken for granted—and, I think, taken down. We can do better. We must do better. We Greens are taking a stand here today. This is not just about blocking an unwarranted, unjustified pay rise for members of parliament in 2007; it is also about remembering those who are struggling to make ends meet in 2007. Wouldn't it be better if some of those mega tax breaks had gone into the public health system? What about a dental care system for this country? Prime Minister Howard cut out the concession card holders' dental care system in his first year of office. Now we have pensioners waiting two years to get a tooth looked at in mega-rich Australia 2007. Is that the legacy of the Howard government when it comes to social justice in this country? We can and we must do better than that. This motion today is a very strong statement for the Greens saying to the big parties who hold office or are in opposition in this country; 'Think again on this pay grab. Think again about the plight of those people who cannot make ends meet in 2007. They deserve some of the wealth of this country which they are being denied.'

**Senator CHRIS EVANS** (Western Australia—Leader of the Opposition in the Senate) (5.37 pm)—I rise on behalf of the Labor Party to indicate we will not be supporting the disallowance motion moved by Senator Brown. As I understand it, the disallowance motion seeks to disallow the determination by the Remuneration Tribunal which led to a 4.2 per cent increase in salaries for those people affected by the decision—essentially, the principal executive officer remuneration range upon which the parliamentary salaries are linked. It also, as I understand it, affects about 95 senior public servants. The allowance to senators and members is pegged at the reference salary of band A in the lowest of the PEO ranges. So, by moving this motion, Senator Brown seeks to deny the pay

increase to politicians, but of course also denies it to a range of public servants. I understand the reason he has done it. I am sure it is not his intention to affect them in that way. I think he expects to lose it, but, in doing so, I suspect he might have lost 95 potential votes among those public servants. I am not sure how many of them vote Green, but they will not be voting Green next time, Senator Brown.

My problem with this, as I have said previously, is that Senator Brown proposes that we set our own salaries. Senator Brown says he knows better and this Senate knows better how to establish the rate of pay for senators and members. By moving this motion, he seeks to put an alternative proposition to that one determined by the independent body, the Remuneration Tribunal, which is authorised to set the salaries of members of parliament. On this occasion, Senator Brown seeks to say, 'No, we won't use an independent umpire'—the sort of independent umpire that Senator Brown has supported in terms of IR legislation for other workers in this country and has had a good position on over the years; allowing the right for independent determination of such things. On this occasion, he says, 'I, Senator Bob Brown, will tell you what the salary of politicians ought to be.' Now there may be others who want to argue a much lesser position than the total remuneration package Senator Brown proposes. But, effectively, Senator Brown says: 'I know better. On this occasion, I will determine what the rate will be by disallowing this regulation. I will take it out of the hands of the independent umpire and I will make this parliament decide.'

Fundamentally, I have always opposed the proposition that people should set their own salary and conditions. We are no better at doing it than anybody else. We are totally conflicted and any ability to try and explain such decisions in a wider audience would be

undermined by claims of self-interest. Whatever we do, we cannot win. But, quite frankly, we are not the appropriate body to set the salary and conditions. I think it would be totally inappropriate for the Senate to seek to establish the rates of pay and conditions for politicians. It is just not appropriate. Because of that recognition, in 1999 the government made a regulation under the Remuneration and Allowances Act to link the parliamentary base salary with reference to the tribunal's principal executive officer structure. It basically allowed the tribunal to manage the salary structure since that time.

The difficulty for us, of course, is that every time there is a movement it comes before us by way of the determination and it gives an opportunity for someone to seek to have a debate about it. I am fine with a public debate on the issue. I am fine with a public debate about politicians' salary and conditions, but I am not relaxed about us determining them. I am happy to have a debate, but I am not happy about making the decision because no-one will see us as independent on that subject. I just think it is totally inappropriate and wrongheaded for us to set our own salary and conditions. That has been a principle broadly accepted by parliamentarians and broadly accepted by the public. No-one, apart from Senator Brown, argues that the Senate ought to set the salary.

Senator Brown is saying he has made an independent judgement as to what the appropriate salary ought to be for a senator and member, and he is going to give effect to that by his motion today. So Senator Brown is now putting himself as the independent umpire of his and our conditions by what he seeks to do today. He says, 'On this occasion,' but, quite frankly, this process has been followed before. I cannot remember when—I did not bother looking up on which previous occasions Senator Brown or others have done this—but it has been quite common in

other parliaments for, generally, minor party senators to use the opportunity to play some cheap politics. I think the Greens did it in Western Australia at one stage in the state parliament. It is useful in terms of publicity. I assume you get a lot of coverage from it. That is your prerogative. But the reality is that good public policy requires, in my view, that the parliament not seek to set the terms of the salary and conditions of parliamentarians. We do not have a great record on it. We are totally conflicted in doing so and there would be no public confidence in any decision-making processes that we took in that regard.

I think we are better off having all our salary and conditions set by an independent Remuneration Tribunal, as I have never been comfortable with us seeking to set some of our other conditions. I remind senators of the government's decisions in relation to MPs' print entitlements, where the government determined those levels and brought them before the parliament. I just do not think we are the right people to be making those decisions. The government got it wrong. It appeared highly politically motivated to increase MPs' printing entitlements in the lead-up to a federal election. It favoured the government party because they had more members. The whole thing looked like a political stunt and the whole thing brought politicians into disrepute. As far as I am concerned, an independent Remuneration Tribunal should set all of those conditions. I am not sure that is our official party policy; I will check that. But, as far as I am concerned, hands off! We are not the right people to determine those things. There ought to be independent assessment of those things.

Senator Brown talks about public disquiet. Everywhere I go people tell me they do not think politicians are paid enough—particularly the Prime Minister and senior ministers. Maybe that is because I am mov-



ing in the resources sector these days and they are all earning a packet and anything under 500 grand looks paltry. But, to be honest, even when I had the shadow portfolio which covered FaCSIA and I was moving among the community sector, they tended to express the view that they thought, because of the hours and the responsibilities, not all politicians were paid enough.

I do not share that view. In my personal judgement, the salary is about right. I do not think paying politicians will attract better people to politics, but I guess I would say that, wouldn't I? I do not adopt that argument. People go into public life for reasons other than salary. It ought to be of a sufficient level that people are not making a massive sacrifice, but, equally, I do not know of anyone in public life who would be motivated by a minor adjustment in pay rates. As we know, we have a fair share of millionaires in the parliament these days. They are not doing it for money—it is costing a few of them—but that is a sign that we can attract all sorts of people to the parliament and that they come in for reasons other than the salary.

But the fundamental principle that this parliament has endorsed and the community broadly accepts is that we should not set our own pay and conditions. Senator Brown's motion has the effect of seeking to get the parliament to set them again by virtue of the disallowance opportunity of the regulation. It is a bit opportunistic of Senator Brown to seek to do this. I understand why, but I have seen these stunts before about rejecting this pay rise or that pay rise. Every time it comes up it is an opportunity, but I think we ought to be more systematic in the way we approach it. We ought to say: 'What are the principles? How should these be determined? What is the process?' Establish that and leave it alone; do not seek to interfere when one thinks there is political advantage in

running one case or the other. That is a principle this Senate ought to endorse.

The issue that Senator Brown was right to raise, and which is an important issue, is the level of the age pension. He expresses concern, rightly, about the level of the aged-care pension. I, frankly, do not understand how people live on that income. I never have. It is interesting: I was chatting to my father the other day, who is an independent retiree as a result of his employment, and he was expressing the view of how well off he was in comparison to pensioners and how he was appreciative that he had joined a super scheme late. He was espousing his support for superannuation, that it had made his retirement far more comfortable than it would have been if he had been on the pension. He mentioned that a couple of his drinking mates down at the Wembley Hotel were surviving on pensions and that they were finding it very hard to afford the occasional beer. Senator Brown makes a good point about that; it is an issue we ought to focus much more on.

His point about the CPI increases is also right. I have had no end of representations from pensioners about the basket of goods which is used to calculate the changes in pensions—that things like cheap imported electrical goods are in the basket and that the price of plasma TVs coming down subdues the total value of the CPI index. They quite rightly say to me, 'I'm flat out paying for my groceries, without buying plasma TVs, and I'm still operating on the old black-and-white we've had since 1963.' Those are legitimate arguments, and the parliament ought to have more debate about them and focus on the conditions that so many tens of thousands of pensioners live in in this country. It is right to focus on that. I know that inside the Labor Party we have focused on those issues and on how we can afford to improve the lot of pensioners. So that part of the debate is

right, but linking the issues to try to say, 'If we stop the pollies getting a pay rise, somehow this is going to favour pensioners,'—it is easy politics. It gets you a headline and you get a run in the paper, but you do not do anything to improve public policy in this country. In the end you do not do anything to assist the pensioners. It is unhelpful and, quite frankly, it does not do the reputation of politicians and the political process any good.

As I said, it is easier to do the stunt, but there are serious issues at stake. I know it is harder for Senator Brown and the Greens to get noticed in the current climate. The focus on the prime ministerial race between Mr Rudd and Mr Howard is consuming a lot of oxygen in the political debate. The reality of the Senate becoming less relevant since the balance of power changed and our inability to get any focus on the role of the Senate and the accountability mechanisms must make it much harder for minor parties. That might be difficult, but I do not think pulling stunts like this is the answer to those pressures. I am sure the Greens and the Democrats and Family First are finding this. The parliament ought to reiterate its support for salary and conditions being set by an independent Remuneration Tribunal. We ought to, as much as possible, move down that path in relation to most politicians' and parliamentarians' conditions. The government's move on the postage and printing allowances was a classic sign of why we should not be put in charge of our own conditions. Proper decision-making process was corrupted by the political panic of the government to try to ensure their incumbents had the best opportunity to be re-elected. That is not the proper basis on which you decide postage or printing allowances for parliamentarians.

Labor will be opposing Senator Brown's disallowance motion. The decision of the Remuneration Tribunal, whether one agrees

with the quantum or not, has been determined by the appropriate body, not by parliamentarians seeking to set their own wages, and we ought to accept that that process serves our democracy much better than this attempt to pick and choose on which occasions and under which conditions we accept or reject it. It is not a sustainable process, and I do not think it is in the interests of confidence in the political system more generally.

**Senator JOHNSTON** (Western Australia—Minister for Justice and Customs) (5.53 pm)—In most years, Senator Bob Brown seeks to run this sort of argument after a Remuneration Tribunal review. We have come to expect this rhetoric and shallow grandstanding from Senator Brown. As the Leader of the Opposition in the Senate indicated, it is about Senator Brown getting publicity and attempting to stay at the forefront of people's minds. It is a bit shallow, really. Since 1999, the base parliamentary salary for all senators and members has been linked by regulation to a salary determined by the Remuneration Tribunal, an independent statutory body that determines remuneration and related matters for key Australian government officers, not just parliamentarians. As a result of this legislative link, the base salary is adjusted automatically in line with the relevant Remuneration Tribunal decision, usually on 1 July each year.

The salary for members of parliament has been set at the A level, which happens to be the lowest level of the principal executive officer salary band. Obviously, being a parliamentarian is not about the money. To the best of my knowledge and understanding, nobody aspires to parliament because 'the money is so good'; they do it for other reasons. As I said, level A is the lowest level of the principal executive officer salary band—and this is the salary band for senior public servants. The new base salary will be

\$127,060. The pay rise comprises two elements: firstly, an increase of 2.5 per cent as a result of the restructure of the principal executive officer salary band outlined in determination 2007/04; and a further increase of 4.2 per cent as a result of the annual remuneration adjustment outlined in determination 2007/08. The first component is a catch-up clause which reflects a disparity between the benchmark and actual wage movements in the senior ranks of the Public Service. The second component is the annual review of salary.

In undertaking its annual review and deciding on appropriate adjustments, the Remuneration Tribunal takes into account a range of factors—none of which are the views of parliamentarians! More seriously, I am advised that, if this disallowance motion were to be passed today, it would have a flow-on effect to all public servants at the principal executive officer salary band. This would deny a wage increase to the following people: the General Manager of Aboriginal Hostels Ltd; the General Manager of the Aged Care Standards and Accreditation Agency; the Managing Director of the Australian Broadcasting Corporation; the General Manager of the Australia Council for the Arts; the Chief Executive Officer of the Australian Film Commission; the Director of the Australian Film, Television and Radio School; the Principal of the Australian Institute of Aboriginal and Torres Strait Islander Studies; the Director of the Australian Institute of Marine Science; the Chief Executive Officer of Cancer Australia; the Chief Executive of the Commonwealth Scientific and Industrial Research Organisation; the Director of the Equal Opportunity for Women in the Workplace Agency; the Chair of the Great Barrier Reef Marine Park Authority; the General Manager of Indigenous Business Australia; the General Manager of the Indigenous Land Corporation; the Director-

General of the National Library of Australia; the Director of National Parks Australia; the Renewable Energy Regulator; the Managing Director of the Special Broadcasting Service; and the General Manager of the Torres Strait Regional Authority—to name but a few. Obviously, the government will oppose this motion.

**Senator STOTT DESPOJA** (South Australia) (5.57 pm)—I rise to speak on Senator Bob Brown's disallowance motion because I want to put my personal views on record. This motion, if successful, would disallow the 4.2 per cent increase that applied to members' and senators' salaries from 1 July this year. I note that this motion no longer disallows determination 2007/04, which allows for the 2.5 per cent increase—and, of course, these two determinations are usually considered together as annual adjustments to wages. I understand Senator Brown's position and the intent of his motion. Like Senator Evans, I too feel very strongly and passionately about the issues to which Senator Brown referred, particularly in relation to pensioners and the inadequacy of pensions in this country. But I want to place on record that I am unhappy about the precedent set by this disallowance motion.

By pursuing this motion, Senator Brown, as he would appreciate, places his parliamentary colleagues in a unique but awkward position. He is essentially demanding that we take responsibility for determining our own salaries when, at the same time, we are directly responsible to the Australian people. Avoiding this situation is the very reason why we have our salaries set by the independent Remuneration Tribunal. The Remuneration Tribunal is empowered under the Remuneration Tribunal Act 1973 to inquire into the salary of public officials, and it is standard practice for it to do so every year. In doing so, the tribunal considers a range of economic indicators, including the wage cost

index; salary outcomes in the public sector and, to a lesser degree, the private sector; and the principles of wage determination and decisions of the Australian Industrial Relations Commission. Senator Brown implied in his remarks that it is a bad thing that politicians are not consulted in that process, while Senator Johnston implied in his remarks that it is a good thing that politicians are not referred to in that process. Obviously, we all have different views on what matters should be considered and what should be taken into account, but, again, it should be done in an independent way.

As Senator Johnston and Senator Evans have both pointed out, if successful this motion would have an impact on salaries other than ours. It would alter the salaries of some state and territory politicians and a large number of Commonwealth public positions, some of which were referred to by Senator Johnston, including the director of the Australian Institute of Marine Science, the CEO of the Australian Film Commission, the CEO of Cancer Australia, the chair of the Great Barrier Reef Marine Park Authority and the General Manager of the National Blood Authority, to name a few. More than 90 non-elected official positions are also covered by this determination, and I am not comfortable with the fact that this motion affects their pay; therefore, I am not comfortable with voting for this motion. I also understand that there is an argument for some salary adjustment for some of those post 2004 politicians, but it is not my role to determine that.

I believe and I am happy to put on record that this determination, especially when combined with determination 2007/04, rounds out, Senator Brown, to an annual increase of 6.8 per cent. I know that we keep doing the math and it is 6.7 per cent, but I have been told that when you round it up it is about 6.8 per cent. I believe it is excessive; I believe it is too much, especially when you

look at inflation at 2.1 per cent for 2006-07, so I am in a quandary. But I want to point out to the chamber that my decision today is not to support this motion. I do not think it is my role; I do not think it is our role. I think we should be kept from decisions about the raising or lowering of our own salaries. I have made a personal choice: I am happy to pledge, and have done so, the above CPI increase in my salary to charity. I am comfortable with that, but it is my personal choice. I am not going to make a choice on behalf of the rest of my colleagues in this place or, more importantly, some of those public officials whose salaries are affected by the motion today.

Through you, Mr Acting Deputy President, I hope Senator Brown understands my position. It may be an increase that some consider warranted. I have made a personal decision, but I am not going to get into a debate today as to whether or not I as a politician should be responsible for determining other politicians' salaries.

**Senator ALLISON** (Victoria—Leader of the Australian Democrats) (6.02 pm)—I will also not be voting for this disallowance motion for the reasons that have already been well expressed today, but there are a couple of other points that I want to add. It would be easy to vote for this motion of disallowance because it is not going to get up—so we know there would be no harm done—but I agree that it is the tribunal which makes these determinations. Perhaps we should have made a submission to the tribunal saying, 'Please do not bring down an increase which is higher than community standards and which is higher than CPI,' because, for some reason, that is why they did it. I understand that the combined superannuation and salary increase has come to represent a grossly enlarged increase on CPI.

This leads me to another point that needs to be made today: we are dealing with an increase which is about the unequal treatment of senators and members in this place. It stems from the decision made a couple of years ago to change the superannuation entitlements for people who were coming into this place. That is, we were making decisions—and a lot of us objected very strongly and voted against the changes for this reason—for those who came after us, and so we have a mix at the present time of people who are entitled to generous superannuation pensions and entitlements and those who are in an accumulation scheme with far less generous entitlements. I can only assume that part of the reason for the Remuneration Tribunal’s decision is to make up for that disparity.

Of course, it does not make up for the disparity; it just increases the entitlements of those who were here prior to the decision being made. It is salutary that this should not occur again. In other words, if a decision is made about entitlements like superannuation in this place, it ought to apply to everyone, not just to the chosen few who happen to be here to make the decision. I see this as a probable reason for the difference between the increase and what the community can rightly expect. Like others, I think we have to leave these decision to the Remuneration Tribunal. I am reminded that perhaps next time round we need to make a submission to the tribunal and say, ‘Please do not increase our salary beyond what is reasonable in terms of community expectations.’

**Senator BOB BROWN** (Tasmania—Leader of the Australian Greens) (6.05 pm)—I thank those who have contributed to this debate and I beg to disagree. The motion as I have put it from the Greens would see that MPs got a 2.5 per cent increase, not the 6.7 per cent. The Fair Pay Commission just a few weeks ago determined that Australian workers get a two per cent increase. The

Greens are saying: let that be an indication that MPs should get the same. We have put this to the Senate, and it appears that all parties are rejecting it. We do not. What is more, the Remuneration Tribunal does not give reasons and it has not given reasons. We cannot debate reasons that are not given. There is no justification for this pay rise. I submit and put here again that the Remuneration Tribunal, which is appointed by the government, is a politically charged organisation which is not able to make a dispassionate assessment, and we would not be in this position were it able to.

If it is good enough for workers in this country to have their pay increases determined by the Fair Pay Commission set up by Mr Howard, the Prime Minister, and the government, then it is good enough for members of parliament to have our pay increase set by the Fair Pay Commission as well. It should be two per cent; it should not be seven per cent. We should not be sailing 85 per cent above the consumer price index while pensioners languish with no increase at all. I thank members for their point of view. I reject it; it is not logical; it does not stand up to scrutiny. We are doing the right thing here and we stand by this disallowance motion, which would make our pay increases the same as those for the rest of the Australian community.

Question put:

That the motion (**Senator Bob Brown’s**) be agreed to.

The Senate divided. [6.12 pm]

(The Acting Deputy President—Senator JAL Macdonald)

Ayes.....	6
Noes.....	<u>56</u>
Majority.....	<u>50</u>

## AYES

Bartlett, A.J.J.  
Fielding, S.  
Nettle, K.

Brown, B.J.  
Milne, C.  
Siewert, R. \*

## NOES

Adams, J.  
Barnett, G.  
Birmingham, S.  
Boswell, R.L.D.  
Campbell, G.  
Colbeck, R.  
Coonan, H.L.  
Crossin, P.M.  
Evans, C.V.  
Ferguson, A.B.  
Fifield, M.P.  
Forshaw, M.G.  
Humphries, G.  
Hutchins, S.P.  
Kirk, L.  
Ludwig, J.W.  
Macdonald, J.A.L.  
Mason, B.J.  
McGauran, J.J.J.  
Moore, C.  
Nash, F.  
Parry, S. \*  
Payne, M.A.  
Ray, R.F.  
Stephens, U.  
Troeth, J.M.  
Watson, J.O.W.  
Wong, P.  
\* denotes teller

Allison, L.F.  
Bernardi, C.  
Bishop, T.M.  
Brown, C.L.  
Chapman, H.G.P.  
Conroy, S.M.  
Cormann, M.H.P.  
Eggleston, A.  
Faulkner, J.P.  
Fierravanti-Wells, C.  
Fisher, M.J.  
Hogg, J.J.  
Hurley, A.  
Kemp, C.R.  
Lightfoot, P.R.  
Macdonald, I.  
Marshall, G.  
McEwen, A.  
McLucas, J.E.  
Murray, A.J.M.  
O'Brien, K.W.K.  
Patterson, K.C.  
Polley, H.  
Ronaldson, M.  
Sterle, G.  
Trood, R.B.  
Webber, R.  
Wortley, D.

Question negatived.

**SOCIAL SECURITY AND OTHER  
LEGISLATION AMENDMENT  
(WELFARE PAYMENT REFORM) BILL  
2007**

**NORTHERN TERRITORY NATIONAL  
EMERGENCY RESPONSE BILL 2007  
FAMILIES, COMMUNITY SERVICES  
AND INDIGENOUS AFFAIRS AND  
OTHER LEGISLATION AMENDMENT  
(NORTHERN TERRITORY NATIONAL  
EMERGENCY RESPONSE AND  
OTHER MEASURES) BILL 2007**

**Referral to Committee**

**Senator BARTLETT** (Queensland) (6.16 pm)—by leave—I, and also on behalf of Senator Siewert, move:

That the provisions of the Social Security and Other Legislation Amendment (Welfare Payment Reform) Bill 2007 be referred to the Community Affairs Committee for inquiry and report by 10 September 2007, with particular reference to:

- (a) the likely effects of the new income management regime on the health and well-being of children in affected communities;
- (b) the demonstrable need to restrict the appeal rights of those on the new income management regime in affected communities;
- (c) the interaction of the bill with the *Racial Discrimination Act 1975* and the extent to which the provisions can be characterised as 'special measures'; and
- (d) the effects of these measures on community governance and the development of remote communities.

That the provisions of the Northern Territory National Emergency Response Bill 2007 and the Families, Community Services and Indigenous Affairs and Other Legislation Amendment (Northern Territory National Emergency Response and Other Measures) Bill 2007 be referred to the Legal and Constitutional Affairs Committee for inquiry and report by 10 September 2007, with particular reference to:

- (a) the relevance of the acquisition of Aboriginal land and changes to the permit system to address the problems of child protection, health and development;
- (b) the possible impacts of the prohibition of alcohol on child safety;
- (c) the interaction of the bills with the *Racial Discrimination Act 1975* and the extent to which the provisions can be characterised as 'special measures'; and
- (d) the effects of these measures on community governance and the development of remote communities.

These motions seek to refer the package of legislation regarding the Northern Territory situation, and some other measures relating to welfare payment quarantining but not to the Northern Territory situation, to Senate committees for proper examination. For the sake of resolving the question this evening, which I think would at least create total certainty for the relevant Senate committee or committees and the public, I recognise that it is desirable to have this debate finalised and voted on by 10 minutes to seven. That is only half an hour away, so I will keep my remarks brief.

To some extent, this issue was canvassed in other debates earlier today, but I believe it is important to make the point, to have the debate and to get the issue on the record here. The motions moved by Senator Siewert and me seek to refer the legislation to two separate committees. We seek to deal some of the legislation across to the Senate Standing Committee on Legal and Constitutional Affairs—particularly areas to do with the permit system, land acquisition, alcohol measures, pornography controls, changes to community stores and issues to do with governance. The separate legislation dealing with welfare quarantining, which is an amendment to matters relating to social security payments, we wish to send to the Senate Standing Committee on Community Affairs, where such matters are usually dealt with.

The key issue for me and the Democrats is not so much which committee these bills go to or whether they go to two separate committees; the key issue is the need for sufficient time for the Senate to inform itself of the views of the people who are directly affected and those who have immense expertise in these areas—much more expertise than just about any of us in this chamber or on the government benches anyway. The proposal is for the bills to be sent to committees, to report back on the first sitting week

in September. While that is still a fairly brief period, it would nonetheless allow a few weeks for senators to hear from a range of people, particularly from the Territory. That would be the week starting 10 September, which is just a month away.

I repeat what I have already said a number of times here today and elsewhere: if there is a single measure in any of these pieces of legislation that the government can point to and justify as being needed now to protect or save children at risk from harm that would not be able to be carried out if this legislation were not debated until next month, then I would appreciate it if they would single that out. We still have not had anybody from the government do that at any stage in this debate in either the Senate or the House of Representatives. That, to me, is a simple matter. It is an important matter. It is an urgent matter. Because it is important and urgent, we need to do it well. You do not rush into any emergency or disastrous or serious situation without first having a proper look at what you are going to do before you charge in. That is what the Senate is at risk of doing. This is an important thing for the sake of getting the legislation right.

I would also say that it is important for the sake of strengthening the confidence and trust of the people of the Northern Territory—particularly Aboriginal people in the Northern Territory and more widely—that there be at least some genuine attempt to listen, to do all we can to get it right, to do whatever is possible within the constraints of the situation and to minimise the mistakes and maximise the effectiveness of what we are trying to do here. Frankly, that is the Senate's job. To suggest that we can do that job properly by doing what is proposed by the government—having a one-day hearing on Friday, about 40 hours from now, with a witness list still to be provided of a group of people who probably still do not know that

they are going to be giving evidence—and to expect us to then produce any sort of coherent committee report to bring back to this chamber on Monday to continue the debate is ludicrous.

It is understandable, in one sense, that the government may wish to rush this through and get it all locked in before there is an opportunity for people with expertise to comment on and draw attention to problem areas. A natural response of government in any circumstance, particularly when they know they are making major changes that are likely to contain flaws, is to push it all through before people have a chance to draw attention to those flaws and before pressure builds to fix them. They can always say, 'We'll fix it up down the track if we need to.' That is a common political tactic. As I have said already today, this issue is too important for politics. We have a particular responsibility to do all we can to get this issue right, rather than just playing with political positioning and dealing with the political situation.

The Labor Party would know, because they have experienced it with other major pieces of legislation, how ludicrous it is to have these one-day Friday hearings. I think this was done with the Telstra legislation—a major piece of legislation. It was presented as a matter of: 'Are you for or against privatisation? If you are, you'll vote for and if you aren't, you'll vote against.' But there was a whole range of detail in it which went far beyond that proposition. That legislation was slammed into this chamber with a day's notice. Before people had even had a chance to read it and absorb it, they had to give evidence to a Senate committee which then had to try to absorb all of that, comprehend it and report back to the Senate the following Monday, and we were all pushed to accept it all. As we have seen since, we have ended up with a debacle.

It is not a political statement to say that you will end up with mistakes in legislation if you do that; it is inevitable. Nobody is so omniscient; no group of parliamentary drafters, departmental officials, ministers or anybody is so all-knowing, so clever, so brilliant, so perfect in every respect that, when they follow a process like that, they can think they are going to get it right. They will get it wrong, and the Senate will get it wrong. These motions are about minimising the chances of the Senate getting it wrong.

It must be emphasised that one piece of legislation, the Social Security and Other Legislation Amendment (Welfare Payment Reform) Bill 2007, which seeks to amend the Social Security Act, deals with Aboriginal people and communities in the Northern Territory. But significant parts of it deal not with the Northern Territory or with Aboriginal people at all but with the entire Australian community. According to the government briefing I have received, it deals with matters that will not come into operation until, at the very earliest, next year, and probably not until the year after that. So they are very significant changes. I am not even expressing a view about whether they would be good or bad. I can see merit in both sides of the argument, frankly. I think they are being pushed through without awareness by the public that they are likely to be affected. They will be put in place and become law. As we all know, it is much harder to change a law once it is in place than to get it right in the first place.

That is a reason why there is no particular urgency in this regard. I do not believe anybody from the government would credibly argue that waiting for a month before quarantining welfare payments for Aboriginal communities in the Territory is going to cause child assaults that otherwise would not have happened. Even if the government wants to make that point, the clear reality is



that large parts of the legislation have nothing to do with the Northern Territory at all, with Indigenous communities or—in part at least—with child abuse. Part of the legislation does and part does not. The provisions are not going to come into force for a long period of time.

We, as a Senate and as a parliament, should not be passing major pieces of legislation which comprise dramatic shifts in public policy and in legislative operation—major intervention by a government in the daily lives of all Australians, potentially, in a very detailed, very interventionist way—without, firstly, at least making sure people are aware of the matter and we can get some feedback from them and, secondly, examining it properly ourselves. That is our job. It is not good enough to just refuse to do our job on the basis of putting up this general label and saying, ‘It’s an emergency,’ and running around with a banner over our heads saying, ‘Emergency, emergency!’ so that we do not need to actually do anything properly.

I would argue that, if it is an emergency, that is double the reason to do it properly and double the reason to scrutinise things properly. That does not mean there would be an excessive delay, as has often been alleged by the government. It means doing a bit of listening and a bit of thinking, rather than just a lot of talking. As some government speakers quite loudly proclaimed today, the time for talking is over. In part, I would agree with that, but the time for listening is certainly not over, and the time for thinking is never over. Frankly, there is not enough thinking, and certainly not enough listening, going on at the moment. You cannot make informed decisions in these sorts of circumstances.

I will make a final point. A whole range of people have made comments in reports over many years, leading up to and including the *Little Children are sacred* report, which was

used as the catalyst for the Northern Territory intervention. I am referring to not just reports about what needs to happen but reports and reviews which have examined what has been done. The head of the Productivity Commission, who is not usually slagged off by government people as being a bleeding heart leftie, made quite clear what has worked and what has not worked. In the very valuable benchmarking work that the Productivity Commission has done, the key common factor in what works in trying to improve the situation for Indigenous people is working with people at a community level, building trust, confidence and capacity, and working with respect.

Whatever else you would say about the pros and cons of the government’s policy decisions in this area, they have certainly not done that in the last five or six weeks. They could have done it, and they should have done it; and they should start doing it now. They should do it not just because it is a feelgood thing or because it makes people feel nice to talk about working together but because the evidence shows that it works. The evidence also shows that when you don’t do it, you fail. So if we are about trying to maximise the chances of success then that is what we should do.

This very process that the Senate is engaging in at the moment of bulldozing legislation through, of failing to listen to people, of actually denying people the opportunity to be heard, of refusing to allow any credible consideration of the very significant issues that are contained in these bills, actually helps to reduce trust. That is a consequence, and you cannot dispute that. It may not be the intent but it is the consequence—that you increase suspicion, you increase resentment, you reduce trust and you also reduce empowerment. You do not strengthen the capacity of the community, who are already struggling with disempowerment, to deal with these

issues by disempowering them further through these sorts of processes. And that is what is happening.

This very process that the government is trying to insist upon undermines the capacity to be effective. So even by refusing to agree to these motions in order to allow some degree of respect, of engagement, of listening, we are actually making the job harder. Regardless of what ends up being in the laws that are passed, we are making the implementation and therefore the chances of success much more difficult. There is a real opportunity here that the minister has presented through his commitment in this area, and I do acknowledge and praise him for that commitment. But opportunities can be lost, can be wasted and can go very sour. It takes more than just passion, lots of urgings and lots of emotion. We need to ensure that proper consideration occurs as well, and that is what these motions are about.

**Senator SIEWERT** (Western Australia) (6.30 pm)—I will keep my comments short because Senator Bartlett has covered a wide range of very important issues. The two motions to refer the Social Security and Other Legislation Amendment (Welfare Payment Reform) Bill 2007 to the Senate Standing Committee on Community Affairs and the Northern Territory National Emergency Response Bill 2007 and other related bills to the Senate Standing Committee on Legal and Constitutional Affairs were made because we believe that these issues should be considered by both of those committees. The package of legislation is supposed to be about addressing child abuse, and those are issues that should be dealt with by the Community Affairs Committee. The welfare reform is very extensive. As Senator Bartlett outlined, it goes far beyond just the emergency response measures in the Northern Territory, and it needs to be carefully considered.

We are dealing with extremely complex issues that have no simple answers and require complex and complicated multifaceted responses. The *Little children are sacred* report had 97 recommendations. I believe that if we were truly doing our job properly, we should, for example, be auditing the government's plan and legislation against those 97 recommendations. Not only that, we should also be auditing it against, for example, the Combined Aboriginal Organisations of the Northern Territory plan for addressing child abuse, and reviewing the many other reports that have been done over the years around how to tackle these issues. But, most importantly, we need to be hearing from the communities and groups that are affected by this legislation.

The government has now finally agreed to refer the package of bills to the legal and constitutional committee for a limited one-day hearing. It is simply farcical to think that we could adequately deal with issues in one day, let alone report back on the next day of business, which is Monday, and make a halfway decent and comprehensive analysis of this legislation—let alone that we are putting witnesses who are appearing and those who are writing submissions in the position of barely having received this legislation and having to do a comprehensive analysis of the legislation and get a submission in by Friday. Quite clearly, this will be an ineffective approach to looking at this legislation. We will not be able to do it justice.

As I said this morning, I believe that no senator in this place will be able to say that they have a comprehensive understanding of the full ramifications of this legislation. That is why I believe that this legislation should be referred with a reporting date of 10 September. At least that would allow what I think is the minimum amount of time needed to review the legislation, to hear from witnesses and also to allow enough hearing days

for all of the organisations—the community organisations, government departments, academics and Aboriginal organisations as well as welfare organisations—to be able to comment on this legislation.

I would also like to quickly comment on the fact that a fuller inquiry would have allowed us to assess the mechanisms that the government is proposing to ensure that they are in fact special measures under the Racial Discrimination Act, that they do qualify as special measures and that they are truly advancing and for the benefit of Aboriginal people. We could have properly assessed the measures against the criteria that are established internationally for the determination of what special measures are. I doubt, in the limited time that we have available, that we will be able to do that.

There are certainly a whole range of people who I believe should be appearing on Friday but whom we will not have time to see. And it is a tragedy that we will not be able to adequately review this legislation and hear from all the people whom we should be hearing from about whether this legislation meets the requirements of what is needed to address child abuse. I am pleased that the government has agreed to a committee hearing, but I am extremely disappointed that it is limited to a day and has to report so quickly, and that we will miss an opportunity to properly review this legislation.

**Senator BARNETT** (Tasmania) (6.35 pm)—I move the following amendment:

Omit all words after ‘That’ in each of the motions, substitute ‘the Social Security and Other Legislation Amendment (Welfare Payment Reform) Bill 2007 and four related bills be referred to the Legal and Constitutional Affairs Committee, at whatever stage the bills have reached at 12.45 pm on 9 August 2007, for inquiry and report by 13 August 2007.’

In speaking to the amendment, I wish to advise the Senate that the government has initi-

ated a committee referral for the bills that have been discussed and debated this afternoon, the Northern Territory National Emergency Response Bill 2007 and related bills. I have been advised, and Senator Siewert indicated in her closing comments, that that referral was resolved in the Selection of Bills Committee meeting earlier this afternoon.

I understand the sentiments of Senators Siewert and Bartlett, and the reasons they have stood to support the motions. They have spoken fervently in favour of the motions and their objectives. The amendment would obviously ensure a reporting date of 13 August—early next week—noting that there will be a hearing on Friday of the Legal and Constitutional Affairs Committee, which I chair. There will be an opportunity to obtain submissions and advice from various witnesses to that particular committee.

It is deemed a priority for the reasons that have been outlined very fervently and passionately by the government and specifically by the Minister for Families, Community Services and Indigenous Affairs, Mal Brough. He has a real personal, dedicated and professional interest here to, on behalf of the government, ensure that the health and safety of our children, particularly in the Northern Territory, is a priority. He has made it a priority. It is a national emergency.

Things are already happening. There has already been a good deal of discussion and debate in the public arena with respect to the proposed legislation before us. Of course, there has been a great deal of debate over many months, not just in the last few months but over the last year even, of these matters. We have heard about the *Little children are sacred* report and we are obviously distressed to read the contents of it. That just added renewed vigour to the government’s will to ensure that something happens and it happens fast. Australia’s children, in the

Northern Territory in particular, are at risk and we want to care for them. We want the interests of those children to be a top priority of this government, and that is why the government is proceeding with this inquiry and a reporting date of Monday next week.

Half-a-dozen or more of the speeches in the second reading debate have already been concluded this afternoon. No doubt there will be further debate and discussion of these bills. To further delay the reporting date to 10 September, as indicated by Senators Siewert and Bartlett, would be prejudicial to the priority of the government to ensure that the health and safety of our children is best protected. There was concern that it was just a one-day inquiry. This is a very important task and it is a top priority. One-day inquiries are not without precedent in this place. In fact, I can recall the Telstra inquiry and the National Water Commission inquiry. The copyright legislation that went to the Legal and Constitutional Affairs Committee a couple of years ago had a one-day inquiry. We do Senate inquiries based on the papers from time to time where we do not have witnesses and there are no public hearings as such. So we have to be flexible in this place; we have to accept the priorities of the government, and the government sees it as a top priority to protect the health and safety of Australia's children, particularly in the Northern Territory.

So I understand the sentiments of Senators Siewert and Bartlett, and I know where they are coming from. In a perfect world, obviously, things could be different; but it is an imperfect world. We want to act. On this side of the Senate chamber we want to act fast in the best interests of the children at risk.

**Senator GEORGE CAMPBELL** (New South Wales) (6.41 pm)—I indicate that the opposition will be supporting the amendment that has been moved by Senator Barnett. As

the Leader of the Opposition in the Senate, Senator Evans, indicated in his speech in the second reading debate, we accept that the legislation is emergency legislation, that there is an issue of concern about looking after children in some of these areas, and that that needs to be addressed, and addressed with some urgency. In that respect, the Opposition have indicated that we will facilitate the passage of the legislation through the parliament, despite the fact that we may have some reservations and concerns about certain aspects of the legislation.

I indicate that, whilst we have agreed to this amendment with respect to these bills, it should not be taken that our protests, which have been put on the record on a number of occasions, about the way the Senate committee processes have been truncated on a range of inquiries and hearings since the government got a majority in this place on 1 July 2005, have somehow melted away; they have not. Certainly, we recognise that this issue is important and that there is a degree of urgency about it. So we are prepared to facilitate the passage of the bills through the Senate.

Question agreed to.

Original question, as amended, agreed to.

### COMMITTEES

#### Legal and Constitutional Affairs Committee

##### Reference

**Senator NETTLE** (New South Wales) (6.45 pm)—I move:

That the following matter be referred to the Legal and Constitutional Affairs Committee for inquiry and report by 15 October 2007:

All aspects of the detention and release of Dr Mohamed Haneef, including:

(a) the source and veracity of information upon which decisions were made;

(b) the actions of the Minister for Immigration and Citizenship (Mr Andrews), including his overriding of the Brisbane Magistrate's Court decision to grant bail to Dr Haneef;

(c) the role of other ministers, including the Attorney-General (Mr Ruddock) and the Prime Minister (Mr Howard);

(d) the investigation by the Australian Federal Police and other agencies;

(e) the decisions taken by the Director of Public Prosecutions;

(f) the international impact on Australia of the Government's handling of the case; and

(g) any future decisions to be made in relation to Dr Haneef.

This is a Greens motion to set up an inquiry into the detention and subsequent release of Dr Mohamed Haneef. Over the last few weeks we have all been watching the case of Dr Haneef unfold. Many of us will remember the way in which this started with the horrendous events that occurred at Glasgow airport and in London. At the time everyone was focused on what had happened in London and, following on from that, we heard that part of the investigations included somebody in another country. That turned out to be Dr Haneef, the Gold Coast doctor. As people who were following this story in the media saw, there was a big splash in the way in which it started. I remember that in my home town of Sydney, the front page of the *Daily Telegraph* had a photograph of an Indian doctor who works at Gold Coast Hospital. It was not Dr Haneef but, I think, a Dr Asha, who had also been questioned. The headline over the photograph of this doctor said, 'Evil'. That is how the case of Dr Haneef, which we have all been watching, really began—a big splash in the media following the events that occurred in London and Glasgow.

Many people have also been following with concern the comments made by various government ministers and officials through-

out this entire process. I want to touch on a couple of those comments. Those comments fitted into the pattern of what we have seen from this government. The government has sought to use particular cases relating to terrorism for its own political advantage and has sought to use those cases to instil a sense of fear and uncertainty in the community. Many of us, particularly people who live or work in Western Sydney, have seen the impact that that government's response has had in migrant communities and in particular in Muslim communities.

The comments that were made by government ministers and other officials focused very much on issues relating to terrorism. I did not hear—maybe someone could point them out to me—any comment by a government minister or official about the importance of civil liberties. I would be grateful if someone could point that out to me because I do not recall, in all of the commentary that has been made by government ministers and officials in the course of the Dr Haneef case, any comments about the importance of our civil liberties or the rule of law and the way in which it operates. But I do recall the comments that have been made about terrorism and the links to terrorism that this case brought forward.

At the outset of this case we saw the first occasion where the new powers that have been given to the Federal Police to hold people without charge were used. Dr Haneef was arrested at Brisbane airport on 12 July and 12 days later he was charged. In 2004, when the parliament debated the matter of allowing the Federal Police to hold people without charge, there was quite considerable debate. It was a matter of whether or not such extraordinary powers, such a reversal of the way in which our criminal justice system has operated in the past, were to occur. There was concern from members of parliament—from myself and others—and from members

of the legal profession about how they would be used. We had a Senate inquiry into the matter and there was an opportunity in the chamber to ask questions. In that process there were suggestions that the law, as it is written, allows for somebody to be detained indefinitely without being charged. The law requires the court to approve each extension of time but there is no limit on how long somebody can be held before they are charged. Part of the public debate that occurred at the time was about what would be reasonable. What would a court consider to be a reasonable period of time to grant extensions under which people could be held?

In response to those questions, the then Assistant Secretary of the Criminal Law Branch of the Attorney-General's Department, Mr Geoff McDonald, indicated to the Senate inquiry looking into this matter that the sort of timeframe that he thought a court would consider to be reasonable would be in the order of 16 hours. There was a case in the Victorian courts where the court had determined that that was a reasonable period of time to hold somebody. Professor George Williams was one of the people commenting on this issue and he said that somebody could be held for up to 24 hours. Mr McDonald said that it would be an extraordinary circumstance in which somebody might be held for 24 hours. But what happened in the first instance of this legislation being used?

Debate interrupted.

## DOCUMENTS

### Consideration

The government document tabled earlier today was called on but no motion was moved.

**Senate adjourned at 6.51 pm**

## DOCUMENTS

### Tabling

The following documents were tabled by the Clerk:

Commonwealth Authorities and Companies Act—Notice under section 45—Telstra Corporation Limited.

Sydney Airport Curfew Act—Dispensation reports 07/07 and 08/07.

### Tabling

The following government document was tabled:

Indigenous Land Corporation—National indigenous land strategy 2007-2012.

### QUESTIONS ON NOTICE

The following answers to questions were circulated:

#### Parliamentarians: Private Plated Vehicles

##### (Question No. 3111)

**Senator Allison** asked the Minister representing the Special Minister of State, upon notice, on 17 April 2007:

Can a list be provided, for each year since 1997, that details the makes and models of all non-standard private plated vehicles approved for senators and members of parliament, and for each make and model, how many vehicles were approved, and what was the Green Vehicle Guide rating attributed to it.

**Senator Minchin**—The Special Minister of State has supplied the following answer to the honourable senator's question:

The preparation of an answer to this question for each year since 1997 would involve a significant diversion of resources and, in the circumstances, I do not consider that the additional work can be justified. The practice of successive governments has been not to authorise the expenditure of time and money involved in assembling such information on a general basis. Details for the financial years 2003-04 to 2006-07 (to date) are however more readily available and are provided in the tables below.

In 2003-2004 the Special Minister of State approved the following:

Make/Model	Number Leased	GVG*
Toyota Prado	1	N/A
Toyota Landcruiser	1	N/A
	2	

\* No GVG rating available for this period

In 2004-2005 the Special Minister of State approved the following:

Make/Model	Number Leased	GVG
Toyota Prado	1	2.5
Toyota Prius Hybrid	1	5.0
Toyota Landcruiser	1	1.5
Toyota Tarago	1	3.5
Mitsubishi Pajero	1	2.0
Nissan Patrol	1	1.5
Landrover Discovery	1	1.5
Toyota Corolla 1.8L	1	4.5
	8	

In 2005-2006 the Special Minister of State approved the following:

Make/Model	Number Leased	GVG
Mitsubishi Pajero	1	1.5
Toyota Kluger	1	2.5
Toyota Prius Hybrid	4	5.0
Toyota Landcruiser	3	1.5
Nissan Patrol Diesel	1	1.5
	10	

In 2006-2007 the Special Minister of State approved the following:

Make/Model	Number Leased	GVG
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Make/Model	Number Leased	GVG
Mitsubishi Pajero 3.2D wagon	1	1.5
Toyota Prado	1	2.5
Toyota Landcruiser	2	1.5
Toyota Prius Hybrid	3	5.0
Toyota Corolla 1.8L	1	4.5
	8	

### Oral Contraceptives

#### (Question No. 3119)

**Senator Allison** asked the Minister representing the Minister for Health and Ageing, upon notice, on 17 April 2007:

With reference to the answer to question on notice no. 1086 (Senate *Hansard*, 3 November 2005, p. 114):

- (1) Since the answer was provided, what new contraceptives, including oral contraceptives, have been listed on the Pharmaceutical Benefits Scheme (PBS); if none have been listed, can details be provided of any recommendations which have been made by the Pharmaceutical Benefits Advisory Committee for listing of contraceptives on the PBS, including the current status of any recommendations or applications.
- (2) What data is available on the clinical and economic impact of alternative contraceptive methods in regard to side effects and reducing the number of unintended pregnancies.
- (3) (a) What factors determine the choice of type and level of use of contraceptives; and (b) are contraceptive prices one of these factors; if so, in what way do they impact on the choice.
- (4) What is the average cost of: (a) the different categories of contraceptives covered by the PBS; and (b) contraceptives not covered by the PBS.
- (5) What information is available, if any, on the level of: (a) individual expenditure on contraceptives; and (b) public subsidy for contraceptives, available in Australia compared to other Organisation for Economic Co-operation and Development (OECD) countries.
- (6) How do costs of contraceptives in Australia compare with other OECD countries.
- (7) What evidence is available regarding the costs and rates of use of contraception in different OECD populations.
- (8) Is it the case that NuvaRing is not listed on the PBS; if so, why.
- (9) How has the Government examined the possible adoption of a broader range of cheaper and more accessible forms of contraception as a method of reducing the need for terminations.

**Senator Ellison**—The Minister for Health and Ageing has provided the following answer to the honourable senator's question:

- (1) For a medicine to be listed on the Pharmaceutical Benefits Scheme (PBS), an application needs to be received by the Pharmaceutical Benefits Advisory Committee (PBAC) and a positive recommendation made.

No application has been received for contraceptives to be listed on the PBS since the answer to question on notice 1086 was provided.

- (2) The Department is not aware of any review of data on this issue.
- (3) (a) The decision to use particular contraceptive methods is influenced by a wide range of factors, which vary in importance according to individual circumstances, including personal choice,



age, gender, access, cost, previous experience, medical history, and cultural influences. The importance and influence of different factors vary according to individual circumstances.

- (b) Refer answer to Question (3)(a)
- (4) (a) There are currently 29 individual contraceptive items listed in the Schedule of Pharmaceutical Benefits. The following prices are representative of what a patient would pay at the point of sale:

Hormonal contraceptives for systemic use

There are 28 brands of hormonal contraceptives for systemic use:

- 14 brands are priced at \$15.58 and 11 brands have an additional brand premium cost, ranging from \$3.25 to \$11.16. Brand premiums are only available where there is an identical product listed at the benchmark price.
- There are 2 brands of a progesterone based hormonal contraceptive for systemic use, one brand is priced at \$13.18 and the alternative brand has an additional brand premium cost of \$3.25.
- There is one brand of a progesterone based subcutaneous implant priced at \$30.70.

Contraceptive for topical use

- There is one contraceptive for topical use, an intrauterine contraceptive priced at \$30.70.
- (b) There are numerous other oral contraceptives available on a private prescription (brands include: Diane, Yasmin, Marvelon and Loette). The price of these contraceptives will vary from pharmacy to pharmacy.
- (5) (a) In the 2006 calendar year patients paid \$34.8 million in the form of Co-payments for 3.7 million scripts dispensed for contraceptives. This does not include the cost of scripts for non-PBS contraceptives or for those priced below the general patient co-payment of (then) \$29.50 for General and (then) \$4.70 for Concessional patients. (b) The PBS Government benefit paid for contraceptives for 2006 is \$29.5 million.
- (6) Data on contraceptive use in OECD countries are not available in a form that allows a direct comparison with use in Australia. The data that is available is aggregated at too high a level and includes data on other hormonal products, not just contraceptives.
- (7) Refer answer to Question 6.
- (8) NuvaRing is not listed on the PBS. No application has been received by the PBAC to list this product.
- (9) The Government has not commissioned any research examining the adoption of particular forms of contraception as a means of reducing the need for terminations.

The Government is committed to providing Australians with access to a broad range of sexual and reproductive health options which meet the needs of people in different circumstances, rather than focussing on one particular approach. Through the Medical Benefits Schedule and the Pharmaceutical Benefits Scheme, the Commonwealth Government provides people with a range of options for controlling their fertility.

### **Voluntary Student Unionism**

#### **(Question No. 3128)**

**Senator Sherry** asked the Minister representing the Minister for Education, Science and Training, upon notice, on 18 April 2007:

With reference to the 'Voluntary student unionism' 2006-07 Budget measures 'transitional arrangements' and 'small business incentives for regional campuses':

- (1) For each of the measures, can details be provided, for each financial year up to and including 2009-10, of the uncommitted and unobligated forward estimates amounts.
- (2) Is the funding for each measure ongoing; if so, can the yearly funding profile be provided.
- (3) Of the amount budgeted for the measures in the 2006-07 financial year, how much has been spent.

**Senator Brandis**—The Minister for Education, Science and Training has provided the following answer to the honourable senator's question:

- (1) Financial details for each Programme as at the 2007-08 Budget are:

Voluntary Student Unionism Transition Fund for Sporting and Recreational Facilities

Financial Year	2006-07	2007-08	2008-09	2009-10
Uncommitted as at 30 June 2007	nil	\$3.2m	\$16.2m	\$5m

Support for Small Businesses on Regional University Campuses Programme

Financial Year	2006-07	2007-08	2008-09	2009-10
Uncommitted as at 30 June 2007	nil	\$5.154m	\$1.941m	\$0.940m

- (2) No, the programmes terminate in 2009-10.
- (3) Voluntary Student Unionism Transition Fund for Sporting and Recreational Facilities  
\$20 million has been approved for expenditure in 2006-07, subject to finalisation of funding agreements.  
Support for Small Businesses on Regional University Campuses Programme  
\$1.59 million has been approved for expenditure in 2006-07, subject to finalisation of funding agreements.

### Sydney Law Courts

#### (Question No. 3135)

**Senator Sherry** asked the Minister representing the Attorney-General, upon notice, on 18 April 2007:

With reference to the Budget measure 'Sydney Law Courts – providing additional funding for refurbishment', can details be provided of the total uncommitted and unobligated administered and departmental costs in the 2006-07 Budget and across the forward estimates for each financial year up to and including 2010-11.

**Senator Johnston**—The Attorney-General has provided the following answer to the honourable senator's question:

The total funding for the Commonwealth's share of the refurbishment costs of the Sydney Law Courts building is \$133.100 million over the period 2004-05 to 2010-11.

Funding was provided in both the 2004-05 and 2006-07 Budgets. Funding by year for the two measures in total is: \$2.400 million in 2004-05, \$7.000 million in 2005-06, \$13.250 million in 2006-07, \$33.190 million in 2007-08, \$37.890 million in 2008-09, \$32.060 million in 2009-10 and \$7.310 million in 2010-11.

The refurbishment of the Sydney Law Courts building is being managed by Law Courts Ltd, the joint Commonwealth and NSW company established in 1974 to manage the operations of the building.

Design development has been completed and a development approval application has been lodged with the Sydney City Council. As at 31 May 2007, the Commonwealth's share of expenditures to date and commitments under contract was \$11.716 million in total.

The remainder of the funding, \$121.384 million, is fully obligated for the Commonwealth's share of the cost of completing the refurbishment project including construction works and fitout.

**Mrs Georgette Fishlock****(Question No. 3138)**

**Senator McLucas** asked the Minister representing the Minister for Families, Community Services and Indigenous Affairs, upon notice, on 19 April 2007:

With reference to the statement of the Prime Minister on Radio 3AW on 23 March 2007 that the Minister had contacted Mrs Georgette Fishlock and that she was given an ex-gratia payment of \$10 000 for the support of her son:

- (1) From which Budget measure was this payment made.
- (2) Since 1 January 2004: (a) how many other carers have received an ex-gratia payment; and (b) what amounts of ex-gratia payments have been made.
- (3) What are the eligibility criteria for ex-gratia payments.
- (4) Since 23 March 2007, how many other carers have: (a) applied for an ex-gratia payment; and (b) received the payment and, in each case, how much have these payments been.
- (5) Can an outline be provided of the process for the review of the eligibility criteria for the carer payment or allowance.

**Senator Scullion**—The Minister for Families, Community Services and Indigenous Affairs has provided the following answer to the honourable senator's question:

The ex-gratia payment to Mrs Georgette Fishlock was made under the Family and Community Services and Indigenous Affairs, Other Measures in the Families and Community Services and Indigenous Affairs portfolio, Carer ex-gratia payment Budget measure.

The basis for ex-gratia payments emanates from the Government's executive powers under section 61 of the Constitution. Under this power, the Government may seek at any time to appropriate funds for the purpose of providing an ex-gratia payment for specific purposes arising from unseen and urgent circumstances.

As at 30 May 2007 Mrs Georgette Fishlock has been the sole recipient of a payment under the measure. The amount paid was \$10,000. Since the payment was announced on 23 March 2007, a considerable number of people have registered an interest in claiming assistance. Their requests are under consideration.

A Carer Payment (child) Review Taskforce has been established to examine the eligibility criteria for Carer Payment (child). The Taskforce is chaired by Mr Tony Blunn AO and includes representatives of carer and disability groups and medical and allied health professionals. The Review will involve extensive stakeholder consultation including public submissions. Advertisements appeared in national press on 26 May 2007 inviting submissions to the Review.

**Autism****(Question No. 3145)**

**Senator McLucas** asked the Minister representing the Minister for Families, Community Services and Indigenous Affairs, upon notice, on 19 April 2007:

- (1) (a) How many people in Australia have autism or related disorders; (b) of this number, how many people: (i) receive disability services funded through the Commonwealth-State/Territory Disability Agreement (CSTDA), and (ii) do not receive disability services funded through the CSTDA.
- (2) (a) Who represents people with autism/ASD on the National Disability Advisory Council (NDAC); and (b) what relationship do these members have with autism/ASD representative groups.

**Senator Scullion**—The Minister for Community Services has provided the following answer to the honourable senator's question:

According to the 2003 Australian Bureau of Statistics (ABS) Survey of Disability, Ageing and Carers (SDAC), 30,354 people in Australia had autism or related disorders (including Rett's syndrome and Aspergers syndrome). For 24,625 of these people, autism was their main health condition, while for 5,728 autism was not the main health condition.

The latest published data on Commonwealth State Territory Disability Agreement (CSTDA) service users is in the Australian Institute of Health and Welfare (AIHW) report 'Disability support services 2004-05'. According to this report, 8,759 CSTDA service users had autism as a primary disability, and an additional 7,416 had autism as another significant disability.

The National Disability and Carer Ministerial Advisory Council members are appointed as individuals, rather than as representatives of particular organisations or disability types.

**Health and Ageing: Programs  
(Question No. 3164)**

**Senator Sherry** asked the Minister representing the Minister for Health and Ageing, upon notice, on 24 April 2007:

With reference to each of the department's Outcome 4 programs, Program 4.1, 'Primary care Education and Training', Program 4.2, 'Primary care Financing Quality and Access', Program 4.3, 'Primary care Policy, Innovation and Research' and Program 4.4, 'Primary Care Practice Incentives': Can a list be provided of each subprogram or measure and: (a) its associated budgeted and actual spending for each of the financial years 2004-05, 2005-06 and 2006-07 to date; and (b) the current 4-year forward estimates of spending, including any supplementation through additional estimates.

**Senator Ellison**—The Minister for Health and Ageing has provided the following answer to the honourable senator's question:

It should be noted that these programs are now under Outcome 5, not Outcome 4.

- (a) The Government does not supply information on year to date expenditure as such information can be misleading and inaccurately reflect the annual outcome of that program. In addition, the Government does not publicly release information for these programs at a level of detail below that of program level.

Attachment A provides detail of budgeted and actual spending against the identified programs, with a brief explanation for the difference between actual expenditure and the Budget estimate.

- (b) The current estimates for 2007-08 are provided at Attachment B. The Government does not publicly release estimates beyond the Budget year.

The data supplied includes decisions made in the 2007-08 Budget.

Attachment A

Program	Revised Budget Estimate (\$,000)			Actual Expenditure (\$,000)		
	2004-05 <sup>1</sup>	2005-06	2006-07	2004-05 <sup>2</sup>	2005-06	2006-07 <sup>3</sup>
<b>Program 5.1</b>						
Primary Care Education and Training	212,542	231,756	254,474	N/A	204,973	N/A
<b>Program 5.2</b>						
Primary Care Financing Quality and Access	205,091	200,621	252,559	N/A	172,681	N/A
<b>Program 5.3</b>						

Program	Revised Budget Estimate (\$,000)			Actual Expenditure (\$,000)		
	2004-05 <sup>1</sup>	2005-06	2006-07	2004-05 <sup>2</sup>	2005-06	2006-07 <sup>3</sup>
Primary Care Policy, Innovation and Research	59,482	42,665	37,188	N/A	28,226	N/A
<b>Program 5.4</b>						
Primary Care Practice Incentives	349,422	323,326	321,631	N/A	301,249	N/A

<sup>1</sup> The Department operated under a different program structure in 2004-05. These numbers are the derived estimates provided in the 2005-06 Portfolio Budget Statement for comparative purposes.

<sup>2</sup> The Department does not have 2004-05 actual data based on the 2005-06 outcome and program structure. Expenditure data was only recorded against the 2004-05 outcome structure.

<sup>3</sup> Actual Expenditure will be available after the end of the financial year.

Explanation for 2005-06 difference between actual expenditure and the Budget estimate:

*5.1 Primary Care Education and Training*

Lower than expected take-up rate on several general practice training measures, primarily the Prevocational General Practice Placements Program.

*5.2 Primary Care Financing, Quality and Access*

Lower than expected take up rate on measures relating to the Rural and Remote Procedural GPs Program.

*5.3 Primary Care Policy, Innovation and Research*

Expenditure was lower than estimated to due to the windup of the Coordinated Care Trials and payments under the Sharing Health Care program

*5.4 Primary Care Practice Incentives*

Lower than expected uptake in initiatives including electronic decision support, and demand driven Practice Incentive payments.

Attachment B

Program	Budget Estimate 2007-08 (\$,000)
<b>Program 5.1</b>	
Primary Care Education and Training	269,757
<b>Program 5.2</b>	
Primary Care Financing Quality and Access	314,601
<b>Program 5.3</b>	
Primary Care Policy, Innovation and Research	33,608
<b>Program 5.4</b>	
Primary Care Practice Incentives	334,581

**Greenhouse Emissions**

**(Question No. 3167)**

**Senator Allison** asked the Minister representing the Minister for the Environment and Water Resources, upon notice, on 26 April 2007:

- (1) Has the Government considered the discussion paper prepared by the state governments in August 2006 which reported on the impact of reducing the levels of 2005 greenhouse emissions by 19 per cent by 2030; if so, does the Government agree with the paper.

- (2) (a) Does the Minister accept modelling that shows that if greenhouse emissions were reduced by 19 per cent by 2030: (i) that there would be an increase in the cost of electricity of between \$1 and \$2 a week per household, and (ii) that it would take just 2 months extra to achieve the level of gross domestic product that would otherwise be achieved by 2030; and (b) if the Minister does not accept this modelling, can a detailed answer be provided as to its shortcomings.
- (3) (a) Does the Minister accept modelling in the May 2006 report of Frontier Economics, *Options for moving towards a lower emissions future*, that the cost of reducing greenhouse emissions from the electricity sector by 40 per cent by 2030 would be: (i) an increased cost of between \$5 billion to \$8 billion over 25 years in an economy expected to grow by \$1 6000 billion in that time, and (ii) an increase in average electricity prices of between 43 and 71 cents per person per week; and (b) if the Minister does not accept this modelling, can a detailed answer be provided as to its shortcomings.

**Senator Abetz**—The Minister for the Environment and Water Resources has provided the following answer to the honourable senator's question:

- (1) The Government has been briefed on the states' 2006 discussion paper on emissions trading.
- In response to the emissions trading taskgroup report, released on 31 May 2007, the Prime Minister, the Hon John Howard MP, announced on 3 June 2007 that Australia will move towards a domestic emissions trading system no later than 2012, and that the Government will set, in 2008, a long-term aspirational goal for cutting greenhouse gas emissions. This target will be set after economic modelling has been undertaken, and following a very careful assessment of the impacts any target will have on Australia's economy and Australian families.
- (2) and (3) The Government notes that the modelling commissioned for the states' discussion paper and the May 2006 report by Frontier Economics indicates a range of possible costs of achieving emissions reductions under certain scenarios. Modelling by other agencies gives different results. For example, modelling by the Australian Bureau of Resource Economics suggests that given somewhat different scenarios costs could be significantly higher.

### **Renewable Energy (Question No. 3168)**

**Senator Allison** asked the Minister representing the Minister for Industry, Tourism and Resources, upon notice, on 26 April 2007:

- (1) Can details be provided of the Renewable Energy Development Initiative grants made to date.
- (2) What evidence is there that the scope of the measure has been limited by:
- (a) the grants of up to 50 per cent of project costs; and
  - (b) the cap of \$5 million
- (3) When is it anticipated that the \$100 million budget for these grants will be:
- (a) fully committed; and (b) fully expended.
- (4) Has the Government considered targeted grants for the development and commercialisation of renewable energy technologies that were the result of Australian research, but appear likely to be lost to overseas interests?
- (5) Which of the following measures suggested by the Business Council of Sustainable Energy are being considered for adoption: (a) an increase in the Mandatory Renewable Energy Target from 9 500 gigawatt hours (GWh) to 15 500 GWh by 2010; (b) more stringent and extensive minimum energy efficiency standards for appliances and buildings; (c) extension and expansion of the New South Wales Greenhouse Gas Abatement Scheme by 6 megatonnes per year in 2010; (d) extension and expansion of the Queensland Gas Scheme to double its contribution by 2010; and (e) an extensive clean energy fund of \$1.5 billion to deploy clean energy technologies.

- (6) For each of the measures in paragraph (5) that is not being considered, why is it not being considered.
- (a) an increase in the Mandatory Renewable Energy Target from 9 500 gigawatt hours (GWh) to 15 500 GWh by 2010
  - (b) more stringent and extensive minimum energy efficiency standards for appliances and buildings
  - (c) extension and expansion of the New South Wales Greenhouse Gas Abatement Scheme by 6 megatonnes per year in 2010
  - (d) extension and expansion of the Queensland Gas Scheme to double its contribution by 2010
  - (e) an extensive clean energy fund of \$1.5 billion to deploy clean energy technologies

**Senator Minchin**—The Minister for Industry, Tourism and Resources has provided the following answer to the honourable senator's question:

- (1) The following table lists all grant offers as of 24 May 2007 under the Renewable Energy Development Initiative (REDI).

Project	Customer	Grant
Innamincka Hot Fractured Rock Power Plant	Geodynamics Ltd	\$5,000,000
World-Leading Reduced-Silicon Solar Photovoltaic Technology	Origin Energy Solar Pty Ltd	\$5,000,000
5MW Solar Concentrating Array at Liddell Power Station	Solar Heat and Power Pty Ltd	\$3,254,028
Geothermal Power in the Limestone Coast	Scopenenergy Ltd	\$3,982,855
Solco low-cost, split, solar hot water system	Solco Ltd	\$197,623
High-Penetration Wind/Diesel Product	Verve Energy	\$1,241,471
Strategic Well Location Procedure for landfill gas extraction	Renewable Australia Pty Ltd	\$70,886
Big Dish Solar Thermal Concentrator	Wizard Power Pty Ltd	\$3,478,875
Vanadium Bromide Redox Cell Stack Design	V-Fuel Pty Ltd	\$290,000
Fluid expander – small-scale solar thermal power generation	Katrix Pty Ltd	\$811,252
Micro-algal feedstock biodiesel production	Australia Renewable Fuels	\$348,100
Develop Ethanol Energy Production using SugarBooster technology	CSR Sugar Pty Ltd	\$5,000,000
Project involving the heat-generating capacity of buried hot radiogenic granite	Geothermal Resources Ltd	\$2,409,702
Parabolic solar collector for medium temperature application	New Energy Partners Pty Ltd	\$258,800
Develop an electricity grid stabilising system for large wind farm interconnection	Powercorp Pty Ltd	\$2,347,536
Cloud seeding to increase natural and inflows to storages of the Snowy Mountains Scheme.	Snowy Hydro Ltd	\$4,022,304
Computational model for the prediction of turbulence on wind energy sites.	Windlab Systems Pty Ltd	\$368,292
A new generation modular biomass power plant.	Downer Energy Systems Pty Ltd	\$345,500
Development of a prototype 100Kw vertical axis wind turbine.	Dynamic Systems Pty Ltd	\$612,679

Project	Customer	Grant
Cell process engineering development for improving the yield from silicon.	BP Solar Pty Ltd	\$1,581,411
New yeast technology for converting plant waste to biomass.	MicroBiogen Pty Ltd	\$2,482,061
A novel regenerator for adapting supercritical cycles to geothermal applications.	Proactive Energy Development Ltd	\$1,224,250
Development of DiCOM Waste Disposal System WMRC Demonstration plant.	Brockway DiCOM Facility Pty Ltd	\$2,712,050
Engineering advances in geothermal energy – the Heat Exchanger within Insulator (HEWI) model	Petratherm Ltd	\$5,000,000
<b>TOTAL</b>		<b>\$52,239,675</b>

- (2) (a) The Government has no evidence to suggest that viable renewable energy projects have not proceeded as a result of the requirement that at least 50% of project costs must be covered by the applicant.
- (b) The Government has no evidence to suggest that viable renewable energy projects have not proceeded as a result of grants being capped at a maximum of \$5 million.
- (3) (a) and (b) It is anticipated that the \$100 million REDI program funding will be fully committed and expended by 30 June 2011.
- (4) No.
- (5) and (6) (a) In 2004 the Australian Government outlined its policy on the Mandatory Renewable Energy Target (MRET) in the energy white paper: Securing Australia's Energy Future. The Government will continue to support the uptake of low-emission energy from renewable sources through the MRET, but will not extend or increase the target. (b) The Government is working closely with state and territory governments on a range of energy efficiency measures under the Ministerial Council on Energy's National Framework on Energy Efficiency (NFEE). NFEE Stage one commenced in 2004. National policy responses to address appliance energy efficiency introduced to date have focussed on mandatory minimum energy performance standards and mandatory comparative energy labelling. The range of products now covered by these policies is extensive and is expected to expand in NFEE Stage Two:
- refrigerators and freezers
  - clothes washers
  - clothes dryers
  - dishwashers
  - mains pressure electric storage water heaters
  - low pressure and heat exchanger types of domestic electric water heaters
  - three phase electric motors (0.73kW to <185kW)
  - single phase domestic air conditioners and three phase air conditioners (>65kW cooling capacity)
  - linear fluorescent lamp ballasts
  - linear fluorescent lamps - from 550mm to 1500mm inclusive with a nominal lamp power >16W
  - distribution transformers - 11kV and 22kV with a rating from 10kA to 2.5MVA
  - commercial refrigeration (self contained and remote systems)



Also within the NFEE Stage One, the Government, through the Australian Building Codes Board, implemented minimum energy performance standards for new houses and commercial buildings in May 2006. More detailed information on building standards is available from the Australian Business Codes Board.

The NFEE Stage Two policy options are under development.

- (c) This is a New South Wales Government scheme, not an Australian Government initiative, and so decisions about the measure rest with the New South Wales Government.
- (d) This is a Queensland Government scheme, not an Australian Government initiative, and so decisions about the measure rest with the Queensland Government.
- (e) The Government has established the \$500 million Low Emissions Technology Demonstration Fund. In round one of the program, grants totalling \$410 million were offered for six projects with total project costs of \$3 billion.

**Carrick Institute and Australian Awards for University Teaching  
(Question No. 3181)**

**Senator Sherry** asked the Minister representing the Minister for Education, Science and Training, upon notice, on 2 May 2007:

Can the uncommitted forward estimates for each financial year up to and including 2010-11 be provided for the Carrick Institute and each of the Carrick Awards for Australian University Teaching.

**Senator Brandis**—The answer to the honourable senator's question is as follows:

Forward estimates for the Carrick Institute and Australian Awards for University Teaching

	2007-08 \$'000	2008- 09 \$'000	2009- 10 \$'000	2010- 11 \$'000
Carrick Institute for Learning and Teaching in Higher Education	22,678	23,110	23,549	23,996
Australian Awards for University Teaching	4,762	4,852	4,944	5,038

**Tasmanian Devils  
(Question No. 3188)**

**Senator Milne** asked the Minister representing the Minister for the Environment and Water Resources, upon notice, on 7 May 2007:

- (1) Has the department received the Tasmanian Government's options proposal for the ongoing management of healthy Tasmanian devils in the wild, including plans to release them on Tasmanian offshore islands, particularly Maria Island.
- (2) In light of concerns raised by community groups, will the department seek public comment on these proposals.
- (3) Does the Government agree with proposals to release Tasmanian devils on various offshore islands.
- (4) Does the Government consider the island release option an essential part of the long-term recovery plan for the Tasmanian devil in the wake of the transmissible facial tumour disease.
- (5) What ongoing assistance is the Government offering to the research effort into devil facial tumour disease and for ongoing efforts to safeguard the species survival in the wild.

**Senator Abetz**—The Minister for the Environment and Water Resources has provided the following answer to the honourable senator's question:

- (1) No.

- (2) If my Department receives a referral from the Tasmanian Government for the release of Tasmanian devils onto Maria Island, or any other offshore island, it will be made available for public comment on the Department's website for 10 business days, in accordance with the requirements of the Environment Protection and Biodiversity Conservation Act.
- (3) The Government does not have a position on these proposals. If a specific proposal is referred to my Department, it will be assessed, and a decision will be made based on the relevant facts.
- (4) As above.
- (5) The Australian Government provided \$2 million for the 2005/06 and 2006/07 financial years through the Tasmanian Regional Community Forest Agreement, to accelerate research into the Devil Facial Tumour Disease. In the 2007/08 financial year the Australian Government will provide a further \$1 million to continue fieldwork that will help suppress the spread of the disease in the wild, monitor the spread of the disease, and continue to ensure that there are populations of Tasmanian devils established in captivity to enable their long-term survival in the wild.

### **Tasmanian Esperance Coast Road**

#### **(Question No. 3201)**

**Senator Milne** asked the Minister representing the Minister for Transport and Regional Services, upon notice, on 11 May 2007:

With reference to the upgrade of the southern Tasmanian Esperance Coast Road, funded under AusLink's Strategic Regional Programme:

- (1) When an AusLink grant is awarded to a local council, what are the requirements of the Government in regard to that council having followed due process in approving the grant application if a substantial financial commitment by that council is required over the following two financial years.
- (2) What are the processes by which AusLink ensures that a local council follows due process in applying for an AusLink grant and its administration after funding is provided.
- (3) How does AusLink ensure that a local council has followed due process in allocating funding for the financial year in which it commences work on a project, if that financial year started before the grant was awarded and the funding was therefore not included in the budget for that year.
- (4) What are AusLink's requirements for a local council, which has been awarded a large AusLink grant, to follow due process in obtaining planning permits for any boundary adjustments required for completion of the project.
- (5) How does the Government protect itself against the possibility that a local council does not follow due process in financial and/or planning aspects of carrying out the works.
- (6) In carrying out works for which a large AusLink grant has been awarded, what are the requirements that a local council complies with state planning regulations, such as the State Coastal Policy.
- (7) (a) What is the involvement of the Government in individual projects; and (b) what is the Government's knowledge about the progress of work on such projects before the necessary planning process has been completed, and/or before contracts have been signed.
- (8) (a) Is the Minister aware that a public meeting attended by 250 people was held in Dover on 8 May 2007 in relation to works to be carried out in conjunction with AusLink funding; and (b) was a representative of AusLink present at that meeting.

**Senator Johnston**—The Minister for Transport and Regional Services has provided the following answer to the honourable senator's question:

- (1) (2), (4), (5) and (6) Councils are required to comply with the provisions of all relevant statutes, regulations, by-laws and requirements of any Commonwealth, State, Territory or Local Authority

under section 25.1 of the funding agreement. This funding agreement contains penalties in the event of non-compliance against any clauses.

- (1) (2), (3), (4), (5) and (6) In submitting the application for funding the representative of the Huon Valley Council warranted that they were authorised to submit the application on behalf of the Huon Valley Council and agreed to enter into a funding agreement for the Esperance Coast Road Upgrade. In doing so the authorised representative has declared that the council is able to undertake the project.
- (1) (2), (4), (5) and (6) A funding agreement has been established between the Huon Valley Council on 23 February 2007 to reconstruct and seal 8.36 kilometres of the unsealed section of the Esperance Coast Road, together with essential rehabilitation of the 6.08 kilometre sealed section towards Dover. The rehabilitation, reconstruction and sealing will be carried out to a minimum sealed width of 5.5 metres as necessary, with 6 metres the preferred width and a minimum formation of 6.5 metres. The works include the replacement of an approximately 15 metre bridge, located on the sealed section on the outskirts of Dover.
- (1) (2), (7) (a) and (b) The funding agreement requires that the Council provide two monthly reports on the progress of the project including details of activities for the previous two months and proposed activity for the next two months. The progress report includes details of how the project is progressing against timelines outlined in the funding agreement. The Council's next project progress report is due in early June and it is understood that this will contain details of meetings that have been held in relation to the Esperance Coast Road Upgrade project.
- (8) (a) and (b) Council has advised that members of the public held a meeting 8 May 2007 to discuss the realignment of the Dover Bridge and the impact on the related road network. There was no AusLink representative at the meeting.

#### **National Disability Advisory Council**

##### **(Question No. 3208)**

**Senator Allison** asked the Minister representing the Minister for Families, Community Services and Indigenous Affairs, upon notice, on 22 May 2007:

Is the National Disability Advisory Council (NDAC) still functioning; if so: (a) who represents people with autism or autism spectrum disorders (ASD) on the NDAC; and (b) what relationship do these members have with autism/ASD representative groups.

**Senator Scullion**—The Minister for Community Services has provided the following answer to the honourable senator's question:

This question has previously been answered at Question S3145.

#### **Autism**

##### **(Question No. 3209)**

**Senator Allison** asked the Minister for Human Services, upon notice, on 22 May 2007:

- (1) Given that researchers recently released a report on the prevalence of autism spectrum disorders (ASD) in Australia and given that, while data from Centrelink was regarded as especially useful, Centrelink did not provide the researchers with breakdowns of statistics by state: Why did Centrelink not provide ASD researchers with a breakdown, by state, of the number of people with ASD who receive a Carer Allowance, a Disability Support Pension or other benefits.
- (2) Will a state-by-state breakdown of the number of Carer Allowances relating to autism spectrum disorders be available to researchers in future.
- (3) Can Centrelink data for autism-related Carer Allowances be provided to researchers annually.

- (4) (a) Is Pervasive Developmental Disorder - Not Otherwise Specified (PDD-NOSS) a severe and pervasive disorder; and (b) does Centrelink identify persons diagnosed with PDD-NOS; if not, why not.

**Senator Ellison**—The answer to the honourable senator's question is as follows:

- (1) Centrelink has provided a response to all requests by researchers working on a prevalence of autism in Australia research study. Centrelink was not requested to provide state-based data.
- (2) The release of information about Carer Allowance customers and care receivers needs to be made by the Minister for Families, Community Services and Indigenous Services.
- (3) Centrelink can extract the data for autism-related Carer Allowances annually, however, the release of information about Carer Allowance customers and care receivers needs to be made by the Minister for Families, Community Services and Indigenous Services.
- (4) (a) This is a medical question and Centrelink is unable to comment on this. (b) Pervasive Developmental Disorder – Not Otherwise Specified, is not included on the Lists of Recognised Disabilities and therefore Centrelink does not collect data about this specific condition. For recording purposes this condition is grouped with other conditions of a similar nature.

#### **Autism**

#### **(Question No. 3210)**

**Senator Allison** asked the Minister representing the Minister for Families, Community Services and Indigenous Affairs, upon notice, on 22 May 2007:

- (1) (a) According to official government sources, such as the Australian Bureau of Statistics and/or the Australian Institute of Health and Welfare (AIHW), how many Australians have autism and related disorders; and (b) is this information contained in more than one source; if so, what are the differences between the sources.
- (2) (a) Is the Minister aware of the recent report on autism prevalence given to the department by the Autism Advisory Board for Autism Spectrum Disorders, which shows that 1 in 160 Australian children aged from 6 to 12 years has been diagnosed with an autism spectrum disorder (ASD); and (b) is there a difference between the prevalence of autism/ASD reported from official government sources and community sources.
- (3) Is the Minister aware that pervasive developmental disorders, including autism spectrum disorders such as Autistic Disorder, Asperger's Disorder and Pervasive Developmental Disorder – Not Otherwise Specified, are by definition 'severe and pervasive disorders'.
- (4) Is the Minister aware that the AIHW has reported that people with autism/ASD are most likely to have a severe or profound level of disability.
- (5) Does the Government accept and recognise that autism/ASD is one of the most common types of disability experienced by Australian children.
- (6) (a) How many Australians with autism and related disorders receive disability services that are funded through the Commonwealth State/Territory Disability Agreement (CSTDA); and (b) how many Australians with autism and related disorders do not receive disability services through the CSTDA.
- (7) How many Australians with a severe or profound disability due to autism/ASD does the Government recognise as not requiring disability services.
- (8) (a) Does the Government provide disability services on the basis of relative need; if so, how does the government ensure disability services are provided on the basis of 'relative need'; and (b) how many Australians who receive services do not have severe or profound disability.

**Senator Scullion**—The Minister for Community Services has provided the following answer to the honourable senator's question.

Information about the provision and allocation of disability services through the Commonwealth State Territory Disability Agreement can be found on the departments website at:

<http://www.facsia.gov.au/internet/facsinternet.nsf/disabilities/policy-cstda.htm>

Other questions have been covered by the answer to question No S3145.

### **Aged Care**

#### **(Question No. 3276)**

**Senator McLucas** asked the Minister representing the Minister for Ageing, upon notice, on 14 June 2007:

- (1) (a) For each Aged Care Planning Region, how many provisionally-allocated aged care bed licenses are yet to come online that are: (i) 1 year old, (ii) 2 years old, (iii) 3 years old, (iv) 4 years old, (v) 5 years old, (vi) 6 years old, (vii) 7 years old, (viii) 8 years old, (ix) 9 years old, (x) 10 years old and (xi) more than 10 years old; and (b) what is the projected date of operation for each of these bed licenses.
- (2) (a) For each of the financial years from 2001-02 to 2006-07 to date, by Aged Care Planning Region, how many provisionally-allocated aged care bed licenses have been returned to the department; and (b) what are the key reasons that these licenses were returned.
- (3) What is the average time that it takes for a Community Aged Care Package (CACP) to become operational.
- (4) What are the average times that it takes for an Extended Aged Care At Home (EACH) and an Extended Aged Care At Home – Dementia (EACH-D) packages to become operational.
- (5) For each Aged Care Planning Region, can the population data that will be used by the department in 2007 be provided for ages 70 and over.
- (6) For each local government authority in Australia, in December 2006, how many benchmark places, operational places, operational places shortfall, operational places ratio for high and low care residential aged care beds, CACP, EACH and EACH-D places were there.

**Senator Ellison**—The Minister for Ageing has provided the following answer to the honourable senator's question:

- (1) (a) The information addressing this question is at Attachment A. (b) The Aged Care Act 1997 allows approved providers to bring provisionally-allocated places into operation up to two years after the day of allocation and allows the Secretary of the Department of Health and Ageing to extend the provisional allocation period under certain circumstances. The Department is able to report the date the current extension of the provisional allocation expires in respect of places allocated more than two years ago. The information in respect of those places is at Attachment B. This data is correct as at the 31 December 2006 stocktake of approvals.
- (2) (a) The information addressing this question, which includes surrendered, revoked and lapsed provisionally allocated places is at Attachment C. (b) The provisionally-allocated places listed in Attachment C were returned in accordance with related sections of the Aged Care Act 1997 and the Aged Care Principles 1997. No specific reasons are required from the approved providers under the Act to surrender places. Revocations reflect the failure of the providers to make reasonable progress toward bringing places into operation. Places lapse where a provider does not apply for an extension of time to make them operational or where the Department of Health and Ageing does not approve an extension of time.

- (3) and (4) The Department is unable to provide an average time that it takes for Community Care places (CACPs, EACH and EACH Dementia) to become operational as data is collated twice yearly through the stocktake of aged care places. From this measure it can be said that Community Care places become operational with rare exception, within six months of allocation.
- (5) Population data to be used in the 30 June 2007 stocktake is at Attachment D. The Department is negotiating with the Australian Bureau of Statistics to obtain more recent projections of the over 70's population (based on the 2006 census). Revised projections, taking into account the 2006 population census, are likely to be made available to the Department in late 2007 for use in the December 2007 stocktake.
- (6) The Australian Government allocates aged care places by Aged Care Planning Region (ACPR), not by local government authority. The December 2006 stocktake results covering allocated and operational places and their ratios by ACPR are available on the Senate Community Affairs website at:  
[http://www.aph.gov.au/Senate/committee/clac\\_ctte/estimates/add\\_0607/vol2\\_doha\\_may07.pdf](http://www.aph.gov.au/Senate/committee/clac_ctte/estimates/add_0607/vol2_doha_may07.pdf)

There is not a benchmark target at a local government or ACPR level. The national target (now superseded) for aged care places is 108 operational places per thousand people aged 70 or more, to be achieved by the end of 2007. As at 31 December 2006, the operational ratio was 107.8, indicating that the end of 2007 target will be met and likely exceeded.

#### Attachment A

##### Provisionally allocated residential places yet to come on line as at 31 December 2006

State	Aged Care Planning Region	1-2 Years Old	2-3 Years Old	3-4 Years Old	4-5 Years Old	5-6 Years Old	6-7 Years Old	7-8 Years Old	8-9 Years Old
NSW	Central Coast	189	20	60	62	0	0	0	0
	Central West	28	10	0	0	6	0	0	0
	Far North Coast	205	6	0	0	40	0	0	0
	Hunter	282	60	35	37	0	0	0	0
	Illawarra	379	146	0	197	58	0	0	0
	Inner West	20	45	0	0	40	0	57	0
	Mid North Coast	244	164	0	198	0	0	0	0
	Nepean	43	0	0	60	30	0	0	0
	New England	35	63	0	21	0	0	0	0
	Northern Sydney	103	6	0	100	0	0	0	0
	Orana Far West	68	0	0	0	26	0	0	0
	Riverina/Murray	133	69	0	0	0	0	0	0
	South East Sydney	424	128	0	104	0	0	30	0
	South West Sydney	239	79	0	46	16	0	0	0
	Southern Highlands	149	0	0	69	33	0	0	0
Western Sydney	65	20	0	112	70	0	0	0	
VIC	Barwon-South Western	10	125	0	0	30	0	0	0
	Eastern Metro	293	218	0	55	0	0	0	0
	Gippsland	142	80	0	35	20	0	0	0
	Grampians	78	0	0	0	4	0	0	0
	Hume	39	0	0	30	0	0	0	0
	Loddon-Mallee	100	0	0	0	10	0	0	0
	Northern Metro	582	6	0	82	0	0	0	0
	Southern Metro	643	267	0	92	0	0	0	0
Western Metro	263	180	0	116	45	0	0	0	
QLD	Brisbane North	74	49	0	0	0	38	0	0
	Brisbane South	316	105	0	58	0	0	0	0
	Cabool	348	60	0	14	0	0	0	0
	Darling Downs	59	0	0	3	0	0	0	0
	Far North	89	0	0	0	0	0	0	0

State	Aged Care Planning Region	1-2 Years Old	2-3 Years Old	3-4 Years Old	4-5 Years Old	5-6 Years Old	6-7 Years Old	7-8 Years Old	8-9 Years Old
	Fitzroy	26	22	0	0	0	0	0	0
	Logan River Valley	376	23	0	60	0	0	0	0
	Mackay	48	0	0	0	0	0	0	0
	North West	0	3	0	0	0	0	0	0
	Northern	57	0	0	0	0	0	0	0
	South Coast	435	14	0	71	15	0	0	0
	South West	2	0	0	0	0	0	0	0
	Sunshine Coast	441	12	0	13	0	0	0	0
	West Moreton	20	0	0	0	0	0	0	0
	Wide Bay	272	77	0	16	0	0	0	0
SA	Hills, Mallee & Southern	30	45	0	40	0	0	0	0
	Metropolitan East	0	0	0	0	0	0	0	0
	Metropolitan North	221	50	0	0	0	0	0	0
	Metropolitan South	288	11	0	0	0	0	0	0
	Metropolitan West	14	0	0	30	0	0	0	0
	Mid North	0	7	0	0	0	0	0	0
	Whyalla, Flinders & Far North	23	0	0	0	0	0	0	0
	Yorke, Lower North & Barossa	0	0	0	0	0	0	0	0
WA	Goldfields	0	0	0	0	0	0	0	0
	Great Southern	0	0	0	0	0	0	0	0
	Kimberley	0	0	0	12	5	0	0	5
	Metropolitan East	46	0	0	0	0	0	0	0
	Metropolitan North	194	167	0	169	40	0	0	0
	Metropolitan South East	154	17	0	30	0	0	0	0
	Metropolitan South West	262	31	0	0	0	0	0	0
	Mid West	20	16	0	0	0	0	0	0
	Pilbara	0	0	0	9	20	0	4	0
	South West	64	20	0	32	30	0	0	0
	Wheatbelt	0	0	0	0	0	0	0	0
TAS	North Western	62	0	0	0	0	0	0	0
	Northern	117	19	0	0	0	0	0	0
	Southern	89	77	0	0	0	0	0	0
NT	Alice Springs	0	10	0	0	0	0	0	0
	Darwin	20	0	0	0	0	0	0	0
ACT	ACT	231	62	0	81	0	0	0	0

Note: There are no provisionally allocated places older than 9 years

Attachment B

Dates Current Extension to Provisional Allocation period expires for Provisional Allocations that were two or more years old at 31 December 2006

State	Aged Care Planning Region	Age Range (Years)	Outstanding PAs	Date extension of provisional allocation expires
ACT	ACT	4-5	50	1/04/08
		4-5	15	1/04/08
		4-5	11	26/05/08
		4-5	5	1/05/08
		2-3	25	9/02/08
		2-3	10	9/02/08

State	Aged Care Planning Region	Age Range (Years)	Outstanding PAs	Date extension of provisional allocation expires	
NSW	Central Coast	2-3	12	2/02/08	
		2-3	4	2/05/08	
		2-3	11	9/08/07	
		4-5	22	25/11/07	
		4-5	40	25/02/08	
		2-3	20	25/02/08	
		3-4	60	25/02/08	
		Central West	5-6	6	1/02/07
		Far North Coast	2-3	6	17/01/08
			5-6	40	11/01/08
	Hunter	3-4	35	27/02/07	
		2-3	60	16/01/08	
		4-5	37	26/06/07	
	Illawarra	4-5	32	31/01/07	
		4-5	40	25/08/07	
		5-6	39	30/06/07	
		5-6	19	30/06/07	
		4-5	60	30/06/07	
		2-3	30	30/06/07	
		4-5	65	17/07/07	
		2-3	86	17/07/07	
		2-3	30	17/03/07	
	Inner West	2-3	45	17/07/08	
		5-6	40	11/04/07	
		6-7	57	1/08/07	
	Mid North Coast	4-5	13	31/07/07	
		2-3	15	17/01/08	
		2-3	40	17/01/08	
		4-5	85	25/02/07	
		2-3	25	17/01/07	
		2-3	84	16/07/07	
		4-5	100	28/01/08	
	Nepean	5-6	30	27/07/07	
	4-5	60	25/05/07		
New England	4-5	13	26/03/07		
	4-5	8	27/07/07		
	2-3	16	17/01/08		
Northern Sydney	2-3	6	15/01/08		
	4-5	22	24/02/07		
	4-5	14	27/01/08		
	4-5	22	24/02/07		
	4-5	42	27/03/07		
South East Sydney	4-5	4	25/05/07		
	6-7	30	28/04/08		
	4-5	33	30/04/07		
	4-5	25	31/01/07		
	4-5	27	27/07/07		



State	Aged Care Planning Region	Age Range (Years)	Outstanding PAs	Date extension of provisional allocation expires
		4-5	15	14/02/08
		2-3	80	16/06/07
		2-3	48	17/06/07
	South West Sydney	4-5	12	31/03/07
		5-6	16	16/01/08
		2-3	16	16/01/08
		4-5	20	16/01/08
		2-3	25	16/01/08
		2-3	38	16/01/08
		4-5	14	30/09/07
	Southern Highlands	5-6	33	31/12/07
		4-5	20	25/03/07
		4-5	21	27/07/07
		4-5	22	31/03/07
		4-5	6	31/03/07
	Western Sydney	2-3	20	17/01/08
		4-5	32	27/04/07
		4-5	60	31/03/07
		5-6	30	11/04/07
		5-6	40	11/07/07
		4-5	20	27/07/07
NT	Alice Springs	2-3	10	16/01/07
QLD	Brisbane North	2-3	16	16/07/07
		2-3	33	16/01/07
	Brisbane South	4-5	20	25/05/07
		2-3	40	25/05/07
		2-3	65	16/01/08
		4-5	38	25/07/07
	Cabool	4-5	14	27/01/07
		2-3	60	16/01/07
	Darling Downs	4-5	3	21/12/07
	Fitzroy	2-3	10	17/07/08
		2-3	12	14/07/07
	Logan River Valley	4-5	55	25/11/07
		2-3	23	16/07/07
		4-5	5	31/01/07
	South Coast	4-5	60	27/01/07
		4-5	11	27/01/07
		5-6	15	11/01/07
		2-3	14	16/01/07
	Sunshine Coast	2-3	12	16/01/08
		4-5	13	25/07/07
	Wide Bay	2-3	17	16/07/07
		2-3	60	16/01/08
		4-5	16	25/01/07
SA	Hills, Mallee and Southern	4-5	40	27/01/08
		2-3	45	31/03/07

State	Aged Care Planning Region	Age Range (Years)	Outstanding PAs	Date extension of provisional allocation expires
	Metropolitan East	4-5	30	31/05/07
	Metropolitan North	2-3	50	31/03/08
	Metropolitan South	2-3	11	16/07/07
	Mid North	2-3	3	16/04/07
		2-3	4	16/01/08
TAS	Northern Tasmania	2-3	4	31/07/07
		2-3	15	31/07/07
	Southern Tasmania	2-3	25	31/07/07
		2-3	52	31/07/07
Vic	Barwon-South Western	5-6	30	15/12/07
		2-3	75	10/03/07
		2-3	20	15/01/08
		2-3	30	15/01/08
	Eastern Metro	4-5	20	23/11/07
		4-5	5	1/03/08
		4-5	30	25/11/07
		2-3	30	14/04/07
		2-3	60	14/01/08
		2-3	18	15/01/08
		2-3	30	15/01/08
		2-3	110	15/01/07
	Gippsland	5-6	20	10/07/07
		2-3	5	14/07/07
		2-3	15	16/01/08
		2-3	60	1/03/08
		4-5	35	26/10/07
	Grampians	5-6	4	26/06/07
	Hume	4-5	30	24/05/07
	Loddon-Mallee	5-6	10	30/06/07
	Northern Metro	4-5	14	26/01/08
		4-5	30	25/07/07
		4-5	30	23/08/07
		4-5	8	26/03/07
		2-3	6	15/01/07
	Southern Metro	4-5	69	31/12/07
		2-3	30	15/01/08
		2-3	13	14/01/07
		4-5	15	24/01/08
		2-3	60	15/01/08
		4-5	8	23/11/07
		2-3	64	23/11/07
		2-3	40	17/07/07
	Western Metro	2-3	90	14/11/07
		4-5	30	25/01/08
		4-5	21	30/08/07
		4-5	10	25/01/08
		4-5	20	15/01/08

State	Aged Care Planning Region	Age Range (Years)	Outstanding PAs	Date extension of provisional allocation expires
WA	Kimberley	2-3	30	15/01/08
		2-3	90	17/08/07
		4-5	10	24/11/07
		4-5	10	24/11/07
		5-6	45	30/11/07
		4-5	15	25/04/07
		8-9	5	19/03/07
		5-6	5	31/01/07
		4-5	12	31/01/07
		5-6	10	31/12/07
	Metropolitan North	4-5	66	1/03/08
		2-3	61	11/01/08
		5-6	30	19/03/07
		4-5	16	19/03/07
		4-5	40	25/06/07
		4-5	47	18/12/07
		2-3	24	28/02/07
		2-3	2	31/12/07
	Metropolitan South East	2-3	80	12/01/07
		4-5	30	26/05/07
2-3		6	26/11/08	
2-3		11	15/01/08	
Metropolitan South West	2-3	11	28/02/07	
	2-3	20	31/12/07	
	7-8	4	15/01/07	
Pilbara	5-6	20	16/04/08	
	4-5	9	15/01/08	
South West	5-6	30	15/01/07	
	4-5	32	15/07/07	
	2-3	20	15/04/07	

Note: This data is as at 31 December 2006. Since that date, many of these places have become operational.

#### Attachment C

#### Returned Provisionally Allocated Places

State Territory	Aged Care Planning Region	2001-02	2002-03	2003-04	2004-05	2005-06	*2006-07
NSW	Central Coast	68	60	25		173	
	Central West					6	
	Far North Coast			31			13
	Hunter			20	2	13	
	Inner West		20			42	
	Illawarra		3				
	Mid North Coast		2				7
	New England				18	22	
	Nepean					55	

State Territory	Aged Care Planning Region	2001-02	2002-03	2003-04	2004-05	2005-06	*2006-07
VIC	Northern Sydney			1	1		
	Orana Far West	10			15		16
	Riverina/Murray	27	13		5		
	South East Sydney			66			66
	South West Sydney	20					
	Southern Highlands			10		20	
	Barwon-South Western					32	15
	Dandenong		17				
	Eastern Metro	13			30		6
	Gippsland				60		
	Grampians					25	
	Hume				7		
	Loddon Mallee			33			30
	Eastern Metro		20			34	
	Northern Metro				10	65	19
QLD	Southern Metro		1	65	2	50	
	Western Metro		15			16	
	Brisbane North					66	
	Logan River Valley					7	
	Northern					10	
	North West						10
SA	Fitzroy				2	4	2
	Eyre Peninsula		4				
	Metropolitan North		44				
	Riverland		15				
WA	Whyalla, Flinders & Far North				20		
	Great Southern					16	
	Metropolitan East		20			20	
	Metropolitan North					36	
	Mid West			13	8		
TAS	South West						
	Wheatbelt		14			25	
NT	Northern		20				
	Southern	50		27			27
ACT	Darwin					40	
	Australian Capital Territory			36			42
Australian Total		188	268	327	180	777	*253

\* Up to 31 December 2006

Attachment D

Projected Population of People Aged 70 or More, by Aged Care Planning Regions 30 June 2007 Stocktake

State	Aged Care Planning Region	Population Aged 70+	State	Aged Care Planning Region	Population Aged 70+
NSW	Central Coast	42,655	SA	Eyre Peninsula	3,602
	Central West	18,558		Hills, Mallee & Southern	13,397
	Far North Coast	37,464		Metropolitan East	35,608
	Hunter	64,373		Metropolitan North	26,382
	Illawarra	44,438		Metropolitan South	39,667
	Inner West	41,940		Metropolitan West	29,234
	Mid North Coast	42,535		Mid North	3,607
	Nepean	21,442		Riverland	4,690
	New England	19,222		South East	6,449
	Northern Sydney	84,265		Whyalla, Flinders & Far North	4,036
	Orana Far West	15,784	Yorke, Lower North & Barossa	10,469	
	Riverina/Murray	28,916	SA	177,141	
	South East Sydney	84,484	WA	Goldfields	2,674
	South West Sydney	63,469		Great Southern	7,498
	Southern Highlands	23,274		Kimberley	1,205
	Western Sydney	54,692		Metropolitan East	26,441
	NSW	687,511		Metropolitan North	44,869
VIC	Barwon-South Western	41,991		Metropolitan South East	28,684
	Eastern Metro	101,621		Metropolitan South West	39,700
	Gippsland	29,211	Mid West	4,981	
	Grampians	23,830	Pilbara	719	
	Hume	28,032	South West	12,513	
	Loddon-Mallee	34,550	Wheatbelt	5,193	
	Northern Metro	72,384	WA	174,477	
	Southern Metro	122,486	TAS	North Western	11,958
	Western Metro	53,632		Northern	14,941
	VIC	507,737		Southern	24,894
QLD	Brisbane North	41,881	TAS	51,793	
	Brisbane South	57,273	NT	Alice Springs	990
	Cabool	27,497		Barkly	121
	Central West	984	Darwin	3,629	
	Darling Downs	23,177	East Arnhem	160	
	Far North	17,455	Katherine	419	
	Fitzroy	15,506	NT	5,319	
	Logan River Valley	16,123	ACT	ACT	23,041
	Mackay	9,419		ACT	23,041
	North West	1,608			
	Northern	16,248			
South Coast	46,859				

State	Aged Care Planning Region	Population Aged 70+	State	Aged Care Planning Region	Population Aged 70+
	South West	2,060			
	Sunshine Coast	39,516			
	West Moreton	13,453			
	Wide Bay	26,367			
	QLD	355,426			
Australian Total		1,982,445			

**Treasury: Appropriations**

**(Question No. 3341)**

**Senator Sherry** asked the Minister representing the Treasurer, upon notice, on 15 June 2007:

- (1) Was there any appropriation receivable included as an asset in the balance sheet at 30 June 2006.
- (2) Is there an appropriation receivable included as an asset in the estimated balance sheet at 30 June 2007.
- (3) What are the reasons for any movements in the appropriation receivable between 30 June 2006 and 30 June 2007.
- (4) With reference to the estimated actual results and financial position for the 2006-07 financial year, what amounts have been identified, for the 2007-08 financial years and for future years, for funding for employee entitlements or asset replacements from the appropriation receivable balance.
- (5) For the 2007-08 financial year and future years, what other items have been identified for funding from the appropriation receivable balance.
- (6) What tests are applied by the Department of Finance and Administration over access to the appropriation receivable.

**Senator Minchin**—The Treasurer has provided the following answer to the honourable senator's question:

- (1) The Department of the Treasury did have an appropriation receivable recorded as an asset in the balance sheet as at 30 June 2006. The 2005-06 annual report shows the balance as \$56,683,000.
- (2) There is an appropriation receivable included as an asset in the estimated balance sheet at 30 June 2007.
- (3) The appropriation receivable balance should decrease between 30 June 2006 and 30 June 2007 due to timing issues regarding the Financial Literacy Foundation's (FLF) spending for advertising. The FLF's advertising funds were appropriated in the 2005-06 financial year, however, spending did not occur until the 2006-07 financial year.
- (4) Refer table below:

	Employee Entitlements (\$'000)	Asset Replacements (\$'000)
2007-08	0	4,990
2008-09	0	3,870
2009-10	0	373
2010-11	0	945

Note: Budgeted Expenditure above reflects figures from the Treasury Capital Management Plan which will be updated at Portfolio Additional Estimates Statements 2007-08.

- (5) No items have been specifically identified for funding from the appropriation receivable balance.

- (6) The Minister for Finance and Administration will respond to this part of the question.

**Treasury: Appropriations**

**(Question No. 3361)**

**Senator Sherry** asked the Minister representing the Minister for Revenue and Assistant Treasurer, upon notice, on 15 June 2007:

- (1) Was there any appropriation receivable included as an asset in the balance sheet at 30 June 2006.
- (2) Is there an appropriation receivable included as an asset in the estimated balance sheet at 30 June 2007.
- (3) What are the reasons for any movements in the appropriation receivable between 30 June 2006 and 30 June 2007.
- (4) With reference to the estimated actual results and financial position for the 2006-07 financial year, what amounts have been identified, for the 2007-08 financial years and for future years, for funding for employee entitlements or asset replacements from the appropriation receivable balance.
- (5) For the 2007-08 financial year and future years, what other items have been identified for funding from the appropriation receivable balance.
- (6) What tests are applied by the Department of Finance and Administration over access to the appropriation receivable.

**Senator Coonan**—The Minister for Revenue and Assistant Treasurer has provided the following answer to the honourable senator's question:

- (1) to (5) The Treasurer will respond on behalf of the Treasury portfolio.
- (6) The Minister for Finance and Administration will respond to this part of the question.

**Australian Bureau of Statistics**

**(Question No. 3393)**

**Senator Sherry** asked the Minister representing the Treasurer, upon notice, on 21 June 2007:

With reference to the balance sheet on page 72 of the Portfolio Budget Statements 2007-08: Treasury Portfolio stating current assets for the Australian Bureau of Statistics (ABS) in the 2006-07 financial year at \$20.5 million, compared with current liabilities of \$45.1 million:

- (1) Given current assets cover less than 50 per cent of current liabilities, is the ABS satisfied with this ratio; if so, why.
- (2) What factors does the ABS take into account in determining its current asset cover for liabilities.
- (3) Is the Department of Finance consulted about the ratios.

**Senator Minchin**—The Treasurer has provided the following answer to the honourable senator's question:

- (1) Yes. The bulk of revenue for Government agencies is from Appropriation revenue sources and can be drawn when needed. The ABS has had a similar liquidity ratio since the introduction of the accrual framework and has maintained the capacity to meet liabilities as and when they have fallen due in that time.
- (2) Flexibility exists for government agencies in the timing of the receipt of appropriations. This combined with budgeting and regular forecasting of cash requirements ensures the ABS is able to make payments as they fall due.

- (3) The Department of Finance and Administration is consulted in relation to working capital levels to ensure that whole of government interest earnings are maximised. However, minimum liquidity ratios are not discussed with the Department of Finance and Administration unless they are linked to ongoing concerns about financial sustainability.

**Timor Sea Treaty**  
**(Question No. 3394)**

**Senator Chris Evans** asked the Minister representing the Minister for Industry, Tourism and Resources, upon notice, on 22 June 2007:

- (1) What steps have been taken by the Australian representative on the Joint Commission, which oversees the Timor Sea Designated Authority (TSDA), to ensure that the requirements of Article 11 of the Timor Sea Treaty, in relation to both the employment and training of Timor-Leste nationals by oil and gas companies operating in the Joint Petroleum Development Area (JPDA), is being fully implemented.
- (2) As at 31 December 2006, how many Timorese nationals or permanent residents are employed by Timor Sea oil and gas companies within the JPDA, in compliance with the companies' obligations under the Petroleum Mining Code and production sharing contracts; and (b) what proportion of total employment by Timor Sea oil and gas companies operating in the JPDA does this number represent.
- (3) What specific steps has the TSDA taken to facilitate training opportunities for Timorese nationals or permanent residents.
- (4) How much money has the Australian Government contributed to establish, maintain or recurrently fund training institutions that will enable Timorese nationals or permanent residents to undertake training for employment in the oil and gas industry within the JPDA.
- (5) During the 2005-06 financial year, how many Timorese nationals or permanent residents: (a) commenced a training program to equip them for work in oil or gas installations or projects in the JPDA; (b) completed a training program; and (c) subsequently, were employed in the JPDA by oil and gas companies.

**Senator Minchin**—The Minister for Industry, Tourism and Resources has provided the following answer to the honourable senator's question:

- (1) The Australian Joint Commissioner for the Joint Petroleum Development Area (JPDA) has ensured that the requirements of Article 11 of the Timor Sea Treaty, relating to training and employment of Timor-Leste nationals by oil and gas companies operating in the JPDA has been fully implemented through active participation in the development of the Petroleum Mining Code (the Code) for the JPDA and the model Production Sharing Contract.

The Petroleum Mining Code for the JPDA governs the exploration, development and exploitation of Petroleum within the JPDA, as well as the export of Petroleum from the JPDA. Article 5.4 of the Code, Applicant's Proposals in respect of Training and Employment, and Local Goods and Services, states:

An application for an Authorisation shall include proposals for:

- (a) training, and, with due regard to occupational health and safety requirements, giving preference in employment in the Authorised Activities to nationals and permanent residents of Timor-Leste; and
- (b) the acquisition of goods and services from persons based in Timor-Leste.

The model Production Sharing Contract, in its corresponding Article 5.4, Goods, Services, Training and Employment, states:



The Contractor ..... shall:

- (a) give persons based in Timor-Leste a real opportunity to compete for delivery of goods and services, provided they are offered on competitive terms and conditions;
- (b) with due regard to occupational health and safety requirements, give preference in employment in Petroleum Operations to nationals and permanent residents of Timor-Leste; and
- (c) within thirty (30) days of the end of each calendar year, submit to the Designated Authority a report demonstrating compliance with the above obligations.

- (2) (a) As at February 2007 there are 52 Timor-Leste nationals and permanent residents employed by oil and gas companies in the JPDA.

Additionally, the TSDA employs 31 Timor-Leste nationals and permanent residents, out of a total staff of 43.

- (b) The number of people employed at any one time varies according to the work being undertaken at that particular time.

Approximately 70 people are employed on the Bayu-Undan facilities at any one time, and workers are rotated on shifts. There are 46 Timor-Leste nationals and permanent residents who have off-shore employment in operations and maintenance, catering and accommodation and infield marine services.

There are approximately 30 people employed on the Elang, Kakatua and Kakatua North (EKKN) project of which 6 are from Timor-Leste.

- (3) The Timor Sea Designated Authority (the TSDA) facilitates training opportunities for Timorese nationals or permanent residents in the JPDA through the approvals process for Production Sharing Contracts, ensuring the successful applicant has adequate proposals to meet Article 5.4 of the Petroleum Mining Code and the Production Sharing Contract.

The TSDA receives reports from companies operating in the JPDA at the end of each calendar year to ensure obligations relating to training and employment of Timor-Lests nationals and permanent residents are met.

- (4) The Australian Government has not contributed any funds toward training for employment in the oil and gas industry within the JPDA.

We note that the Timor Sea Treaty provides that Australia and East Timor should facilitate training and employment opportunities in the JPDA, not provide them. The Australian and Timorese Governments view the inclusion of relevant articles in Production Sharing Contracts for the JPDA as an example of facilitation.

- (5) The TSDA is unable to provide exact figures on training and employment in the JPDA. The figures below are for the calendar year 2006, but include both existing employees undergoing training and new trainees. The TSDA notes that it does not consider this information to include all opportunities provided in 2006.

ConocoPhillips, the operator of Bayu-Undan, is commencing another round of new training opportunities in 2007.

- (a) 38 Timor-Leste nationals and permanent residents commenced training in 2006. Of these, 26 were already employed to work on the Bayu-Undan development and undertook further training to continue working now the construction phase is completed.
- (b) Of those 38 who commenced training, 37 completed the course undertaken.
- (c) Of the 37 Timor-Leste nationals and permanent residents who completed a course, 35 were subsequently, or already, employed in the JPDA by oil and gas companies.

**Liquefied Natural Gas**  
**(Question No. 3395)**

**Senator Chris Evans** asked the Minister representing the Minister for Industry, Tourism and Resources, upon notice, on 22 June 2007:

- (1) (a) What is the status of the Liquefied Natural Gas (LNG) Action Agenda, (b) does the agenda reflect the Government's current LNG industry policy, (c) does the department consider it relevant for future LNG projects.
- (2) Is the Government considering the development of a new LNG Action Agenda which reflects the current LNG industry policy in order to ensure that Australia captures opportunities for skill development, technology transfer and innovation spin-offs in future LNG projects.
- (3) In regard to the North West Shelf project, has the department assessed the economic benefits gained through Australia's role in LNG transportation; if so, does the department consider these arrangements to have provided benefits.
- (4) Does the department consider that Australia's role in LNG transportation should be encouraged in future LNG projects.

**Senator Minchin**—The Minister for Industry, Tourism and Resources has provided the following answer to the honourable senator's question:

- (1) (a) The LNG Action Agenda was launched in October 2000 and completed in September 2004.
- (b) Yes. The LNG Action Agenda is widely regarded by industry and government as having been a valuable exercise. It has successfully raised awareness of key concerns, engaged key players, opened useful discussions and achieved significant outcomes on key issues affecting the Australian LNG industry. Industry has acknowledged the role of the Action Agenda in helping develop a collegiate approach and in identifying the importance of the China export opportunity.
- (c) Yes. The initiatives developed through the Action Agenda are still considered relevant to the industry; in particular the implementation of greenhouse gas, customs, tariffs, and marketing and promotion recommendations in assisting industry in overcoming identified impediments. The Department continues to work with relevant government agencies and industry to identify and address impediments to the competitiveness of Australia's LNG industry and facilitate access to LNG export markets. Issues of concern to industry regarding the Greater Sunrise project have been resolved with the CMATS treaty and the International Unitisation Agreement coming into effect on 23 February 2007.

The outlook for the Australian LNG industry is very positive. Since the LNG Action Agenda was completed, exports have grown strongly and reached A\$5.1 billion in 2006, with shipments commencing to China from the North West Shelf and to Japan from the Darwin LNG plant. Demand from Asia is growing strongly and Australian LNG projects have announced agreements with buyers in Japan, Korea, India and Mexico. Planned new projects and expansions could see Australia's LNG capacity quadruple within the next decade.

- (2) Issues relating to the production and export of LNG are being considered by the upstream petroleum industry and government in developing responses to options put forward in the report "Platform for Prosperity" developed by the Australian Petroleum Exploration and Production Association in consultation with Commonwealth, State and Territory governments.
- (3) No. Portfolio responsibility for shipping issues rests with the Department of Transport and Regional Services.
- (4) Arrangements for the transportation of LNG are a commercial matter that is negotiated between buyer and seller as part of the LNG contracting process.

**Palm Oil Plantations**  
**(Question No. 3397)**

**Senator Milne** asked the Minister representing the Minister for Foreign Affairs, upon notice, on 22 June 2007:

With reference to the Government's involvement in international initiatives for avoided deforestation:

- (1) What plans exist to assist the Indonesian Government to stop the destruction of rainforest for palm oil plantations, and to prevent the human rights abuses involved in the takeover of land and destruction of the livelihood of indigenous peoples.
- (2) What plans exist to assist the Indonesian and Malaysian Governments to stop destruction of rainforest for palm oil plantations.
- (3) Given that Australian tourists are visiting South East Asia in increasing numbers to see wild orangutans, proboscis monkeys and other fauna, has the Minister made any effort to assist the Malaysian and/or Indonesian Governments to preserve these fauna by preventing the destruction of habitat for palm oil plantations.

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

- (1) and (2) Information on the Government's \$200 million Global Initiative on Forests and Climate (GIFC) is available from <http://www.greenhouse.gov.au/international/forests> .

Information on Australia's involvement in international forestry fora is available from:

<http://www.daff.gov.au/forestry/international> .

- (3) Information of Australia's participation in the Convention on Biological Diversity and the Commission on Sustainable Development is available from:

<http://www.environment.gov.au/biodiversity/international/index.html>, and

<http://www.environment.gov.au/commitments/uncsd/index.html> .

**National Oil and Gas Safety Advisory**  
**(Question No. 3400)**

**Senator Chris Evans** asked the Minister representing the Minister for Industry, Tourism and Resources, upon notice, on 2 July 2007:

In regard to the decision to shut down the National Oil and Gas Safety Advisory Committee (NOGSAC):

- (1) (a) Who made the decision; (b) on what date did the decision come into effect; (c) what were the reasons for the decision; and (d) on what dates were members of NOGSAC informed.
- (2) Given that NOGSAC has been shut down, in future, what groups and/or individuals will provide advice on health and safety matters to the Minister or the Government on behalf of employees in the offshore oil and gas industry.

**Senator Minchin**—The Minister for Industry, Tourism and Resources has provided the following answer to the honourable senator's question:

- (1) (a) The decision not to reappoint NOGSAC was taken by The Hon Bob Baldwin MP, Parliamentary Secretary, after discussion with the Hon Ian Macfarlane MP Minister for Industry, Tourism and Resources.
- (b) The decision came into effect on 28 May 2007, the date on which appointments to the NOGSAC committee expired.

- (c) With the establishment of NOPSA on 1 January 2005, the role of NOGSAC became a legislative remit under section 150XJ of the Petroleum (Submerged Lands) Act 1967 to provide advice to NOPSA on any matter that NOPSA may refer to NOGSAC. The reasons for the decision are that:
- Advice from NOGSAC has not been sought in the past two years.
  - There is considerable overlap between the NOGSAC Charter and the role of the NOPSA advisory Board. The Board considers NOPSA and industry operational performance and strategic issues and provides advice. The minutes of Board meetings are provided to the Government and all State and Territory Government Ministers for consideration. The Board encompasses a wide range of cross-industry expertise, meets five times a year and has a comprehensive stakeholder strategy, implemented through an annual plan of stakeholder meetings.
  - The annual Health and Safety Representatives Forum (HSR) provides a focus for the workforce, other stakeholders and NOPSA to share views and concerns. The HSR Forum is highly effective in identifying safety issues and in ensuring that best practice safety practice is adopted by industry. In the past HSR Forums have been organised and funded by the Department of Industry, Tourism and Resources. Industry has now committed to drive the HSR process and has taken on responsibility for continuing the HSR Forum with the next to be held on 7–8 August 2007.
- (d) Members of NOGSAC were informed in writing in a letter dated 24 May 2007.
- (2) Advice on offshore oil and gas industry health and safety matters is provided as discussed at 1(c) above.