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SITTING DAYS—2007

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RADIO BROADCASTS
Broadcasts of proceedings of the Parliament can be heard on the following Parliamentary and News Network radio stations, in the areas identified.

CANBERRA  103.9 FM
SYDNEY     630 AM
NEWCASTLE  1458 AM
GOSFORD    98.1 FM
BRISBANE   936 AM
GOLD COAST 95.7 FM
MELBOURNE  1026 AM
ADELAIDE   972 AM
PERTH      585 AM
HOBART     747 AM
NORTHERN TASMANIA  92.5 FM
DARWIN     102.5 FM
FORTY-FIRST PARLIAMENT
FIRST SESSION—TENTH PERIOD

Governor-General

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
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

Printed by authority of the Senate
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(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

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<tr>
<td>Deputy Prime Minister</td>
<td>The Hon. Mark Anthony James Vaile MP</td>
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<td>The Hon. Peter Howard Costello MP</td>
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<td>Minister for Trade</td>
<td>The Hon. Warren Errol Truss MP</td>
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<td>Minister for Defence</td>
<td>The Hon. Dr Brendan John Nelson MP</td>
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<td>Minister for Foreign Affairs</td>
<td>The Hon. Alexander John Gosse Downer MP</td>
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<tr>
<td>Minister for Health and Ageing and Leader of the House</td>
<td>The Hon. Anthony John Abbott MP</td>
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<tr>
<td>Attorney-General</td>
<td>The Hon. Philip Maxwell Ruddock MP</td>
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<tr>
<td>Minister for Finance and Administration, Leader of the Government in the Senate and Vice-President of the Executive Council</td>
<td>Senator the Hon. Nicholas Hugh Minchin</td>
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<td>The Hon. Peter John McGauran MP</td>
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<td>The Hon. Kevin James Andrews MP</td>
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<tr>
<td>Minister for Education, Science and Training and Minister Assisting the Prime Minister for Women’s Issues</td>
<td>The Hon. Julie Isabel Bishop MP</td>
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<tr>
<td>Minister for Families, Community Services and Minister Assisting the Prime Minister for Indigenous Affairs</td>
<td>The Hon. Malcolm Thomas Brough MP</td>
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<td>Minister for Industry, Tourism and Resources</td>
<td>The Hon. Ian Elgin Macfarlane MP</td>
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<td>Minister for Employment and Workplace Relations and Minister Assisting the Prime Minister for the Public Service</td>
<td>The Hon. Joseph Benedict Hockey MP</td>
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<tr>
<td>Minister for Communications, Information Technology and the Arts and Deputy Leader of the Government in the Senate</td>
<td>The Hon. Malcolm Bligh Turnbull MP</td>
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(The above ministers constitute the cabinet)
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<tr>
<td>Minister for Fisheries, Forestry and Conservation and Manager of</td>
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<td>Minister for Small Business and Tourism</td>
<td>The Hon. Frances Esther Bailey MP</td>
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<td>The Hon. James Eric Lloyd MP</td>
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<td>Minister for Revenue and Assistant Treasurer</td>
<td>The Hon. Peter Craig Dutton MP</td>
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<td>Minister for Workforce Participation</td>
<td>The Hon. Dr Sharman Nancy Stone MP</td>
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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

Shadow Minister for Homeland Security, Shadow Minister for Justice and Customs and Shadow Minister for Territories
The Hon. Archibald Ronald Bevis MP

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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The PRESIDENT (Senator the Hon. Paul Calvert) took the chair at 12.30 pm and read prayers.

BUSINESS

Rearrangement

Senator ABETZ (Tasmania—Manager of Government Business in the Senate) (12.31 pm)—by leave—I move government business notice of motion No. 1 as amended:

That:

(1) On Monday, 13 August 2007:
(a) the hours of meeting shall be 12.30 pm to 6.30 pm and 7.30 pm to adjournment;
(b) the routine of business from 7.30 pm shall be government business only;
(c) the question for the adjournment of the Senate shall be proposed at 10 pm; and
(d) standing order 54(5) shall apply to the adjournment debate as if it were Tuesday.

(2) On Tuesday, 14 August 2007:
(a) the hours of meeting shall be 12.30 pm to 6.30 pm and 7.30 pm to 11.40 pm;
(b) the routine of business from 7.30 pm shall be government business only; and
(c) the question for the adjournment of the Senate shall be proposed at 11 pm.

(3) On Thursday, 16 August 2007:
(a) the hours of meeting shall be 9.30 am to 6.30 pm and 7.30 pm to adjournment;
(b) consideration of general business and consideration of committee reports, government responses and Auditor-General’s reports under standing order 62(1) and (2) shall not be proceeded with;
(c) the routine of business from 12.45 pm till not later than 2 pm, and from not later than 4.30 pm, shall be government business only;
(d) divisions may take place after 4.30 pm; and
(e) the question for the adjournment of the Senate shall be proposed after the Senate has finally considered the bills listed below, including any messages from the House of Representatives:

- APEC Public Holiday Bill 2007
- Aviation Legislation Amendment (2007 Measures No. 1) Bill 2007
- 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
- Water Bill 2007

Senator BOB BROWN (Tasmania—Leader of the Australian Greens) (12.31 pm)—This is a motion to extend sitting hours this week to deal with a raft of government legislation, including the legislation affecting the Northern Territory and Indigenous communities throughout Australia and the very important Water Bill, as well as other legislation. I make the point that this year is one of the shortest calendars in decades for sitting weeks. If the Senate were being adequately managed by the government, it would be sitting more weeks. It would not be sitting late into the night with open-ended sittings on Thursdays, but would have more sittings with time for all members
to properly address legislation, rather than having extended hours and then the guillotine being dropped, as we are going to see repeatedly this week, to convenience a government struggling on its way to an election.

Question agreed to.

AVIATION LEGISLATION AMENDMENT (2007 MEASURES No. 1) BILL 2007

Second Reading

Debate resumed from 21 June, on motion by Senator Abetz:

That this bill be now read a second time.

Senator O'BRIEN (Tasmania) (12.33 pm)—The Aviation Legislation Amendment (2007 Measures No. 1) Bill 2007 amends the Civil Aviation Act 1988 and the Aviation Transport Security Act 2004 to further strengthen and clarify a range of aviation safety and security provisions. In particular, the bill amends the Civil Aviation Act 1988 in two primary ways: firstly, so that a person who is outside an aircraft can commit the offence of interfering with aircrew or endangering an aircraft or passengers. I note that this provision addresses recent concerns in the community—most recently reported today, in fact—about the pointing of lasers at aircraft approaching or taking off from major airports. Secondly, the bill adds a new part to create the statutory framework to provide for drug and alcohol testing and management.

There are also four major changes to the Aviation Transport Security Act 2004: firstly, to more closely align aviation security legislation with maritime security legislation and make the transport security process more flexible; secondly, to provide for the making of regulations to prohibit activities outside airports that could adversely affect airport or aircraft operations in line with the International Civil Aviation Organisation’s requirements; thirdly, to provide broader and more effective coverage of potential acts of unlawful interference with aviation, including further powers for Australian Customs officers at airports, in line with the recommendations of the 2005 Wheeler report, An independent review of airport security and policing for the government of Australia; and, finally, to provide for the making of regulations that would specifically describe those senior dignitaries and their families who are exempt from aviation security screening.

I am pleased to have been involved in the review of the bill by the Senate Standing Committee on Rural and Regional Affairs and Transport. While the committee recommends that the bill be passed, the committee raised a number of concerns, which I share. I foreshadow that I will move the second reading amendment tabled here today, to address those concerns. I understand that a second reading amendment has been circulated. I am concerned about the creation of an exemption mechanism for senior dignitaries, rather than use of the case-by-case mechanism already existing for security screening. Several industry participants also expressed concern about these provisions, including Virgin Blue Airlines, the Australian Airports Association and Adelaide Airport, who were opposed to any exemption.

Virgin Blue argued that ‘the approach adopted by the government introduces security vulnerabilities and risks to the security framework’ and therefore to the travelling public. Clearly, if a person who is exempt from screening and clearance under legislation can enter a sterile area or board an aircraft whilst in possession of a weapon or prohibited item, either intentionally or inadvertently, then this poses a risk to security.

I think it is fair to say that the committee reluctantly accepted the advice of Department of Transport and Regional Services officials—who themselves were acting on
the advice of DFAT and the Attorney-General’s Department—that the amendments are necessary to meet Australia’s international legal obligations in relation to the processing of visiting dignitaries. They pointed out that the changes will not involve a large number of people, will meet Australia’s international legal obligations and will actually only create a power to grant an exemption.

As stated in the second reading amendment, which is being tabled at the moment, I call, on behalf of the opposition, on the government to consult further with the aviation industry and unions and to take into account their advice before exercising the power to exempt any senior dignitaries from security screening. Such exemptions should only be granted to meet the international legal obligations referred to by Department of Transport and Regional Services officials in their evidence to the Senate committee.

My second concern relates to the introduction of drug and alcohol management and testing programs. These measures are required to deliver better safety outcomes to Australian civil aviation and to maintain Australia’s international standing as a leader in aviation safety. According to the Australian Transport Safety Bureau pilot safety survey on the use of drugs and alcohol, more than 20 per cent of pilots who responded indicated that they felt that, at some point in the previous year, safety had been compromised in some way by alcohol, drugs or prescribed medication. The Hamilton Island air crash in 2002, in which six people lost their lives, is believed to be at least partly attributable to alcohol and drugs. So, whilst I am broadly supportive of the introduction of drug and alcohol management and testing, I am concerned about the exclusion of certain stakeholders from the consultation process and about the development of the detail.

The Civil Aviation Safety Authority has so far shown some willingness to consult further on the implementation details but has not been willing to include the Australian and International Pilots Association as a formal member of the drug and alcohol project team, despite the constructive contributions that that organisation has made to the process. The Australian and International Pilots Association, the Australian Federation of Air Pilots, and the Liquor, Hospitality and Miscellaneous Union, who cover airport security, have all raised issues about the implementation of the drug and alcohol management and testing regime but are broadly supportive of the approach. In particular, the AIPA and the LHMU stressed the need for an approach based on harm minimisation, education and rehabilitation, rather than on punitive measures. In my second reading amendment, I call on the government to consult further with the aviation industry and unions and to take into account their advice regarding the practical implementation of the proposed drug and alcohol management and testing regime.

The third issue relates to the proposals concerning Customs officers in the implementation of recommendation VI of the Wheeler report of 2005, which recommends:

- all police, AFPPS and Customs officers deployed to an airport be given clear and unambiguous powers, including to stop, search, detain and arrest where necessary within the airport and adjacent roads and parking areas.

Given that Customs officers will now be undertaking police-like activities, I think it is important that the powers of the Australian Commission for Law Enforcement Integrity also be expanded so that it can oversee these activities. Accordingly, the second reading amendment calls on the government to do just that.

Let me also say that the government could have exercised more haste in acting on the
recommendations of the Wheeler report, and I note that there is also more to be done. Broadly speaking, I support the measures proposed in the bill, and we will be voting in support of the legislation. I move the second reading amendment circulated in my name:
At the end of the motion, add:

“but the Senate condemns the Government for creating an exemption mechanism for senior dignitaries rather than using the case-by-case mechanism for security screening and calls on the Government to:

(a) consult further with the aviation industry and unions and take into account their advice before exercising the power to exempt any senior dignitaries from security screening;

(b) consult further with the aviation industry and unions and take into account their advice regarding the practical implementation of the proposed drug and alcohol management and testing regime;

(c) consult fully with stakeholders in the drafting of all relevant regulations subsequent to the passage of the bill; and

(d) expand the powers of Australian Commission for Law Enforcement Integrity, so that it can oversee the police-like activities undertaken by Customs”.

Senator ADAMS (Western Australia) (12.42 pm)—As a senator for Western Australia and a member of the Senate Standing Committee on Community Affairs and the Senate Standing Committee on Rural and Regional Affairs and Transport, I spend a considerable amount of time frequenting airports in capital cities and regional towns, as well as remote airstrips, so the amendments to this bill are of great interest to me. With the enormous increase in aircraft movements and passenger numbers throughout Australia, it is imperative that we, as a government, ensure that those involved in the aviation industry, both in the air and on the ground, have every opportunity to work in a safe environment.

The Aviation Legislation Amendment (2007 Measures No. 1) Bill 2007 was referred to the rural and regional affairs and transport committee for inquiry on 21 June 2007 and was due to report on 30 July 2007—which it did. Nine submissions were received and five groups of witnesses appeared before the committee. There was general support across the aviation industry for those amendments to the act which enhance security. There was little support for the amendment granting exemptions from security clearance for certain dignitaries.

Of concern to the committee and those who provided submissions was the fact that many of the proposed amendments to the bill will be implemented through regulations which are yet to be drafted. As a member of the committee, I was most concerned that the unavailability of the proposed regulations made it very difficult to assess the implications of the proposed amendments, especially in the area of security exemptions for certain dignitaries and their families.

The Aviation Legislation Amendment (2007 Measures No. 1) Bill 2007 contains four sets of amendments to the Aviation Transport Security Act 2004 and two sets of amendments to the Civil Aviation Act 1988. These amendments are intended to strengthen security and safety in the Australian aviation industry. Aviation security continues to be a high priority for this government and constant review is needed to ensure the Australian aviation industry is responsive to changing threats to our security. The government takes aviation security extremely seriously and has invested more than $1.2 billion in aviation security since 11 September 2001.
The first amendment to the Aviation Transport Security Act 2004 makes changes to transport security programs which will more closely align aviation security legislation with that of maritime security legislation and will give certain industry participants far greater flexibility during the transport security programs process. This amendment will improve the administration of transport security programs and enhance existing aviation security by allowing the aviation industry participant to request the cancellation of their transport security program. Examples of this could be discontinuance of a regular public transport service or operations from a particular airport; changes to the time frame needed to process applications for transport security programs; and more flexible approval arrangements for the life span of a transport security program.

The bill allows broader and more effective coverage of potential acts of unlawful interference with aviation, including additional powers for eligible Australian Customs officers who operate at security controlled airports. The amendment utilises eligible Customs officers at parts of the airport where uniformed police are unlikely to routinely visit but which are visited by Customs officers. The intention of the amendment is to complement, not replace, the law enforcement role. It is important to note that under item 19 of section 91 of the bill, a new paragraph, 91(1)(d), is to be inserted to make it clear that a person who is an airport security guard is not an eligible Customs officer. This ensures clear differentiation of the roles of eligible Customs officers from the roles of airport security guards and law enforcement officers. The additional powers given to eligible Customs officers include: stop and search provisions; requesting people to leave an aircraft, airport or an area or a zone of an airport; restraint and detention until the arrival of a law enforcement officer; and the removal of vehicles from an area or zone of an airport.

It is proposed that eligible Customs officers will only exercise these powers when a law enforcement officer is not immediately available, where prompt action is required to prevent a security event from developing or continuing or when intervention is necessary to detain persons believed to have been involved in a security event. The implementation of this recommendation demonstrates the commitment of the government to strengthening aviation security.

The bill also clarifies provisions which relate to the screening and clearing of dignitaries. The amendment will allow the regulations to specifically describe those dignitaries who are to be exempt from aviation security screening. The amendment will provide, through regulations, for the most senior dignitaries, their spouses and minors to be exempt from aviation security screening. Other dignitaries and VIPs will still be able to apply for an exemption on a case by case basis.

As mentioned earlier, members attending the Senate Standing Committee on Rural and Regional Affairs and Transport hearings into this bill were particularly concerned about this amendment and spent a great deal of time clarifying this point with the Department of Transport and Regional Services. There was also considerable opposition from the industry participants, including Virgin Blue Airlines Pty Ltd, Australian Airports Association and Adelaide Airport Ltd, to the granting of exemptions of any type. The committee was particularly interested to determine whether proposed changes to the legislation, allowing a particular class of person exemption from security screening, could create a dangerous precedent.

Australia has a great record in the area of airport security. The following incident, which was reported in an article in the *West*
Australian on Saturday, 4 August, is worth mentioning to illustrate this, despite the embarrassing situation which occurred. It concerned Perth Airport and an overzealous security guard. The Prime Minister of Malta went through the screening process and he had a mobile phone in his pocket, so he was taken aside into a private room and actually frisked by a security guard. This caused a problem. The Australian government is very serious about its obligations and responsibilities to protect foreign dignitaries from harassment or impairment of dignity, whilst at the same time Australian airlines need to maintain the highest standards of security at airports to ensure the safety and security of the travelling public, including visiting dignitaries. That issue has been rectified. It shows that our security screening is working, but perhaps in that instance things could have been managed a little better. Security at airports is, of course, of great importance at this time with so many international dignitaries and their families visiting Australia for APEC.

During the Senate inquiry into the Aviation Legislation Amendment (2007 Measures No. 1) Bill 2007, officers representing DOTARS told the committee that the amendment came about as a result of advice suggesting that Australia had not been meeting its international legal obligations in relation to the processing of visiting dignitaries. They went on to state that the changes would not involve a large number of people and that the amendment was only creating the power to grant an exemption. The fact that this power will be implemented through regulations which are yet to be drafted is of concern and, even with the department’s explanation, I know that other committee members share my concern about this amendment. Accordingly, we reported this concern in the report to the Senate, which was tabled out of session, on 30 July 2007.

The fourth amendment to the Aviation Transport Security Act 2004 includes minor modifications to several existing provisions and a new provision to cover interference with the operations of a security controlled airport by a person who is outside the boundary of the airport. I think this is very important as our airport boundaries seem to be becoming more and more congested, with cars unable to get parking within the airport waiting on roads outside and also with the number of buildings that are being built on airport land adjacent to the airport. This unfortunately gives a lot more cover for any person that may be going to cause disruption.

Under new section 38B, regulations will be able to be made which prescribe offences with respect to activities that cause disruption of, or interference with, aviation or airport operations within the airport. This amendment also extends the coverage of the act to disruptive actions that take place outside the boundaries of a security controlled airport. The amendment is consistent with requirements from the International Civil Aviation Organisation, of which Australia is a member. Disruptive conduct within an airport includes making remarks about bombs in baggage at check-in or screening points and leaving items of baggage or parcels unattended within a terminal building. Another issue is check-in rage, caused through huge queues at our airports, with people becoming very frustrated trying to get luggage checked in and then having to queue again to go through the security screening. The check-in situation often gets out of hand at Perth domestic airport, with so much extra activity and only two security screens operating. I congratulate the staff involved in this area for their tolerance and patience in dealing with an almost impossible task.

I note an article published by the Kalgoorlie Miner on 20 July 2007 about a study commissioned by the Queensland University
of Technology in conjunction with Brisbane Airport Corporation which will analyse airport data on the efficiency of passenger screening for prohibited items. The study will investigate whether the airport staff are prone to missing security threats because of the potential for distraction in busy airport terminals. It will also look at the suitability and personalities of staff who perform these duties, which are often very long and tedious. The article states:

Brisbane Airport Corporation operations manager Stephen Goodwin said the research would help the airport better understand the effectiveness of security screening.

“The aim of the results is to provide a safer, more secure airport,” he said.

This amendment also deals with disruptive conduct outside an airport, which can include directing light-emitting devices such as laser devices into the airport through or over the top of the airport’s perimeter fence. Senator O’Brien earlier referred to an article in the Australian which said:

A QANTAS pilot has been forced to take leave after having a laser beam shone in his eyes as he was coming in to land at Sydney airport.

The incident follows reports last week of a Qantas pilot hit by a laser beam while landing at Darwin airport. Both pilots were forced to travel as passengers on their return flights.

In a separate incident, a third pilot was also hit by a laser beam while landing at Sydney on Friday night. There have been 80 reported cases this year of lasers being directed at aircraft.

So I think that, under these circumstances, these amendments are very important. It is important to note that laser beams can reach aircraft from up to five kilometres away, making it very difficult for police to catch the offenders. Under the proposed changes to the Civil Aviation Act, individuals who direct lasers at aircraft may be jailed for up to two years, which I think is very important.

Senator Parry—So they should be.

Senator ADAMS—During the committee’s hearing, DOTARS explained that the new section would operate within the context of existing laws which define unlawful interference with aviation. This does not include lawful advocacy, protest, dissent or industrial action that does not result in or contribute to a security event. These amendments to the Aviation Transport Security Act 2004 are intended to enhance the legal framework used to regulate and maintain security and safety within the Australian aviation industry.

The bill also contains two sets of amendments to the Civil Aviation Act 1988. Section 24 is amended to extend the offence of interfering with aircrew or endangering an aircraft or passengers to apply to a person who is outside an aircraft. As previously mentioned, there is concern in the aviation industry about the increasing incidence of lasers being used to interfere with an aircraft, particularly on approach to and on take-off from airports. The amendment to the Civil Aviation Act will mean that a person who threatens the safety of an aircraft, either by laser or by other means, will be committing an offence.

The second amendment creates a statutory framework that will permit the making of regulations for, and in relation to, the development, implementation and enforcement of drug and alcohol management plans and of drug and alcohol testing for persons who perform or are available to perform safety-sensitive aviation activities. The amendment also states that the results of drug and alcohol tests are not admissible in legal proceedings other than under the Civil Aviation Act and regulations or in other proceedings that could be prescribed in the regulations for this purpose. Under the new legislation, safety-sensitive personnel will include: flight crew; cabin crew; flight instructors; aircraft dispatchers; aircraft maintenance and repair
personnel; aviation security personnel, including screeners; air traffic controllers; baggage handlers; ground refuellers; other personnel with airside access; and contractors. I believe that the aviation industry moving this way is a very strong message to contractors in other industries that they should get their acts together as well.

The new regime will consist of two components: industry and CASA. Industry participants may elect to randomly test their employees; however, it is not intended that such random testing be mandated by CASA. Rather, CASA will engage a contractor to undertake random testing on its behalf. I found it disappointing that some representatives of the aviation industry who were present at the committee hearing doubted that drug and alcohol problems were present in their industry. It is most unfortunate but it is now a reality that drugs have found their way into every section of society. No industry, group or sector is immune. After much debate and discussion, the representatives were ultimately supportive of the introduction of mandatory drug and alcohol testing throughout the Australian aviation sector, recognising that the absence of evidence does not necessarily mean there is not a problem.

After agreeing to the amendments, industry representatives made a number of comments about the practical implications of the new arrangements and the regulations which would govern the proposed regime. The Australian Federation of Air Pilots was particularly concerned with the location and timing of random tests. Testing in the aircraft, in the vicinity of the aircraft, in the gate lounge or on the tarmac would, of course, be unacceptable.

Through these amendments, the government is committed to ensuring that workers will benefit from a safer workplace knowing that their colleagues are not impaired by alcohol or drugs, and the public will benefit from a safer aviation industry. In the committee’s report to the Senate, the committee members stated that we anticipate that the drafting of regulations will be based on full consultation with all stakeholders. The successful implementation of the bill will depend largely on the extent to which concerns such as those raised by stakeholders during the inquiry are addressed. In conclusion, I would like to support the passage of this legislation without imposing significant additional costs and burdens upon the aviation industry.

Senator McEWEN (South Australia) (1.00 pm)—I too would like to address a few brief comments to the Aviation Legislation Amendment (2007 Measures No. 1) Bill 2007. Our nation’s security is an increasingly important issue. That is attested to by the fact that the Rural and Regional Affairs and Transport Committee, of which I am a member and which conducted the inquiry into this bill, increasingly seems to be spending time on hearings to do with legislation relating to security not just at airports but also on our waterfront, whereas you would normally expect the committee to deal with things of a more agricultural nature. The nation’s security is something that the Australian Labor Party takes very seriously. The introduction of this legislation is a small step in the right direction towards strengthening our nation’s safety and security. The bill contains six groups of amendments: four to the Aviation Transport Security Act 2004 and two to the Civil Aviation Act 1988.

In 2005, several government agencies participated in a review conducted by Sir John Wheeler which culminated in the report entitled An independent review of airport security and policing for the government of Australia. The Wheeler report assessed the security of Australia’s airports and identified
some areas where security could be improved. The report contained 17 recommendations, including the recommendation to review the Aviation Transport Security Act 2004 and relevant regulations, to ensure that the legislation encourages a culture of proactive and ongoing threat and risk assessment. Two years on, the government is beginning to implement some of those recommendations, but we have to ask: why has it taken so long, given that this is such an important issue for the nation?

I notice that the Liquor, Hospitality and Miscellaneous Workers Union, which has many aviation security personnel as members, made a submission to the Senate inquiry into this bill. In that submission, the union expressed its concern with the length of time the government has taken to implement the Wheeler report recommendations. We should heed the comments of the union which represents people working at the very front line of Australia’s airport security.

While Labor welcomes the bill and will support it, I would like to take the opportunity to outline some areas of concern. The changes made to the Aviation Transport Security Act include allowing exemption for the most senior dignitaries, their spouses and minors from aviation security screening. I am aware that there needs to be a balance between security requirements and passenger movements, and our international reputation. Indeed, as Senator O’Brien pointed out in his speech in the second reading debate, we need to be mindful of our international legal obligations. No-one disputes that airport security measures can, at times, be irritating to travellers as well as sometimes mystifying in their application. I think anybody who has been through an airport knows that you never know whether you are going to be picked to have your luggage examined by Customs or not. I understand the reasons for that, but it is sometimes mystifying as to who gets picked and who does not for the various components of both security screening and Customs investigation at the airport.

However, it is possible that exemptions will cause more problems than they are intended to solve. A number of questions need to be asked and answered. Who are considered to be the most senior dignitaries? Who will determine who those people are? Where will we draw the line? At a time when airport security is of such high importance, we must consider all the possible repercussions of such a change. Adelaide Airport Ltd, along with the Australian Airports Association, do not support the exemption of certain dignitaries from aviation security screening. I commend Adelaide Airport Ltd for again taking the time to make an important submission to yet another Senate inquiry into aviation.

As those opposed to the exemption provisions stated in their submissions, if anything dangerous that could threaten the safety of those within an airport or aircraft is planted on a so-called senior dignitary, we may not have the opportunity to identify the danger before it is too late. While some may see security screening as an invasion of privacy or an irritation—an invasion that a senior dignitary should not have to endure—the security of our nation is far more important. With exemptions, we need to ask: are we creating a gap in our security, a gap which could potentially be exploited?

The second amendment to the Aviation Security Act 2004 is a result of a recommendation made in the Wheeler report. It seeks to provide ‘more effective coverage of potential acts of unlawful interference with aviation’. Part of this will be providing certain Australian Customs officers with additional powers to provide immediate response to acts that could potentially interfere with aviation. It has been proposed that those eli-
gible Customs officers will only be able to exercise the powers when a police officer is not immediately available, when quick action is required to prevent or stop a security event or when a person believed to have been involved in a security event needs to be detained. These changes, depending on how they are executed, could improve airport security significantly.

However, concern was expressed at the Senate committee inquiry about the lack of detail provided. Adelaide Airport Ltd, as well as the Australian Airports Association, wanted more detail with regard to who would be deemed ‘eligible customs officers’. Too much in this bill has been left to prescription by regulations which the parliament has not seen. Of course, regulations are not subject to the same initial scrutiny as primary legislation.

The remaining amendments to the Aviation Transport Security Act 2004 enhance the current transport security program, bringing it into line with maritime security legislation. These changes are not controversial, as they seek to improve both aviation security and the administration of transport security programs.

A much needed change to the Civil Aviation Act 1988 is the broadening of the offence of interfering with a crew member or performing an act which threatens the safety of the aircraft or a person on board. Currently, this offence is limited to persons who are on board an aircraft or within a security controlled airport. The proposed amendment will extend the coverage of the offence to include persons who are outside the aircraft and airport. As we have heard, the Senate committee heard evidence of people using lasers to interfere with aircraft, both when taking off and landing, and today there are newspaper reports of that situation happening to a pilot who was flying a plane from Canberra to Sydney last Friday. It is a very frightening development and very worrying for not just people who fly in aeroplanes but also the staff who work on them. Anything that can be done to prevent such ridiculous and dangerous behaviour needs to be done. Currently, persons who perpetrate those sorts of acts are not considered by the law to be committing an offence under the Civil Aviation Act, despite the dangers that they create. Labor welcomes the amendment, as it will increase the safety of those aboard aircrafts and within airports, and we hope that it will go some way to bringing the current situation with lasers to an end.

The second change to the Civil Aviation Act 1988 is the introduction of drug and alcohol programs among staff within the industry. Many of the submissions received by the Senate committee inquiry stated that there was little evidence of an alcohol and other drugs problem within the aviation industry. Nevertheless, such a change was still acceptable to those persons. As always, prevention is better than cure and, by creating a program designed to detect and assist those who work while under the influence, we may be preventing disasters. Safety-sensitive personnel, including the flight crew, cabin crew, flight instructors and baggage handlers, will all undergo alcohol and other drug testing. The responsibility for that testing will lie with both the civil aviation industry and CASA.

The Regional Aviation Association of Australia noted that their members with alcohol and other drug programs already in place have found the programs to be of great benefit and reported:

The alcohol and other drug programs proposed by CASA will emphasise the need for responsible behaviour in relation to the use of alcohol and other drugs, legal or otherwise, by firstly putting in place an educational and support program and also by creating the potential for offenders to be
found out and removed from safety sensitive activities in the short term, and for repeat offenders, from the industry altogether. For the proposed legislation to be successful, both parts of the program are essential.

Labor will support the amendments, as we see our national security as a top priority. However, I would like to noted that we are concerned by the lack of detail made available to assist senators and members, and members of the aviation industry and the public, to consider the implications of the proposed legislation. In many respects, the bill is vague in its detail and, with so much of the detail being left to regulation, it is difficult to have complete confidence in the bill. The Senate Standing Committee for the Scrutiny of Bills, of which I am also a member, has made comment about the inappropriate use of regulations and delegations in this bill and has sought advice from the minister as to the committee’s concerns.

I note that Senator O’Brien has moved an amendment on behalf of the opposition, which is an attempt to get the government to consult more widely about the implications of the bill and to monitor its implementation. Hopefully, this current government does not have much of a future. However, for the future that this government does have left, we can only hope it will make a concerted effort to draft detailed legislation so that the Senate committees and those persons and organisations that make an effort to contribute to Senate committee inquiries know exactly what they are commenting on. The impact and cost of legislation cannot be given proper consideration by committees or the Australian people if they are not given all the facts.

Senator JOHNSTON (Western Australia—Minister for Justice and Customs) (1.12 pm)—I thank members for their comments and contributions, particularly the three senators who spoke: Senator O’Brien, Senator Adams and Senator McEwen, and I thank the Senate Standing Committee on Rural and Regional Affairs and Transport for its thoughtful attention to the input on the Aviation Legislation Amendment (2007 Measures No. 1) Bill 2007, particularly in relation to the screening and clearing of dignitaries, and its consideration of a proposed new section for interference with the operations of a security controlled airport by a person outside the boundary of the airport—and we have heard about the irresponsible use of lasers. Aviation security is a high priority for this government and is under constant review to ensure that the regulatory framework is responsive to changing threats to the Australian aviation industry.

This bill makes the amendments that are necessary to aviation legislation to better manage these threats. The amendments in this bill are the result of both industry suggestion and government administrative experience. There are four significant amendments in the bill. The Aviation and Transport Security Act is amended so that regulations can be made to prohibit activities or conduct taking place outside airport boundaries that disrupt or interfere with the operations of a security controlled airport such as, as I have mentioned, shining a laser through the airport fence at an aircraft. The amendment will also provide a clearer basis for prohibiting conduct within an airport that can lead to serious disruption such as leaving baggage unattended in a public area of the airport. The new regulation-making power does not extend to disruptive activity that forms part of the normal or usual operations of the airport or airline as a place of business, such as lawful industrial action by airport or airline employees.

The amendment to aviation security screening exemptions for some dignitaries reflects a balance between Australia’s international legal obligations and security out-

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comes. The amendment will also provide flexibility to exempt dignitaries, most, if not all, of whom would be expected to enjoy privileges and immunities under international treaty obligations. The actual list of persons who might be exempt will be determined by government following consultation and advice from relevant agencies. It is not intended that people with celebrity status would be exempt from aviation screening.

Importantly, an airline still has the ultimate right to determine which passengers it will carry and under what conditions. Also, the Aviation Transport Security Act now contains further powers for Australian Customs officers at airports and implements one of the recommendations from the aviation security report by Sir John Wheeler. The first amendment to the Civil Aviation Act covers dangerous acts committed by a person on the ground or on board an aircraft, having particular regard to the direction of laser beams at aircraft. The second amendment to the Civil Aviation Act provides new powers to the Civil Aviation Safety Authority to enable it to implement a new drug and alcohol regime for the civil aviation sector. This amendment will provide safety benefits for both aviation workers and the broader community by appropriately addressing the risks of impaired aviation personnel. Lastly, there are also amendments to the Aviation Transport Security Act that include enhancements to the transport security program regime. These amendments are consistent with the requirements contained in the maritime regime. I commend the bill to the Senate.

Question negatived.
Original question agreed to.
Bill read a second time.

Third Reading
Bill passed through its remaining stages without amendment or debate.

AUSTRALIAN CITIZENSHIP AMENDMENT (CITIZENSHIP TESTING) BILL 2007
Second Reading
Debate resumed from 8 August, on motion by Senator Johnston:
That this bill be now read a second time.

Senator LUNDY (Australian Capital Territory) (1.16 pm)—The Australian Citizenship Amendment (Citizenship Testing) Bill 2007 amends the Australian Citizenship Act 2007 to provide for the testing of prospective applicants for Australian citizenship by conferral. The Australian Citizenship Act 2007 requires that applicants for citizenship (1) understand the nature of their application, (2) possess a basic knowledge of the English language and (3) have an adequate knowledge of the responsibilities and privileges of Australian citizenship. The bill provides that these applicants must have successfully completed a test before making an application for citizenship to demonstrate that they meet the requirements. Labor supports the principle of formalising the testing system which is currently in place for citizenship. The issue is whether it is reasonable.

Labor’s concerns were pursued by the Senate Standing Committee on Legal and Constitutional Affairs in its inquiry into the bill, and I note the committee’s recently tabled report. Resolving the matters relating to section 23A is essential to the credibility of the legislation. Labor supports the outcomes of the committee and the amendments proposed by the government.

Australia already has a citizenship test. In 1948 the status of Australian citizenship was established. The process for obtaining citizenship was arduous. Applicants had to have lived in Australia for at least five years. They also had to have adequate English, show that they were loyal and of good character, produce three references and declare an inten-
tion to naturalise two years before the application. In addition to this, applicants had to place an advertisement in the newspapers notifying others of their intention to become an Australian citizen.

Of course, the nature and veracity of the rules for citizenship have changed over the years. Today, applicants must attend a compulsory interview and establish that they are of good character. The interviewer, who is an officer of the Department of Immigration and Citizenship, does the following things: check the written application and personal documents; assess whether the applicant understands the nature of the application; assess whether the applicant has an adequate knowledge of the responsibilities and privileges of Australian citizenship; and assess whether the applicant has a basic knowledge of the English language.

Looking at the public debate that has gone on concerning the introduction of a citizenship test, it is easy for us to think that we have a bill that involves drastic change from current practice. While there were genuine expectations that significant change would be in the legislation, it is difficult to see the bill which is now before the parliament as continuing the sort of radical change from current practice which each side of the debate has implied it would see.

In the context of this debate, we have often questioned whether it is possible to have any sort of test for citizenship and whether it is possible to ever clearly identify Australian values. One of the arguments we often hear against there being any concept of Australian values is that these values are those that you will find in any one of a number of countries. In many respects that is true. But the fact that other nations may have similar values to our own does not prevent there being certain principles about which we can say, ‘Yes, that is part of being Australian.’ We can often identify Australian values more easily by what they are not. Values are not static, and the values and principles that characterise us do change over time.

In February 2000, the Citizenship Council attempted to summarise what those principles might be in an Australian compact. They referred to a commitment to the land; a commitment to the rule of law; a commitment to equality under the law, regardless of race and sex; and a commitment to the basics of a representative liberal democracy, including freedom of opinion. The council also referred to a commitment to principles of fairness, to tolerance, to the acceptance of cultural diversity, to the wellbeing of all Australians and to recognising the unique status of Aboriginal and Torres Strait Islander peoples. Those principles all fit with our discussion about what it means to be Australian. This set of values will be fluid and change from time to time, but we do not do our nation any harm by having and embracing the values debate and by associating it with full membership of our society through Australian citizenship.

The proposed citizenship test changes the current testing arrangements to a more formalised model. There have, in fact, always been tests imposed, and this is why the argument about today’s changes being radical does not really take account of what has happened since we introduced Australian citizenship in 1948. The existing test for citizenship has been quite non-controversial and there have not been any arguments about needing it to be abolished. This creates some questions as to why this legislation is said to be some sort of radical change. The more you look at the bill and at the minister’s second reading speech, the more you see that what we actually have before us is a formalising of the current system. It may involve a toughening of the current test, but not necessarily. It depends on the determinations that
the minister makes. Also, those determinations can be changed at any point, with any extra number of exemptions that the minister might choose to put in place.

The bill will amend the act to require applicants for Australian citizenship under the general eligibility provisions to have successfully completed a citizenship test before making an application in order to be eligible to become Australian citizens. Successful completion of a test will demonstrate that applicants (1) understand the nature of the application, (2) possess a basic knowledge of the English language and (3) have an adequate knowledge of Australia and of the responsibilities and privileges of Australian citizenship. A person sitting a test may be required to satisfy eligibility criteria to be able to sit a citizenship test. These criteria may include requirements that a person is a permanent resident and satisfies the minister of the person’s identity.

To date, test questions have not been made public and the source document from which the test questions will be drawn is not yet available. I note the Senate Standing Committee on Legal and Constitutional Affairs expressed disappointment that the proposed resource booklet had not been finalised and made publicly available. This means we have been asked to vote on a bill which is entirely ‘shell’ legislation. As a result, it has proven difficult to comment on the nature and content of the proposed test. We do not expect that the government is going to put each question from a test into legislation, but the answer to the question ‘Is the test reasonable?’ will have to be determined at a later date.

This legislation deals with two questions. It deals with whether, in principle, there should be a test or not, and whether, in principle, the minister should have the discretion to create exemptions to take into account different circumstances. These issues are not outrageous. As to whether there should be a test at all, the answer is yes. Should the minister have the discretion to provide extra exemptions? The logical answer to that is yes again. That is reasonable. There is already a test and it has never been controversial. We have yet to hear anybody argue that the current test is an outrageous restriction on people’s citizenship. It would be quite open for the minister to determine that one of the options is for the current test to continue.

What really matters is that we end up with a reasonable test. We do not want this to end up being some bizarre game of trivia. We do not want this to be something which sets up people to fail. We do not want this to be a barrier to people who would make fine Australian citizens. Whether it ends up that way or not, we cannot tell from this bill. All we can tell is that the principle of having a citizenship test, which has been with us since 1949, would remain. That is a completely reasonable principle, and that is all the bill actually reveals. If, in good faith, that is what materialises, we simply have a codification of a reasonable system. Of course, it is quite within the realms of possibility and certainly within the realms of legislative options for the government to come up with something less reasonable. Given the level of community disquiet about the questions that might be included in a citizenship test, the government should make the test questions public in order to provide additional reassurance to those concerned. It would also help to ensure accountability of the proposed regime. I think that, as a matter of transparency, the government making the questions available is completely in the interests of citizenship being a process of unifying Australians. It is a logical thing to do and it is in the interests of the government to do so.

The minister has a large degree of discretion to approve more than one test and ex-
emptions from the test, as I mentioned. These exemptions will include people under the age of 18 or over 60 and those with permanent physical or mental incapacity which prevents them from understanding the nature of their application. The main test will 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 a requirement to answer the three mandatory questions correctly. A person will be able to take the test as many times as necessary in order to pass. Once an applicant has passed the test then they can apply for citizenship, at which point a fee will be paid.

At his briefing on the legislation, our shadow minister Tony Burke raised two questions for the department. The first was: ‘Will ministerial determinations—for example, of what the different exemptions are for the different tests—be made public, even if the questions are not made public?’ The second question was: ‘Will the government guarantee that it will not put exemptions on tests which then create a situation where someone who otherwise would have been eligible to sit for a citizenship test has no test available to them anymore?’ The minister’s office has responded to these two important matters in writing. Determinations of this nature will be made public and the test will be used only in such a way as to guarantee that anyone who under the act would expect to be able to sit for a test will have a test available for them. Contrary to many assumptions made in the public debate about the citizenship test, 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 was reported to me that the Minister for Immigration and Citizenship mentioned in his second reading speech some of the concerns about the options for people who have difficulty with English literacy. To Labor, this is a very important part of the debate and a very important issue. The government, with the support of the opposition, has made decisions on the humanitarian program to find some of the most desperate people in the world and offer them a better life here in Australia. Labor has not always provided bipartisan support for the quality of the settlement programs subsequently offered, but there has certainly been bipartisan support for the selection of people, done in consultation with the UNHCR. Australia’s humanitarian program has seen increasing numbers of people settling permanently in Australia who not only do not have literacy in English but do not have literacy in their language of origin. To expect that, in the space of four years, someone in those circumstances would be able to sit in front of a computer reading English well enough to pass a multiple-choice test is highly unreasonable.

The Senate Standing Committee on Legal and Constitutional Affairs also acknowledges concerns about the potential impact of citizenship testing on certain groups within society, especially refugee and humanitarian entrants. I am reassured by the evidence from the department that the regime will be monitored on an ongoing basis and that the minister will have discretion to approve different tests designed on the basis of identified need. However, Labor supports the Senate committee’s view that in addition to this ongoing monitoring a more formal and comprehensive review of the citizenship-testing regime should be conducted three years after the commencement of the regime. In particular, this review should examine the regime’s impact on the citizenship application and conferral rates of certain groups within soci-
ety such as refugee and humanitarian entrants, women, and people from non-English-speaking backgrounds. This is a recommendation that Labor fully supports, and to this end I foreshadow an amendment along these lines in the committee stage of this bill.

In his second reading speech the minister flagged that, in special cases where a person does not have the literacy skills required to complete the test, the test will be done through a conversation. It is proposed that the test administrator will read out the questions and possible answers to the person. Again, we want this test to be something that is not used in a fashion that sets people up to fail. Citizenship is the common bond that unites individuals in their mutual commitment to Australia and is a central element to integrating and including new migrants so they can fully participate in the Australian community.

Labor notes with concern a great deal of emphasis being placed on the citizenship test rather than on the support services and community initiatives that are critical to building an integrated and inclusive society. Labor believes it is essential that you do not just test but also teach. There has to be adequate funding for the Adult Migrant English Program. There has to be adequate funding for settlement services so that people who come to Australia with the least opportunity and the least advantage do not find themselves in circumstances where it will always be extremely difficult for them to take on their roles as full members of Australian society. To this end, settlement services must be flexible and take account of the specific needs of our new arrivals.

Learning English is critical to the successful settlement of new arrivals, and we see it as the key to integration in the social and economic mainstream of Australian society and becoming an Australian citizen. Because we recognise that the strength and the success of the citizenship test lie in its ability to promote community inclusion and provide opportunities for people to fully engage with life in Australia, we will ensure that citizenship is not a discouraging and daunting process for new Australians. We will support the test and, in doing so, we will recognise the importance of teaching in the development of English language skills and the acquisition of knowledge of Australian history, culture and values.

A Rudd Labor government will provide for the teaching of English and citizenship. To that end, Labor’s shadow minister Mr Burke moved a second reading amendment outlining our approach. Since the shadow minister’s second reading amendment was moved back in June, Labor has announced a new initiative to improve English language services and assist migrants to fully participate in the Australian community. Labor will improve the Adult Migrant English Program to assist migrants to achieve functional English and pass the citizenship test. A Rudd Labor government will offer a new trainee-ship to migrants in Australia and introduce a new-style Adult Migrant English Program to help migrants learn English and fully participate in the Australian community. I note that government figures show that in 2005 only 11 per cent of people exited the Adult Migrant English Program with the ability to speak functional English. Labor would put an end to this one-size-fits-all English-training model for migrants. We have committed a total of $49.2 million to fix the Howard government’s English training program and to assist new arrivals to find employment as soon as possible.

The government has allowed the Adult Migrant English Program to become stale and outdated. The immigration program has changed significantly over the past decade. As we have mentioned, we now have many
migrants coming to Australia who have never been to school and who are not literate in their own languages. The government’s policies continue to see new arrivals who have received university education being treated the same as those who cannot even write in their own languages. This policy continues to disadvantage many people. We know from the statistics I mentioned that up to nine out of 10 people are leaving this English language tuition without basic English. It is disheartening that government policy is failing these people, who are often most in need of settlement assistance in our community. There should not be any barriers for new arrivals who want to learn English and get a job.

Labor wants people, when they come to Australia, to have the opportunity to get the job they want. That is why we have announced the new traineeship—so that new arrivals can learn. Specifically, we will assist new arrivals to make the transition to employment. Our Adult Migrant English Program will have more emphasis on vocational English to better enable new entrants to apply for a job and work in an Australian workplace. Labor’s plan to teach, not just test, English will include a traineeship in English and work readiness. This will be designed to allow new entrants to continue their English language tuition while developing knowledge, skills and experience in Australian workplace culture and practices. These traineeships will focus on English language and working in Australia, and $9.2 million of the $49.2 million has been set aside for this purpose. The key to a successful language program is also flexibility. In Labor’s new Employment Pathways Program, extra English language tuition hours will be able to be allocated to those students most in need, and $40 million has been committed to setting up this important program.

Labor supports a citizenship test but will provide for the teaching of English and citizenship. Labor will improve the Adult Migrant English Program to assist migrants to achieve functional English so they can fully participate in the Australian community and pass the citizenship test. Finally, Labor is committed to celebrating the diversity of all Australians in an inclusive society with shared values. Successful integration and Australian citizenship are, after all, central to building a stronger community.

Senator BARNETT (Tasmania) (1.36 pm)—I stand today to support the government’s Australian Citizenship Amendment (Citizenship Testing) Bill 2007. I particularly commend the minister for his efforts in proceeding with this legislation. Also, as Chair of the Senate Standing Committee on Legal and Constitutional Affairs, I note that we have brought down a report, dated July 2007, on this particular bill. I will refer in part to that report during my response in the debate on the second reading today. I also want to acknowledge the minister’s response to that report and the recommendations in it and thank the minister and the government for those thoughtful responses.

I would like to commend the report to the Senate and draw it to their attention. In particular I want to thank my Senate colleagues who are part of that committee. I also specifically want to thank the secretariat—Jackie Morris, and in this instance Terry Brown, Sophie Power and Judith West—for their support and assistance in preparing that report.

The legislation was referred to the Senate committee on 13 June 2007 with report by 31 July 2007. We had two hearings, one in Canberra and one in Sydney, on 16 and 17 July this year. We received some 59 submissions. They were thoughtful and well-researched submissions. The witnesses that
appeared at both the Canberra and the Sydney hearings were certainly well prepared, and we had some constructive discussion and debate and question-and-answer sessions. I want to thank all the witnesses that appeared and presented from all sides of the equation. I thank them for the assistance they have given senators in preparing the report and now allowing that information to be available to the public.

As for the background, on 11 December last year the government announced that it would introduce a test for certain applicants for Australian citizenship. The announcement followed a consultation process conducted by the Department of Immigration and Multicultural Affairs, now the Department of Immigration and Citizenship. That consultation process began on 17 September last year, and I would like to share that in the context of the overall debate concerning what we are looking at today in this bill.

There has been a lot of discussion, debate and consultation on the concepts and the objectives of this bill to date. It has been extensive. In fact, in the consultation period closing on 17 November 2006, there were 1,644 written responses, with 1,486 from individuals and 158 from organisations. An assessment made by the department indicated that there was some 60 per cent support for the government’s plans to introduce such a test. As for public support, the Australian newspaper on 1 January 2007 found that 85 per cent of respondents were in favour of the knowledge of English being a requirement to become an Australian citizen, and another poll, conducted in September last year, found that 77 per cent of respondents favoured a citizenship test.

As a Senate committee we looked at some overseas experience, including that in Canada, the Netherlands, the UK, the USA and South Korea. We noted that they had similar testing regimes and formal testing arrangements for citizenship. Four of the countries we considered in detail in the discussion paper were Canada, the Netherlands, the United Kingdom and the United States. They test for knowledge of their countries and they also test for language skills. Likewise, the legislation before us has a test of knowledge of Australia and the Australian way of life and the values that we hold in this country. There is also a test for English language skills.

A formal citizenship test is a way of ensuring that migrants are fully ready to participate in the Australian community. That is a key ingredient, the foundational thesis that the government stands upon. It is also important from a broader perspective as it will support social cohesion and social integration in the community. It is designed so that applicants can demonstrate their knowledge of the English language and of Australia, including knowledge of their responsibilities and privileges, as citizenship bestows both responsibilities and privileges.

Migrants have come to Australia from more than 200 countries around the world. They include people of the Judaeo-Christian heritage and culture, like ours, and systems of government from the Western liberal democratic tradition, like Australia’s, along with people from other cultures and traditions. That is why Australia is a multicultural society. Our diversity is part of the rich tapestry of Australia today.

Migrants who come to Australia in the future, whether under a skilled, family or humanitarian program, will not be required to pass the test prior to or upon their arrival. They will only need to pass it when wishing to take up citizenship of Australia, which will usually be some four or more years later. I want to make that point: this is not something that needs to be done before arriving in
Australia; it is obviously something that is done when applying for citizenship.

As for eligibility criteria, the person must be a permanent resident. They must be able to be satisfactorily identified. The person must provide a photograph of his or her face and shoulders or allow such a photograph to be taken. The government recognises that it would be unnecessary and unfair for some people to comply with these requirements. Consequently, this is the reason the legislation is designed to allow people under the age of 18 or over 60, those with a permanent physical or mental incapacity which prevents them from understanding the nature of their application, and those with a permanent loss or substantial impairment of hearing, speech or sight not to be required to sit that particular test.

The report is now on the public record. The explanatory memorandum to the legislation makes it clear that the estimated cost to implement and administer a citizenship test is $17.4 million over a five-year period. We noted in our report the second reading speech of the minister when he said:

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.

It is noted that citizenship confers not only certain privileges but responsibilities. I refer to the debate that we had before our committee about the importance of citizenship. Several submissions and witnesses pointed out the importance of citizenship for access to certain basic rights, including the right to vote, to apply for an Australian passport, to access certain financial assistance from the government and employment opportunities, and freedom from deportation under the Migration Act. For refugee and humanitarian entrants, the right to apply for a passport can be one of the most important practical benefits of citizenship as it can assist in reunification with family members. Last month, Michael Ferguson and I attended a citizenship ceremony in Launceston, conducted by the mayor, Ivan Dean, and I was delighted to have the honour of being with some friends from South Africa whom I had assisted. As a family, they were so proud to be standing there to become citizens of Australia, some years after their arrival in this country. They were very proud indeed, along with the many other Australians who had had citizenship conferred on them. I know that Michael Ferguson gave his encouragement and congratulations to those new citizens on that day, as he does at most of the citizenship ceremonies held in Launceston.

The committee accepted the department’s evidence that the proposed citizenship testing regime would be more objective than the current system of an informal interview. This is a key point to come out of the debate that we had before the committee—that we needed an objective test—and that is why we looked at international comparisons with the US, the UK, the Netherlands, South Korea et cetera. An objective test applies overseas, and it will now apply here in Australia, subject to the passing of this legislation. The committee considered that the proposed test would encourage prospective citizens to familiarise themselves with Australian society and would, therefore, help them to integrate and participate in Australian society.

As I indicated earlier, we are pleased that there has been considerable public support for the government’s plan to introduce this legislation. We also welcomed the department’s evidence and advice to our committee that it will monitor and evaluate the regime on an ongoing basis. We saw that as impor-
tant, and we put forward a recommendation in our report that there be a review after three years to assess the impact of the test on citizenship application and conferral rates on certain groups in society, particularly the refugee and humanitarian entrants. We received a number of submissions from, and had views expressed by, humanitarian and refugee interest groups. They expressed legitimate concerns, but, on balance, we have recommended support for the bill, subject to that advice and those recommendations. We particularly appreciated the evidence of the Human Rights and Equal Opportunity Commission; theirs was a very thoughtful submission indeed.

I draw the attention of the Senate to the views of the department, and the views of the Australian Christian Lobby, which were put to us by David Yates on their behalf. There was some discussion and debate, including questions from Labor senators, as to why Australia’s Judeo-Christian ethic is important in understanding being a citizen here in Australia. There was some discussion during the inquiry about the extent to which the Judeo-Christian heritage should be acknowledged and reflected in the proposed test. The Centre for Human Rights Education at the Curtin University of Technology said:

The Centre is concerned of reports that the test will be focused on applicants demonstrating an understanding of “Judeo-Christian” values and British/Western traditions. Such values and traditions do not necessarily reflect the multicultural composition of Australia ...

However, the Australian Christian Lobby told the committee:

ACL strongly supports the Minister’s comments that applicants should be required to acknowledge Australia’s Judeo-Christian heritage. This does not require prospective citizens to share the Judeo-Christian faith, but it would make it clear that their new country’s historical context is Judeo-Christian, rather than of any other faith or ideology.

The committee asked the department whether it would be desirable in the test to include questions about Australia’s Judeo-Christian heritage. In response, a departmental witness said, ‘Part of Australia and its history would go to our belief system, so I imagine that that is an area that will be covered in the resource book.’ Of course it will be, and I look forward to that. I commend the Australian Christian Lobby and Jim Wallace for his leadership of that organisation and note that, together with them, I hosted a forum here in Parliament House on the importance of Australia’s Christian heritage, highlighting its importance not only for the past history of Australia but for present-day Australians. The committee noted its disappointment that the resource book was not available at the time of the hearing, nor was it at the time of the production of the committee’s report. The minister has responded to our recommendations. We made four, including a recommendation that the bill be passed.

Before touching on that, I note that Senator Lundy talked about the importance of appropriate English-as-a-second-language support being provided by the government for potential applicants. We agree that it is important, and that is why the Australian government has committed considerable resources, including in English language training programs such as the Adult Migrant English Program, and in settlement programs, particularly for refugee and humanitarian entrants. Considerable resources across the whole-of-government—across portfolio areas—have been put towards ensuring that
there are adequate opportunities for training and for learning the English language.

In terms of the government’s response to our recommendations, I note that government amendments have been put before the Senate. Firstly, one of the amendments, relating to proposed new section 23A(1), makes it clear that a test must relate to the eligibility criteria in new paragraphs (d), (e) and (f) of proposed new section 21(2) in the bill. Secondly, there is a note after proposed new section 23A(3) to make it clear that eligibility criteria for sitting a test cannot be inconsistent with the act and, in particular, with section 21(2).

The first note is in response to the concern of the Senate Standing Committee on Legal and Constitutional Affairs that new section 23A(1) is ambiguous and that an amendment was needed to clarify that a citizenship test would relate only to the eligibility criteria in proposed new paragraphs (d), (e) and (f) of section 21(2). Proposed new paragraphs (d), (e) and (f) of section 21(2) require that applicants understand the nature of their application to become an Australian citizen, possess a basic knowledge of the English language and have an adequate knowledge of Australia and of the responsibilities and privileges of Australian citizenship.

The second note responds to the concerns that the determination-making power in proposed new section 23A of the bill is too broad and would allow the minister to set eligibility criteria for sitting a test that are inconsistent with the act and, in particular, inconsistent with the general eligibility criteria for citizenship in proposed new section 21(2) of the bill.

I put on the record my sincere thanks to the minister and his officers for considering the report, reviewing the recommendations and responding accordingly. I am very supportive of this legislation. I think it is foundational legislation for Australia and for its citizens.

In conclusion, I thank all of my colleagues on the legal and constitutional affairs committee for their support, efforts and deliberations on this matter. I particularly thank the secretariat, led by Jackie Morris, and I commend the legislation to the Senate.

Senator KIRK (South Australia) (1.55 pm)—I rise to speak on the Australian Citizenship Amendment (Citizenship Testing) Bill 2007. As we have heard, the bill seeks to amend the Australian Citizenship Act by requiring prospective applicants for Australian citizenship who meet the eligibility criteria to successfully complete a citizenship test before they are conferred with Australian citizenship. As Senator Barnett mentioned, the Senate Standing Committee on Legal and Constitutional Affairs conducted an inquiry into this legislation, held public hearings during July and tabled our report on 31 July 2007. Labor have indicated that we will support the passage of this legislation through the Senate, and Senator Lundy foreshadowed an amendment which we will be moving to the bill.

In the time that I have available today, I would like to address some of the concerns that were raised by witnesses about the bill during the Senate inquiry. In the matters canvassed during the Senate inquiry, legitimate concerns were raised about the purpose, nature and content of the citizenship test and its potential impact in operation, which, in my view, must be carefully monitored and reviewed once the test is introduced.

There is no doubt that Australian citizenship is highly valued by those who are fortunate enough to obtain it. Since the enactment of the Citizenship Act in 1949, over four million people have been conferred with Australian citizenship, and there are currently close to one million permanent residents who are...
eligible to obtain citizenship status. What comes with taking that final step from residency to citizenship is a person’s acknowledgement and acceptance of an extra set of privileges and responsibilities. Australian citizens may reside freely in Australia, hold an Australian passport, vote, serve in the armed forces, work in the public sector, stand for parliament and seek diplomatic assistance when overseas.

The current eligibility provisions for a citizenship applicant under the act require the applicant to have an understanding of the nature of their application for citizenship and a basic knowledge of the English language. The legislation before us today inserts an additional requirement that applicants for Australian citizenship must have an adequate knowledge of Australia and of the responsibilities and privileges of Australian citizenship. The bill proposes that these criteria be fulfilled by the successful completion of the citizenship test approved by the minister. The explanatory memorandum states:

There is no other way for these criteria to be satisfied, other than by successfully completing a test.

The necessity for this requirement of the citizenship test was the main consideration at the hearings held by the Senate committee. A number of witnesses queried whether a citizenship test was a necessary addition to current citizenship arrangements. The committee received a number of submissions which questioned the need for the test and also questioned whether there was any evidence that demonstrated a need to change the current citizenship law. For example, the Centre for Human Rights Education at Curtin University of Technology submitted to the committee that the current citizenship ceremony and concomitant pledge are sufficient to indicate a person’s commitment to Australia and the community. The Castan Centre for Human Rights Law at Monash University submitted that now there is a lesser need for a formal testing arrangement, given the requirement that a permanent resident, before applying for citizenship, must have lived in the country for a period of four years.

It remains to be seen what a formal test will add to the integration of new migrants into the Australian community. It is said that one of the aims of the test is to achieve a more inclusive society. The explanatory memorandum states:

The introduction of a citizenship test is a key part of the Government’s ongoing commitment to help migrants successfully integrate into the Australian community.

However, the test, by its very nature, is a very exclusionary measure for achieving this aim. By their very nature, tests are designed to be passed or failed.

Debate interrupted.

QUESTIONS WITHOUT NOTICE

Interest Rates

Senator SHERRY (2.00 pm)—My question is to Senator Minchin, the Minister representing the Prime Minister. Is the minister aware that today’s statement on monetary policy by the Reserve Bank expresses serious concerns about inflation, stating that ‘inflation appears likely to be somewhat higher than earlier expected’? Doesn’t the Reserve Bank statement note that this means that ‘further monetary policy tightening could be required’? Can the minister confirm that this means that further interest rate hikes could occur in coming months, on top of the five increases that have already occurred since the Liberal government promised it would ‘keep interest rates at record lows’? What would be the impact of further rate hikes on working families, many of whom are already spending a third of their income paying off their home loans?

Senator MINCHIN—I thank Senator Sherry for his question, and welcome him back and hope he has fully recovered. I have
not had the opportunity to read the full statement on monetary policy but the Reserve Bank, in its charter, as Senator Sherry would know, is charged with ensuring that inflation remains in the band of two to three per cent. As I said in this place last week, the Reserve Bank, in making its decision to increase rates by another quarter of a per cent, made the point that the primary cause of that is the inherent strength of the Australian economy. Demand is strong, we have had some 16 years of continuous growth and we have unemployment at record lows. We have a very strong economy, and that is why the Reserve Bank in its wisdom has decided to bump up rates by another quarter of a per cent. That is consistent with its obligation to keep inflation in that two to three per cent band, and that is where we want inflation to stay.

As I said last week, the great thing about our period in government is that inflation has averaged 2.5 per cent, in contrast with the average rate of inflation under the previous Labor government of 5.2 per cent—more than double the rate of inflation that we have experienced under our government. It is the Reserve’s charter to ensure that it stays well below the rate that we experienced under the Labor Party. Of course, all the levers under our control are set to low inflation. We have restored the health of Commonwealth finances. We are running consistently strong surpluses of one per cent of GDP. We have paid off all of Labor’s debts so that we are not paying any interest on the debt any longer. We have reformed industrial relations to ensure that we do not get the sort of wage-price inflation that we experienced under the Labor Party.

If Senator Sherry is so concerned about inflation and its impact on interest rates then he should be working inside the Labor Party to ensure that it abandons immediately the idiotic ACTU policy it has been forced to adopt with respect to industrial relations. There is no doubt whatsoever that, if we go back to pre-Keating-era arrangements with respect to industrial relations, that will have a devastating effect on inflation in this country and, therefore, flow-on effects for interest rates and consequential devastating effects for Australian small businesses and Australian families, who will as a result of such a policy see a return to high unemployment, high inflation and high interest rates.

**Senator SHERRY**—Mr President, I ask a supplementary question. Haven’t interest rates gone up four times since the introduction of Work Choices? Doesn’t the Reserve Bank statement on monetary policy make it clear the government has lost control of inflation? Isn’t the government’s failure to control inflation directly responsible for five interest rate increases since the Liberal government broke its promise to working families to keep interest rates at record lows?

**Senator Robert Ray interjecting**—

**Senator Chapman interjecting**—

**The PRESIDENT**—Order! Senator Ray and Senator Chapman, come to order! I call Senator Minchin.

**Senator Robert Ray interjecting**—

**The SPEAKER**—Order! Senator Ray! Senator Minchin has the call.

**Senator MINCHIN**—Mr President, you would think they would have more respect for the fact that this is your last question time as President. Certainly we respect that fact, and I would ask those opposite to respect that historic fact.

The remarkable thing about housing interest rates is that they are lower now than they ever were in 13 years under the Labor Party. Housing interest rates today are lower than they were when we came to office. Housing interest rates under us have averaged four percentage points lower than they did under
the Labor Party, and inflation as at June 2007 was 2.1 per cent, well inside the band set by the Reserve Bank.

Internet Content

Senator PATTERSON (2.05 pm)—My question is to the Minister for Communications, Information Technology and the Arts, Senator Coonan. Properly harnessed, the internet is a wonderful tool to educate, to inform, to communicate and to entertain, but it does contain serious risks for children and vulnerable young people. Will the minister outline to the Senate measures that the Howard government has taken to assist parents in making the internet safer for their families? Is the minister aware of alternative policies and their effectiveness in tackling this critical family issue?

Senator COONAN—Thank you to Senator Patterson for her question and for her longstanding interest and work as Minister for Family and Community Services. As Senator Patterson well knows, the government have always taken the issue of protecting our families seriously. In fact, Australia has led the world in managing the risks associated with the internet. We have a substantial record that demonstrates our commitment to families. This culminated in last Friday’s announcement of the government’s $189 million NetAlert program. NetAlert is an ambitious and comprehensive program that will give parents the tools to manage their family’s internet experience, as well as provide tough new policing and enforcement measures.

As well as the $84.8 million National Filter Scheme to provide every Australian family with a free PC or home-computer filter or an ISP filtered service, the NetAlert program has been significantly strengthened to include: an extra $43 million for the Australian Federal Police Online Child Sex Exploitation Team to double the number of police who monitor chat rooms and websites and engage in other activity to crack down on online child predators; more funding for the Commonwealth Director of Public Prosecutions to lay charges against predators and put them away where they belong; over $11 million to take on new school and community outreach officers to visit schools to give parents hands-on information on internet dangers; over $22 million to fund a comprehensive public information and education campaign about internet safety; a special working group between the AFP and industry to tackle the issue of social networking sites, where predators often seek to target young people; and an investigation into how we might use the register of child sex offenders to monitor online use.

The Howard government has been delivering the best available solutions to deal with offensive online content since the introduction of the 1999 Online Content Scheme. We have done this, by and large, without the support of Labor, the Greens or the Democrats. In fact, until last week, when he rose to speak on the Northern Territory legislation, Mr Rudd had only ever spoken on one family portfolio bill in his whole eight years as member for Griffith. Eight years and only one mention of families is an appalling record for any member of parliament, but it is a damning indictment of someone who is trying to market himself as Australia’s next Prime Minister.

Parenting is a tough job in today’s world and parents want real assistance to help them keep their children safe and not election rhetoric of the like displayed by Labor. The Howard government are serious about protecting children. That is why we have a serious, well-funded and whole-of-government response to internet safety. In fact, many of our measures are leading edge, and I am not aware of a more comprehensive government program anywhere in the world. The Labor
Party are scrambling for relevance when it comes to protecting families online. They do not have a plan—not one dollar of public funding—and their leader’s abject silence over eight years has shown that they have no commitment to families.

**Interest Rates**

**Senator WEBBER** (2.09 pm)—My question is addressed to the Minister representing the Prime Minister, Senator Minchin. Is the minister aware that working families around Australia now spend nearly one dollar out of every three that they earn on home loan repayments? Aren’t first homebuyers in Perth spending 37 per cent of their income trying to pay off their mortgages? Isn’t this the highest proportion of income that working families have ever had to spend paying off a home loan? What impact does the minister think paying another $50 a month will have on these families that are already struggling to meet their mortgage repayments? Why should working families believe anything that the government says about housing affordability when the government has broken its promise to them to ‘keep interest rates at record lows’?

**Senator MINCHIN**—What we do know is that the working families that the senator purports to represent would be in much worse condition if they were paying 17 per cent on their mortgages—as they were doing under the Labor Party. Senator Webber cannot get away from the fact that interest rates under us are lower today than they ever were in 13 years of Labor; interest rates today are lower than they ever were under the Labor Party in government. That is the most extraordinary statistic, and it is a fact that they are lower now than they were when we came into office.

What we promised the Australian people was that interest rates would be lower under us than they would be under a Labor government; we will reassert that at this election. We maintain that, based on the record of the Labor Party, the Australian people will believe us again when we say that interest rates will be lower under us than they will be under the Labor Party. When they understand the full purport of the Labor Party’s ACTU-driven industrial relations policy, the Australian people will know that the advent of a Labor government—mismanaging money, as did former Labor governments; mismanaging money, as do state Labor governments—will result in higher inflation and inevitably higher interest rates.

**Senator WEBBER**—Mr President, I ask a supplementary question. I remind the minister that interest rates rose to 22 per cent under the current Prime Minister when he was Treasurer. Won’t last week’s interest rate rise—the fifth since the government said that it would keep interest rates at record lows—make it impossible for many young Australian families to buy their first home? Does the minister share the Prime Minister’s view that ‘working families in Australia have never been better off’ when many of those families can no longer afford to own their own home?

**Senator MINCHIN**—As I said last week, the government, of course, has considerable sympathy for those families on low incomes who are struggling to meet rent payments or mortgage repayments. That is why, under our government, we spend annually $2 billion in rent assistance assisting 954,000 families and individuals and we spend around $1 billion per annum on the Commonwealth-state housing agreement to assist with the construction of public housing. We have spent some, $7 billion on the first homeowners grants scheme and we are doing the utmost that we can to ensure that inflation remains in the two to three per cent band. Under our government, real wages have risen 20.8 per cent during our period in office. Real wage
growth exceeds the growth in rentals, which I pointed out last week. Real wages have risen some $850 per month in the last five years, whereas rents have risen $740 per month. So even renters are better off as a result of our policies, which are ensuring that real wages grow—unlike what would occur under the Labor Party.

Workplace Relations

Senator FERGUSON (2.13 pm)—My question is addressed to the Leader of the Government in the Senate and Minister for Finance and Administration, Senator Minchin, representing the Prime Minister. Is the minister aware of any recent estimates of the economic benefits of workplace reform? If he is, what do they tell us about the likely economic consequences of winding back the government’s recent workplace reforms?

Senator MINCHIN—I thank very much my South Australian colleague in the Senate Senator Ferguson for his question. I point out that for a long time now the opposition leader and shadow Treasurer have been saying that the Labor Party economic policy is exactly the same as the government’s—not a sliver of light between them. Of course, we are flattered by this comparison. I think it is an acknowledgement that the Australian economy is very strong—16 years of continuous growth, unemployment at record lows, real wages rising and low inflation.

But Labor’s problem, of course, is that it cannot claim to have the same policy as the government and at the same time find fault with individual aspects of the economics of the country, especially given the focus which the Labor Party puts on things such as high house prices and skills shortages, which are a product of a very strong economy. You cannot claim to have the same economic policies as the coalition when you have opposed every single economic reform that we have put to the parliament. You cannot simultane-

ously claim to have the same economic policy as the government while you have the ACTU’s industrial relations policy.

The Labor Party does not seem to understand that workplace policy is an arm of economic policy. If you embrace the ACTU position then the Labor Party, by definition, wants to take us way back to the pre-Keating era of centralised union dominated pattern bargaining, inflexible one-size-fits-all rules applied across the economy and the disastrous reintroduction of unfair dismissal laws at the level of small business. Whether or not Labor like it, the ACTU policy, which they have pledged to introduce, is an economic policy and a very bad policy for this country.

Last Friday the respected and independent economic analyst Econtech released an assessment of the impact on the Australian economy by returning to a pre-Keating system of industrial relations, as the Labor Party proposes. Econtech found that, by 2011, just four years from now, real GDP would be 4.8 per cent lower because the economy would grow at only about half the rate that it is growing under existing policy. In four years time, every Australian would be an average of $2,700 a year poorer than they would be under a continuation of current policy. There would be $11 billion less in business investment—

Opposition senators interjecting—

Senator MINCHIN—They do not like to hear this, of course, as you can tell by the interruptions. There would be 316,000 fewer jobs, resulting in a rise in unemployment, and there would be inflation, hitting an annual rate of five per cent by 2009. This would force interest rates higher, by some 1.4 percentage points above the levels under existing policy. In other words, interest rates would be higher under the Labor Party than they are under us. A household with a mortgage of $300,000 would be paying $273 a
month more in repayments under Labor. Real wages would be $787 a year lower under the policy of the Labor Party than they would be under a continuation of our policy.

This is the real hip-pocket impact of Labor’s ACTU workplace relations policy. Australian families clearly would face lower wages, higher unemployment, higher inflation and higher interest rates. And that should not come as any surprise because we have seen it all before. This is exactly what happened when we had the pre-Keating industrial relations policy under the Labor Party. We had real wages not growing at all, inflation averaging five per cent, unemployment peaking at 10 per cent and interest rates at 17 per cent. So we have seen from real experience what Labor’s policy would be like. Econtech simply reasserts that that is what will happen if Labor get back in and the Greens allow them to introduce this terrible policy. It shows that you cannot go on pretending that you have the same economic policy as us when your ACTU-inspired workplace relations policy will cause so much damage to the Australian economy.

**Climate Change**

**Senator MOORE** (2.18 pm)—My question is to Senator Minchin, the Minister representing the Prime Minister. Is the minister aware that four government MPs have today stated in the dissenting report of a parliamentary inquiry into geosequestration that they do not believe that human activity is contributing to global warming? Don’t the four MPs claim:

Most of the public statements—

by political leaders—

that promote the dangerous human warming scare are made from a position of ignorance.

Don’t these MPs, led by the member for Tangney, cite as evidence for their scepticism that warming has been observed on the planets Pluto and Neptune? Does the minister support this analysis, given his public scepticism about climate change? Isn’t the government’s refusal to acknowledge the science of climate change the reason why it has done nothing to combat climate change during 11 years in office?

**Senator MINCHIN**—My experience on this very significant and complex matter is that there is a range of views about climate change, the degree of climate change and the causes of climate change right throughout the community. That is true of our party and I assert, without fear of contradiction, that it is the position in the Labor Party because I know that to be true. The difference in the Liberal Party is that we are not an authoritarian party. We allow Liberals to express their views, we allow Liberals to say what they really think, unlike the Labor Party. And we know who the sceptics are in the Labor Party but they are all, understandably, not prepared to express their views for fear of being crushed by this authoritarian Labor machine which does not allow freedom of expression upon fear of being expelled from the party.

**Honourable senators interjecting**—

**The PRESIDENT**—Order! There is too much noise in the chamber. I would ask senators on both sides of the chamber to come to order.

**Senator MINCHIN**—I uphold Dr Jensen’s right to say what he thinks on this issue. I applaud him for having the courage of his convictions and saying what he thinks on this matter. It is a great pity that those in the Labor Party who have concerns about the extent to which human activity is causing climate change are not able to express those views for fear of being expelled from the party.

As far as the government are concerned, the government’s position is well known. We led the world on this issue. We were the first government in the Western world to set up a
dedicated greenhouse office, dedicated to mitigation. It is the government’s view that the government should, within reason, do everything they possibly can to mitigate the extent of greenhouse gas emissions by this economy without unduly damaging Australian industry or the living standards of Australians. We have committed about $3.4 billion to comprehensive greenhouse gas abatement programs which are in place. We have committed to a carbon emissions trading scheme, but we will implement it in such a way as to not unduly damage the Australian economy. The support for our policy came from none other than the head of the Intergovernmental Panel on Climate Change, who visited Australia last week, to indicate that the Australian government were perfectly correct in not rushing into setting an emissions reduction target, that this was a very complex area and that a country like ours had to do the detailed economic analysis to determine the proper reduction target, unlike the Labor Party which has gone into this without undertaking any economic analysis whatsoever. It has plucked out of the air a 60 per cent reduction target, without knowing how on earth it will achieve that target and without having any idea at all of what impact it will have on the Australian economy. We are grateful for the support from the IPCC for our policy. It is a responsible policy to ensure that Australia plays its part in the global effort to contain greenhouse gas emissions.

Senator MOORE—Mr President, I ask a supplementary question. Aren’t the views of these free-thinking Liberal MPs indicative of the Howard government’s refusal to accept the real scientific evidence of climate change? Isn’t the government only paying lip-service to a rising public opinion while refusing to seriously tackle climate change?

Senator MINCHIN—It really is a very silly question. I do not know how many times we have to elicit the enormous investment we have made in greenhouse gas reduction and the enormous investment we have made in renewable energy and assisting those industries. I had the pleasure of launching Geodynamics’ first commercial well in this country to prove up geothermal power—something I am personally very excited about and think will be great for the state of South Australia, which I am proud to represent in this place. So we take the issue seriously, but we are not prepared to abandon thousands of jobs and industry in this country in the name of chasing Green preferences.

Drought

Senator SANDY MACDONALD (2.23 pm)—My question is to the very distinguished minister representing the Minister for Agriculture, Fisheries and Forestry, Senator Abetz. Will the minister update the Senate on the current drought situation facing Australian farmers and how the government is assisting these farmers? Further, will the minister inform the Senate how workplace reform is helping our rural sector through this continuing difficult time?

Senator ABETZ—Can I thank Senator Macdonald for his question and salute his genuine interest in the plight facing many of our drought stricken farmers, especially in the region that he represents. Unfortunately, despite an improving rain situation, there are many areas of Australia still in the grip of one of our more severe droughts, especially in the states of Victoria and New South Wales. To date, the coalition have invested over $1.8 billion in assistance to help farmers and small businesses affected by this drought, and we have budgeted for a further almost $700 million in the coming year. We can do all that because we have a strong economy.
In addition to this practical emergency assistance, the Howard government has made significant policy decisions to keep our farmers competitive, such as freeing up our waterfront from obscene union domination, removing Mr Keating’s unfair, job-destroying, so-called unfair dismissal laws and introducing AWAs and allowing workers and employers to negotiate working conditions underpinned by a strong safety net which suits both parties. So now farmers can employ workers on terms which suit both parties.

Just last Friday an independent report by Econtech verified the importance of workplace reform to the agricultural sector. Significantly, this report found that, if all the workplace reforms undertaken since 1993 were removed—including abolishing AWAs and reintroducing unfair dismissal laws, as Mr Rudd is proposing—output from the agricultural sector would fall by a massive seven per cent, representing a total loss of $2.4 billion per annum. Amongst the host of other things that my colleague Senator Minchin has identified today, the report also found that, due to the inflation outbreak, the removal of these reforms would cause interest rates to be 1.4 per cent higher. We all remember the 20 per cent plus interest rates Australian farmers were forced to endure under Labor. Just imagine what would happen to our farmers facing an ongoing drought and Labor’s higher interest rates. It would be utter devastation.

I note with interest that Labor is reconsidering its rip-up threat against our job-creating workplace laws. Mr Rudd’s ‘metro-ism’ seems to know no bounds. But this cynical reconsideration needs to be seen in the light of Mr Rudd and Labor voting against these job-creating reforms over 40 times. Our rural communities are precious. The coalition unreservedly supports them with sound policies, whereas Mr Rudd and his union cronies would deliver the worst ever drought policy to the rural sectors.

**Tasmanian Pulp Mill**

**Senator MILNE** (2.27 pm)—My question is to the minister representing the Minister for the Environment and Water Resources, Senator Abetz, and concerns the proposed Gunns pulp mill for northern Tasmania. I ask: given Minister Turnbull’s decision to opt for a preliminary documentation assessment process, on the basis that Gunns did not need to do any more actual work in order to have proper assessment documentation to enable him to make an informed decision about the project, is the government now concerned that eminent scientists such as former CSIRO chief research scientist and oceanographer Dr Stuart Godfrey have since demonstrated the misleading nature of the Gunns hydrodynamic modelling and say that effluent with dioxins and furans would drift onto Bass Strait beaches, up the Tamar and into Commonwealth waters? If the government is concerned about this research, how will it be taken into account and will the government now stop the clock on the assessment process in order to properly scrutinise the new evidence?

**Senator ABETZ**—This question by the Australian Greens should be seen in the context of the submission co-authored by Senator Milne and Peg Putt to the Resource Planning and Development Commission, in which they asserted that ice caps would melt, that police corruption would increase and that child abuse would increase—and the list goes on and on—in their manic opposition to a pulp mill in Tasmania. Having been laughed off the field by their fellow Tasmanians in relation to that, they then, through their friends in the Wilderness Society, took a Federal Court action. Keep in mind that whenever anybody takes legal action against the Greens or their cohorts it is to be con-
demned as an affront to democracy but that they of course issue writs like confetti.

Just the other day they had their comeuppance in the Federal Court when His Honour Justice Marshall indicated that the process adopted by my colleague the Minister for the Environment and Water Resources, Malcolm Turnbull, was proper and was the right approach under the appropriate legislation. The assertions by the Australian Greens and the Wilderness Society that Mr Turnbull should be considering other matters was completely rejected by the court—indeed, every single ground brought by the Wilderness Society in their fight against Mr Turnbull’s approach to this was thrown out by the Federal Court. What that shows to the Australian people, and especially to the people in Tasmania, is that the Federal Court has now given a clean bill of health to the process that has been undertaken by my colleague Mr Turnbull in assessing the pulp mill.

The federal government has three general areas it needs to concern itself about in relation to the pulp mill: the first is migratory species; the second is endangered species; and I think the third one—if I might say without prejudicing issues—and the one that has the most interest in it, is the ocean outfall. That matter is currently being considered by the minister. He is getting expert advice in relation to that. As the Federal Court proceedings have shown quite clearly, Mr Turnbull wrote to Gunns asking them about alternative approaches to dealing with the ocean outfall and at this stage I would say to the honourable senator that she has to wait and see the outcome of that. I will not be pre-empting anything that the minister for the environment might say in relation to this.

Having said that, I give a brief analogy to help those listening in—and, I live in hope, also hopefully Senator Milne—to gain a better understanding of how this process works in relation to real life. Sure, there will be effluent coming out of the mill. When Senator Milne arrived at Parliament House today I assume she arrived in a motor vehicle. There were all sorts of noxious fumes coming out of the exhaust of that vehicle. If those exhaust fumes would have been put into that vehicle and not just dispersed into the great atmosphere, Senator Milne would not have lasted very long. So the real question for all of us to consider in the context of the best scientific advice is to see what the dilution of these effluents will be in Bass Strait, and that is what we are seeking good, sound, top order, scientific advice on. 

**Senator MILNE**—Mr President, I ask a supplementary question. The minister apparently was not aware that the question I asked was exactly about hydrodynamic modelling; that is, the impact on Bass Strait dilution and dispersion. What I asked was: how is Dr Godfrey’s assessment of the misleading nature of Gunns’ marine modelling going to be taken into account? Will the minister stop the clock so that it can be taken into account? If the minister gets it wrong and the government does approve a project which pollutes Bass Strait and destroys the fishery and the marine environment, who will be liable for compensation?

**Senator ABETZ**—It really is the height of cheek for an Australian Greens senator to get up in this place and assert against others the accusation of misleading. Indeed, it has been the full-time job of the Australian Greens in relation to this pulp mill to mislead the Tasmanian people and the Australian people. What we are doing is saying, ‘We won’t listen to the emotive nonsense that especially the Greens espouse in relation to this.’

**Senator Bob Brown**—Mr President, I raise a point of order.
Senator ABETZ—I thought, given that we were on broadcast, there might be a point of order from Senator Brown.

Senator Bob Brown—The point of order is that the minister has 60 seconds to answer this question and has gone into full waffle to avoid doing so. There was a specific trio of questions asked—

The PRESIDENT—That is not a point of order, Senator. Resume your seat.

Senator ABETZ—There is no greater waffle than a ‘no point of order’ submission by Senator Brown. The simple fact is we, as an Australian government, are concerned about the potential outfall into Bass Strait. That is why Mr Turnbull has commissioned advice in relation to that and a lot of people think that Bass Strait flows from west to east. In fact, there are circular currents— (Time expired)

Defence Force Recruitment

Senator ADAMS (2.34 pm)—My question is to the Minister representing the Minister for Defence, Senator Ellison. Will the minister update senators on the latest Australian Defence Force recruitment figures? Further, will the minister outline to the Senate recent recruitment initiatives?

Senator ELLISON—I thank Senator Adams for a very important question and one which is a very positive story indeed. Not only is it very important to resource our defence forces appropriately and at record levels, which we have done, but also to see recruitment increase. We have seen that in the last financial year. We have seen just under 9,000 people recruited into the Australian defence forces last financial year, an increase of 1,125 people. It is one of the best achievements in the last 30 years in relation to defence recruitment. Of the new full-time members recruited, we have an overall increase of 664 full-time entrants over the previous year and that is a very positive story indeed. Not only that, we have devoted extra funding in relation to recruitment initiatives: $789 million to defence apprenticeship schemes, to better managing of applicants, to establishing career and transition advice. That all goes towards increasing that recruitment that we need to grow the ADF to 57,000 personnel by 2016.

Importantly, last Thursday we opened for business the ADF gap year. In December last year we announced this initiative, which is an important one, for around about 34,000 young Australians who have a gap year. We are offering people who have completed year 12 or a year 12 equivalent a period of up to 12 months in the Australian defence forces.

This is a unique opportunity to provide young people aged between 17 and 24 with the opportunity to engage in the ADF and see if that is an appropriate career for them. Of course, if they choose to continue, we have a $10,000 initiative which is paid to them should they decide to stay on. This ADF gap year is all about full participation. Whilst it would not normally be expected that they engage in any deployment on operations, and that is due to the time factor for training and other factors in that first 12 months, these participants will have full access to the range of ADF training and activities, and also access to ADF benefits such as free medical services, subsidised accommodation, meals and employment allowances. In all respects, this will give them a taste of what life is like in the ADF, and give them an opportunity to take that up as a career for the future.

In November this year, for the first intakes, the Army will accept 500 participants into the program and 100 each in Navy and Air Force. That will grow to 1,000 positions each year and offers those people the unique experiences that I mentioned. This is an outstanding initiative to improve recruitment into Australia’s defence forces, a great initia-
tive for young people, and something which will bear fruit for the future.

I cannot let this moment pass, Mr President, without acknowledging this, your last question time, and acknowledging the great role you have played as President of the Senate, presiding over around 300 question times, which is no mean feat.

Honourable senators—Hear, hear!

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 Indonesia led by the Hon. Dr Bomer Pasaribu, from the Agriculture, Forestry, Fisheries and Food Commission. On behalf of all senators, I wish you a warm welcome to Australia and, in particular, to the Senate.

Honourable senators—Hear, hear!

Questions Without Notice

Housing Affordability

Senator Hurley (2.38 pm)—My question is to the Minister representing the Prime Minister, Senator Minchin. Is the minister aware of comments by the Prime Minister, in 1995, that ‘owning a home is part and parcel of the Australian dream. It ought to be part and parcel of the dream within the reach of battling Australians’? Is the minister aware that families now need to earn $120,000 a year just to meet repayments on a median priced mortgage, compared to $46,000 in 1996? Doesn’t the average home now cost the equivalent of seven years wages, compared to just four years wages in 1996? Don’t average mortgage repayments now use up one dollar in every three earned by working families, compared to one dollar in six in 1996? Isn’t it clear that home ownership is now nothing but a dream for many working families that the Prime Minister claims to represent?

Senator Minchin—I do not exactly recall the 1995 statement, but I accept the veracity of Senator Hurley’s statement. It is something that, logically, a Liberal leader would say, because one of the great things about the Liberal Party is that we are very dedicated to ensuring that the maximum number of Australians are able to own their own home. That is why our policies, since we came into office in 1996, have been directed to ensuring that real wages continue to grow—and they have grown by 20.8 per cent—and to ensuring that we get unemployment low to ensure that the maximum number of Australians can have a job if they want a job. The only way you can afford to own a home is to have a job, and we have unemployment down to 4.3 per cent—levels undreamed of under the Labor Party. That is why we have been dedicated to eliminating deficits, returning the budget to surplus and getting rid of the Labor Party’s debt. All our policies are dedicated to ensuring that we create circumstances in which the maximum number of Australians are able to own their own home. The rate of home ownership in this country does remain, internationally, at very high levels. The rate of home ownership in this country is remarkably stable. About a third of people have paid off their home, about a third are paying off their home and about a third of people rent. Those levels have been remarkably stable throughout our period in office.

Senator Conroy interjecting—

Senator Minchin—What the senator is referring to really is the fact that, despite all our good policies, or maybe partly as a consequence of the strong economic growth this country has had, there has been the interaction of demand and supply for housing which has forced housing prices up. It is a fact that the price of housing has increased. Why has the price of housing increased? Well, demand has obviously risen because we have low
inflation and we have had relatively low interest rates under our period in office. We have had an extraordinarily strong economy and very high confidence at consumer and residential level which gives consumers the confidence to borrow funds to invest in their own housing. The problem with the housing market is that you do not have an adequate supply response to the obvious increase in demand. Why don’t we have a supply response? Because guess who controls the supply of land? State and local governments—we have six state Labor governments who control the supply of housing.

Opposition senators interjecting—

The PRESIDENT—Order! Senators on my left will come to order.

Senator MINCHIN—For those in the opposition who are concerned about the cost of housing, all you have to do is ring the six state Labor premiers and say, ‘Hey guys, how about releasing a bit more land?’ That is the secret to ensuring that the supply of land matches the increase in the demand for housing. The fact is that urban Australia occupies 0.3 per cent of the land mass of this country. Why is it then that, in a country like ours, we have shortages of land supply? It is because, primarily, the state Labor governments are artificially restricting the supply of land to the market, and they have the appalling contradictory position of being involved financially in this. In my own state of South Australia, they have a land corporation which profits from withholding land and forcing up the price so that they can profit from it. It is the most extraordinary contradiction in terms that I have ever seen. If the Labor Party is concerned about ensuring that housing is more affordable, pick up the phone, ring the state Labor premiers, demand more land release.

Senator HURLEY—Mr President, I ask a supplementary question. Isn’t it this federal Liberal government’s failure to honour its promise to keep interest rates at record lows that has ended the dream of home ownership for young Australians and their families? Given that home ownership is now out of reach for many families, can the minister indicate whether he shares the Prime Minister’s view that working families in Australia have never been better off?

Senator MINCHIN—We have honoured our promise to ensure that interest rates remain lower under us than under the Labor Party and the fact is that interest rates today are lower than they ever were under 13 years of Labor. You on the opposition side should be ashamed of yourselves that, in all your time in office, you could not get rates as low as they are today—that is a remarkable statistic. The fact is rates are lower today than when we came into office, so we have honoured our promise of 2004 to keep rates lower than they ever were under the Labor Party.

Iraq

Senator ALLISON (2.44 pm)—My question is to the Minister representing the Prime Minister. Minister, I refer to the fact that 17 of the 38 members of the Iraqi cabinet have now withdrawn—all of the Sunnis and two big Shia factions—and government for practical purposes has ceased. Now that four million Iraqis have left the country, including most doctors, teachers, public servants and entrepreneurs, and that, according to the Financial Times, Iraq has reached advanced societal breakdown, with ethnic cleansing now the norm, will your government admit that the strategy of delivering democracy with violence has not worked?

Senator MINCHIN—Of course, we as a government are concerned about the domestic situation in Iraq. However, I would, at the outset, indicate that the Iraqi people, whatever trials and tribulations they now suffer,
are no longer ruled by one of the most tyrannical, authoritarian and genocidal dictators the world has ever seen. The foreign minister in his interview on the Sunday program yesterday outlined the government’s position with respect to the domestic situation in Iraq. The government is keen to ensure that the Prime Minister of Iraq does his utmost to hasten the process of internal reconciliation. We are concerned to ensure that much more haste and application are devoted to the task of ensuring reconciliation of the various forces within Iraq.

We understand full well the divisions within Iraq domestically. It saddens all of us that Iraqi is fighting and killing Iraqi, aided and abetted by al-Qaeda and other outside forces. But that is not a recipe for abandoning the Iraqi people. Whatever trials and tribulations they suffer, the worst possible thing any government in the Western world could do now would be to say: ‘It’s all too hard. See you later. We’re packing up and moving out.’ That is the last thing that the Iraqi people would want. The Iraqi people want the West and the coalition of the willing, including Australia, to be there to assist them in the process of ensuring that they can establish a stable, secure, peaceful and democratic Iraq. That is what they want, and that is what we want for the Iraqi people. It is not easy. It is tough. But the worst thing that we could possibly do is abandon the Iraqi people at their time of need.

Senator ALLISON—Mr President, I ask a supplementary question. Minister, does your government take any responsibility for the fact that the Government Accountability Office of the US Congress is finding endless examples of incompetence behind this misconceived adventure in Iraq—to use their words in an article last week? Does it bother the government that 110,000 AK47 assault rifles and 80,000 pistols have gone missing and are likely to be being used against the coalition troops? Will you now withdraw our 500 troops and will you advocate a diplomatic solution that involves all parties to this mess?

Senator MINCHIN—No. We have a very clear position that we will not simply withdraw our support for the Iraqi people through our presence on the ground, which is playing its part in ensuring that the Iraqi people have in place a mechanism by which they can pursue a stable, secure, peaceful and democratic Iraq. We are not going to abandon them at their time of need. Questions relating to the competence or otherwise of the American intervention and administration are matters for the American people and the American government to answer. Of course we would be concerned about reports that a certain number of weapons have found their way into the wrong hands. Of course we would be most concerned about that. Clearly, if that is true then there is a huge message for the American administration to significantly increase its capacity to ensure that that does not occur. But we pay tribute to President George Bush and his determination to free the people of Iraq from the dictatorship of Saddam Hussein and we are joining with the United States and many other countries in ensuring that the Iraqi people have a chance of peace. (Time expired)

Imported Seafood

Senator O’BRIEN (2.49 pm)—My question is to Senator Abetz, representing the Minister for Agriculture, Fisheries and Forestry. I refer the minister to recent reports that Australian Quarantine and Inspection Service testing has detected antimicrobial contamination in 31 out of 100 samples of imported fish and crustaceans from China, Indonesia, Vietnam and Thailand. Can the minister confirm that tests revealed unacceptable levels of fluoroquinolones and other potentially harmful antibiotics? Hasn’t Aus-
Australia’s medical profession expressed grave concern about the risk of antibiotic contamination in the food chain? When will the government match the United States and introduce 100 per cent testing for antibiotic contamination in imported seafood?

Senator ABETZ—AQIS has routinely tested prawns and aquaculture fish from all countries for some antimicrobial compounds for several years. Imported seafood tested for those antimicrobials have shown above 95 per cent compliance. If consignments of imported seafood are found to contain antimicrobial residues, they are not allowed to enter the domestic market. In addition to routine testing, AQIS recently conducted a snap-shot survey of imported seafood from all countries for a wider range of pesticides and antimicrobial compounds on samples taken between April 2006 and March 2007.

The purpose of the survey was to check for a range of antibiotic and pesticide residues not included in the current testing program. AQIS received the results from the testing laboratory on 21 June 2007. They were collated and sent to Food Standards Australia New Zealand on 5 July 2007 for assessment. No pesticides were detected; however, the survey results showed that some imported seafood products contained antimicrobial residues not permitted in the Australia New Zealand Food Standards Code. The antibiotic residues detected were at very low levels; however, they still represent a compliance breach of Australia’s food standards.

The draft report of the survey results have also been provided to the National Health and Medical Research Council for their advice on the risk to public health and safety. Comments from FSANZ and the NHMRC will form part of the final report. In the interim, AQIS will include a wide range of antimicrobial chemicals in its testing program for imported seafood. This will be implemented very shortly. The new testing requirements, which are based on the results of this survey, are a measured approach that reflects the Australian requirements and food safety standards.

I remind the Senate that seafood is a health food that a lot of people are very anxious to partake of because of its overwhelming health benefits, and therefore we as a government are concerned to ensure that public confidence in seafood can be maintained. The science is overwhelming in relation to the benefits. What we want to do is to ensure that consumers are not turned off from seafood, which is overwhelmingly to their benefit, whilst also ensuring that imports in particular are monitored to ensure that consumers are protected from the matters that the honourable senator referred to.

Senator O’BRIEN—Mr President, I ask a supplementary question. Given that the USFDA has, from over a month ago, required 100 per cent testing of seafood products, particularly from China, when will this government act to follow their example? Can the minister confirm media reports that Minister McGauran has concealed the AQIS testing results since as far back as April last year? Given that the minister has known about the tests for perhaps as long as that, why has he failed to act? Doesn’t the minister’s failure to act have potentially grave health consequences for Australian consumers?

Senator ABETZ—I advise the honourable senator that, under the Imported Food Control Act 1992, FSANZ and not the minister determines whether a type of food is classified as ‘risk’. AQIS inspects risk food at a rate of 100 per cent of consignments, reducing over time if a history of compliance is demonstrated. Most seafood is not classified by FSANZ as risk food.
Senator O’Brien—He’s impotent to do anything—is that what you’re saying?

Senator ABETZ—Mr President, I would have thought if Senator O’Brien were genuinely interested in an answer he might at least shut it for a while. Food not classified as risk food—

Opposition senators interjecting—

The PRESIDENT—Order! Minister, senators on my left! Minister, ignore the interjections and resume your answer to the question.

Senator ABETZ—Food not classified as risk food is tested for compliance—

Opposition senators interjecting—

The PRESIDENT—Order!

Senator ABETZ—I will give it a third go: food not classified as risk food is tested for compliance with Australia’s food standards at the rate of five per cent of consignments. Where a consignment fails a test, subsequent consignments are tested at the rate of 100 per cent, whether the product is risk food or not, until a history of compliance is demonstrated.

Australian Literature

Senator TROOD (2.55 pm)—My question is to my distinguished colleague from Queensland Senator Brandis, in his capacity as the Minister representing the Minister for Education, Science and Training. Will the minister advise the Senate of the importance the Howard government attaches to the promotion of the study of Australian literature in Australian schools and universities? What initiatives is the government taking to promote the study?

Senator BRANDIS—I thank Senator Trood for his question and acknowledge the serious interest that he has displayed in this important issue for as long as he has been a member of the Senate and indeed before. Like Senator Trood, I am the parent of secondary school age children and like most Australian parents, I think, we share a concern at the evident decline in emphasis on literary studies in general and the study of Australian literature in particular in Australian schools. Too often, I am sorry to say, that decline has been driven by ideologically obsessed teachers unions and state education departments enslaved by postmodernism and corrupted by cultural relativism, which sneer at the notion that our greatest literature is a priceless heritage. The editorial writer of the Australian newspaper last Thursday I thought captured the problem very well—

Senator Carr—What a genius!

The PRESIDENT—Order! Senator Carr!

Senator BRANDIS—when he said this:

According to postmodern dogma, all “texts” are equal and equally worthy of study whether they are plays by Patrick White, an SMS text message or a return ticket to Flinders Street Station. Texts are no longer studied to reveal their moral or aesthetic value, they are “unpacked” or “decoded” to expose perceived racism, sexism and the exploitation of “victims” by the hegemonic classes. This ideological approach means that even if students do study anything from the canon of great literature it is through the jaundiced eye of left-wing politics, turning a deaf ear to the musicality of language or the aesthetics of beauty. It is extraordinary that at a time when young people feel more freedom to express open pride in their Australian identity they are not being exposed to what our greatest writers and poets have to say about being Australian.

In order to address that concern evident to all Australian parents of school age children, the Australian government has taken a series of initiatives. Last week the Minister for Education, Science and Training, Ms Bishop, and I attended the Australian Literature in Education Roundtable, convened by the Literature Board of the Australia Council at the National Library here in Canberra. The roundtable was convened under the chairmanship
of Mr Imre Salusinszky, the Chair of the Literature Board—

Senator Carr—Another one! Another freethinker!

The PRESIDENT—Senator Carr! You are warned!

Senator BRANDIS—the incomparable Mr Imre Salusinszky. On that occasion, Minister Bishop announced that the Australian government would donate $1.5 million to the endowment of a new chair in Australian literature at an Australian university to be chosen. The roundtable made a number of recommendations, which the government is looking at very closely. Those recommendations included:

The study of literature should form a core element of English courses in schools, introduced in the primary years and developed at secondary level;
Nationally consistent curricula and core standards, which are currently being developed by education ministers, should include a component on Australian literature;
This component should be included in any external assessment;
There should be a comparative investigation of international models of literary education;
Literacy and Numeracy Week should have a greater emphasis on Australian literature;
The recently announced summer schools for teachers—along with other aspects of the Australian Government Quality Teacher Programme—should include an emphasis on Australian literature;
The Australian government should initiate a program of support—

The PRESIDENT—Order! Minister, your time has expired, and so has mine. Oh, there is a supplementary question.

Senator TROOD—Mr President, I ask a supplementary question. This is a matter of profound importance to the nation. I am grateful for the minister’s illuminating answer to my question. I wonder whether he might expand further on the initiatives that the Australian government is taking.

Senator BRANDIS—The recommendations include:

Education ministers should consider establishing a scheme to assist publishers in keeping Australian classics in print;
A group of distinguished writers, teachers and scholars should be convened to establish a list of Australian literary works that form part of the intellectual inheritance of all Australians;
The Howard government will stand on the side of Australian parents in defending the right of every child to be taught our nation’s rich literary heritage, unobstructed by left-wing prejudices, ideological obsessions and postmodernist fads.

Senator Minchin—Mr President, I thank you for presiding so wisely and capably over question time for these last five years. I ask that further questions be placed on the Notice Paper.

QUESTIONS WITHOUT NOTICE: ADDITIONAL ANSWERS

Centrelink

Senator ELLISON (Western Australia—Minister for Human Services) (3.01 pm)—On 9 August Senator Siewert asked me for figures in relation to the number of people that have incurred an eight-week non-payment period since 1 July 2006. I can inform the Senate that between 1 July 2006 and 30 June 2007, 15,509 income support recipients incurred an eight-week non-payment period. Senator Siewert also asked for the number of these customers that were identified as Indigenous Australians. Of those customers, 1,644 were identified as Indigenous, and that is a proportion approximately equivalent to the proportion of total job seekers. Finally, Senator Siewert asked about the DEWR workplace.gov.au website and why it was not updated. I have referred this to the appropriate minister.
QUESTIONS WITHOUT NOTICE:
TAKE NOTE OF ANSWERS

Answers to Questions

Senator SHERRY (Tasmania) (3.02 pm)—I move:

That the Senate take note of the answers given by the Minister for Finance and Administration (Senator Minchin) to questions without notice asked today.

Over the last week, and before that of course, the Labor opposition has been focusing on the recent increase in interest rates. Last week we saw the fifth increase in interest rates since the last election. Today, yet again—although I was not here last week—I thought we saw from Senator Minchin, in the responses he gave, an example of how, after 11 years in government, this government and particularly the Prime Minister, Mr Howard, are so stale and out of touch with the Australian people. Frankly, ‘dribble’ would be the best description of the response coming from Senator Minchin’s lips in terms of argument to justify the five increases in interest rates that we have seen since the promise made by Senator Minchin and the Liberal government at the last election that they would keep interest rates at record lows. It is a quote from Liberal Party advertising at the last election that they would keep interest rates at ‘record lows’.

Senator Minchin made the amazing claim today that upward pressure on interest rates would occur as a result of Labor policy to abolish Work Choices. I would point out that since Work Choices was introduced there have been four increases in interest rates; four of the last five increases in interest rates have occurred since Work Choices was introduced. So if correlation were causation then it is Work Choices itself, the government’s very own legislative agenda and radical and unfair industrial relations changes, that have increased interest rates. We have seen four of those interest rate increases since Work Choices was introduced.

The question I pose today to Senator Minchin relates to this morning’s statement by the Reserve Bank. I think Australians cannot but be concerned about the observations made by the Reserve Bank, which expressed serious concern about inflation. It stated this morning that inflation appears likely to be somewhat higher than earlier expected. If inflation trends are going up—and they are—this very definitely places upward pressure on interest rates, despite the commitment by the Prime Minister, Mr Howard, at the last election, through the advertising that was conducted by the Liberal government, that it would keep interest rates at record lows. Of course we do not have interest rates at record lows any more. It is a matter of fact that interest rates are not at record lows. When we look at the cost of purchasing a house in dollar terms today we find that families need to earn seven times the average yearly wage to purchase a house. Ten years ago, or in 1996, it required four times the average yearly wage to purchase a house. Since the last election we have seen five interest rate increases, despite the commitment by the Prime Minister and the Liberal government that they would keep interest rates at record lows.

We had another interesting reference this morning by the Prime Minister to the Liberal Party advertising that it would keep interest rates at record lows. On the radio this morning Mr Howard finally admitted that Liberal Party advertising at the last election had included that commitment of keeping interest rates at record lows. Until now the Prime Minister has claimed that what he said was different from Liberal Party advertising. He has tried to make out that the Liberal Party advertising campaign at the last election—even though it said ‘keeping interest rates at record lows’—was not Mr Howard’s com-
mitment and that somehow they were different. That is an absurd argument. He finally fessed up this morning when he acknowledged that the TV ad did make the promise that interest rates would be kept at record lows. Rather astoundingly he went on and said, ‘Look, that did appear in an ad, which I understand disappeared after the first week.’ I have got news for the Prime Minister: that ad is still on the Liberal Party website. (Time expired)

Senator HUMPHRIES (Australian Capital Territory) (3.08 pm)—It seems that, as we get closer to this election, the sloganeering from those opposite becomes shriller and the arguments that they use become less and less connected with the facts. The fact is that Australian home ownership is still very much within the sights and capacity of Australian families. Despite the increase in the cost of housing, other things such as increased take-home pay and the increasingly effective social safety net have retained the capacity of Australians to afford home ownership.

We need to look beyond the sloganeering to see what is actually being done by the Labor Party to people’s confidence in their capacity to purchase their own home. Australians retain an interest in purchasing a home and they retain great confidence in their ability to do so. That is why Australians are prepared to put so much more of their household disposable income each month into their mortgage repayments. They have confidence in the economy of Australia to be able to sustain the jobs that they are in and the spending power that they have to go out there and purchase a home.

The Labor Party purports to be the great saviours of Australians when it comes to home ownership. They have picked up with their polling that people are concerned about the cost of housing and of other things and so they start to parrot the lines that there is some kind of problem and that somehow these things are slipping out of people’s reach. The question needs to be asked: what would the Australian Labor Party do to keep interest rates low? Let us put aside the evidence of what actually happened when Labor was last in office. We know what happened when they were in office. We know how hard it was for Australians to afford homes when interest rates hit 17 per cent. Let us assume that they have repented of that policy somehow—

Senator Parry—That’s a tall order!

Senator HUMPHRIES—It is a tall order to believe that, Senator Parry notes, but let us assume that they have changed their policy. What do they believe today? We do not know much about what Labor believes when it comes to economic management or budgeting. We had the Leader of the Opposition and the shadow Treasurer telling us last week that there was not a sliver of sunlight between their budgeting policies and ours these days, that our policies are so close together, that they are complete fiscal conservatives and that you do not have to worry about any change of government as a result of that.

Again, let us put aside the evidence that, as we put in place all of the policies over the last 11 years to get to the stage where we have such a strong economy, such high employment and such low unemployment, and such relatively low interest rates, the Labor Party opposed all of those measures. They absolutely and utterly fought against every one of the measures we put in place to create the economic circumstances where Australians have confidence in their future. Let us put all of that aside and ask ourselves: what is it exactly that they would do?

We do not know what the Labor Party would do. We do not know what differences there would be in their policies. We do know
that while this government has been pursuing these policies and lowering taxes at the same time state Labor governments have been doing something quite different. State Labor governments have been increasing taxes and charges on Australian families, increasing things like household rates and other pressures on Australian families. They have increased the cost of transport and they have increased all sorts of burdens that families have to meet. To a large extent it is true to say that, as the federal government has been taking that burden off Australian families with reduced taxation, state governments including local government have been putting that burden back on. So if there is pressure on Australian families we need to ask ourselves: where exactly is that coming from? I think we need to look very carefully at what contribution state governments have been making to the pressures on Australian families.

We know from evidence produced only in the last couple of days that Australians are not convinced that the Labor Party has the answers when it comes to interest rates. I note from the polling that was published only today that 31 per cent of Australians believe that there would be higher interest rates under a Labor government. I think that shows great perspicacity on their part to determine what kind of policy the Labor Party would produce. Even though they have not put any details of that policy on the table, why did Australians think that? The evidence is what Labor did only 11 short years ago. That is the indication of what would happen under Labor. That is why they cannot be believed on this question of producing lower interest rates. (Time expired)

Senator MARK BISHOP (Western Australia) (3.13 pm)—I rise to speak to the motion to take note of answers to questions by Senator Minchin relating to housing affordability. At the outset I make the observation that falling housing affordability has become one of Australia’s most pressing economic and, in due course, social problems. For most of the last 40 years access to reasonably priced housing has been taken for granted. The demand and supply sides of the equation were often, and continued to be, in balance. Those who wanted homes could generally purchase them at the appropriate price within their particular wage bracket.

Of course there were always those for whom home ownership was going to be difficult. But for those renting and saving to buy a house the equation in the last few years has changed quite dramatically. As Labor’s summit revealed here in Canberra, the principal problem is failure on the supply side. There are simply not enough houses being built in the lower price range for first buyers or for rental supply. The question is what to do by way of public intervention.

The government’s attitude has been to reduce supply by cutting funding for public housing. They have cut billions of dollars of funding during their term of government over the last 11 or 12 years. Their alternative proposition is to support the demand side. They do that through rental assistance and other forms of low-level financial support, hoping that in time the market will respond. But, of course, as we know by the extent of the crisis right around Australia, the market has not done so as yet and does not yet give any indication that it will do so.

Consistent with this new blame game, apparently it is the fault of the states for not releasing enough land but, as we really know, it is much more than that. It is also about the cost of developing that land, fully serviced. More to the point, that developed land is paid for in full and not repaid through rates into the future. The downside of user pays can have long-term unfortunate conse-
quences and they are now being visited upon us within this housing market debate.

Labor’s position is that, given the failure of the market, it is clear the government must intervene. Labor, if elected, will add to its earlier offer to local government in encouraging cheaper land provision. Labor will also provide support to investors and superannuation funds to encourage them to invest in low-cost housing. Investments, of course—and sensibly so—are governed only by guaranteed rates of return. So the assistance provided by a future Labor government is intended to offset the lower rate of rent charged to the renter. We believe that will need to be discounted by some 20 per cent, and we say at the outset that this is quite a radical and innovative model. It recognises that low-cost housing rental to lower income people is not naturally an attractive investment. It provides an incentive for the leverage of private sector funding that can provide far greater relief than the historic public housing model. It is estimated that this initiative will provide an extra 20,000 houses per year. When made available to those most in need, it will make a serious contribution to housing need and to housing affordability. We look forward to the government’s response in due course.

This problem, though, is just another symptom of the Howard government being asleep at the wheel. It is another sign of failure to invest in infrastructure, and there is none as important as housing for thousands and thousands of Australian parents and families who, because of current government policy, are currently unable to get into the home purchase market. In that sense, there is nothing more important than housing for the long-term welfare of Australian families and nothing more important for the long-term social cohesion of this country than proper access to adequate finance for housing for Australian families. (Time expired)

Senator BIRMINGHAM (South Australia) (3.18 pm)—When I was growing up, most of my school years were spent during the life of the Hawke and Keating governments, when we had ‘the recession we had to have’, when my fellow students at Gawler High School and young people like me everywhere wondered whether they would get a job because unemployment was so high, and we wondered whether we would be able to afford a house one day, because interest rates were so high. I am pleased to stand here today to say that, after 11 years of good economic management by the Howard government, people such as me, who went through the school system during the Hawke-Keating years, have now seen that sound economic management means that you can get a job and you can buy a house. There is, of course, one key important factor in home ownership—the most important factor—and that is having the income stream with which to buy a house. That is, having a job is the most critical factor when it comes to home ownership.

Last week we saw the release of new employment statistics saying that some 10,483,700 Australians have a job. That is more than at any time in Australia’s history, I am pleased to say. Of those jobs, 2.1 million have been created since 1996, with 1.2 million of them being full time. Indeed, more than 387,000 of those jobs have been created since the workplace relations reforms were introduced in 2005. So the first critical factor for young Australians—for any Australian—to be able to buy a house is a job, and the Howard government has provided jobs in spades. It is unquestionably our greatest single economic achievement. We have not only provided those jobs but we have done so with rising real wages. There are more people in more jobs with more money with which to buy their homes, a key and critical factor.
There is a second factor, though, which plays into this, and that is the question of availability. People can have the jobs and have the income but they need to find a place to buy. Unfortunately, this is where our state and territory counterparts have grossly mismanaged the housing market. They have failed to release appropriate land stocks, they have failed to ensure that the homes are being built in areas where people can afford to buy them and they have failed to provide adequate transport and ensure low-cost transport into new areas of development. They have failed to provide the supply side that is required to make sure that housing remains as affordable as it should be. So with the first factor we have a story where critically on the jobs front the Howard Liberal government has delivered over the past 11 years. With the second factor we have a sad and sorry tale of state and territory Labor governments failing to deliver for Australians.

There is a third factor, though, and that is financing. Alongside with having a job, there must be affordable financing. I am very pleased to say that the financing of home ownership is far more accessible again today than it was when people of my age, people who are today buying their homes for the first time, were considering doing so way back in their schooling years. Financing is far more available and far more affordable, standard variable home loan rates having fallen from 10.5 per cent when the Howard government was elected in 1996 to an average of 8.3 per cent today. Would we like them to be lower? Do we wish recent rises had not occurred? Absolutely. But are we proud of the fact that they are lower today than they were when we were elected? You bet. Are we proud of the fact that they are lower today than at any time when the Labor Party was last in government? We are very proud of that, because along with record jobs, that is the factor that is allowing Australians to borrow and get into homeownership.

In fact they are some four per cent lower today than they were on average under Labor’s reign. We have a very good story to tell, and yet we have the hypocrisy from the other side who are advancing policies in workplace relations reforms, whose history on government debt would only drive interest rates higher. Econtech have found that interest rates would be some 1.4 per cent higher under a Labor government, because their unrestrained workplace relations policies would allow union bosses into any workplace, driving up wages free of any consideration of productivity, costing the average Australian some $273 more per month. (Time expired)

Senator POLLEY (Tasmania) (3.23 pm)—I do not intend to rewrite history or tell just part of the story of interest rates in this country or what John Howard did when he was Treasurer, but I am going to talk about the serious issue of housing affordability. Labor believes that all Australians have the right to secure affordable and appropriate housing. Housing affordability is now at critical levels for homeowners with mortgages and families who rent. Obviously, this is hurting working families and stretching their budgets to the limit.

Housing affordability has never been worse. Many Australians have given up on the dream of home ownership. The average Australian first home buyer now pays $2,300 per month to service a typical first home mortgage. They need a six-figure income just to meet their mortgage repayments. Rents are also increasing in many parts of Australia, making it harder to make ends meet and almost impossible to save a deposit for a home.
Dealing with the housing affordability crisis is a core challenge facing governments today. Labor believes that the federal government can take a more active role. The housing crisis needs national leadership—we need to end the blame game. Labor is committed to policies which make housing affordable by implementing economic policies designed to maintain low interest rates and a competitive housing finance sector; and secondly, policies which ensure that those on low and middle incomes can meet the cost of home ownership or rental or public housing arrangements.

A report by the Urban Development Institute of Australia released on Monday last week showed that only 39 per cent of average households can now afford to buy a house in their local area. Compare this to 96 per cent of households in 2001. This report is the most recent in a series issued by the housing industry, which is profoundly frustrated by the lack of interest and leadership by the Howard government on housing affordability. This is despite the fact that it is one of Australia’s biggest social problems.

The Commonwealth Bank-Housing Industry Association housing affordability index is at a record low, having fallen 40 per cent on Peter Costello’s watch. Households now need an income of $115,000 to keep up with mortgage repayments on the average loan for a median-priced home across our capital cities, up from $47,000 when Mr Costello became Treasurer. The average home now costs seven times the average annual wage, up from four times the annual average wage in 1996.

Data from the 2006 census paints an alarming picture of the number of households losing over 30 per cent of their income in rent payments. In my home state of Tasmania this equates to more than 11,000 households—or 38.2 per cent. Some of the Tasmanian electorates with the highest proportion of renters losing over 30 per cent of their income to rent payments include Bass, with 40 per cent of households that rent; Franklin, with 38.7 per cent; and Denison, with 38.6 per cent.

This is why I am so amazed that John Howard still believes that Australians have never been better off. Let me tell you this: the working families I have talked to in my home state disagree 100 per cent. They are hurting. If anything, this data shows just how out of touch the coalition is, especially with working families who are struggling with rising grocery prices, child care, petrol prices and, of course, interest rates.

In countless commercials in the last election, Mr Howard told you, the Australian people, that he could be trusted to keep interest rates at record lows. It was an irresponsible, undeliverable promise. In a press statement on the 16 July this year, Peter Costello claimed:

In order to keep housing affordable to young Australians we need to ... keep interest rates low.

What a joke! The fact of the matter is that there have now been nine rate rises on his watch, five of which have occurred since John Howard’s election promise in 2004 to keep rates at record lows. ‘Who do you trust?’ Remember that? Kevin Rudd’s plan for Australia is for the next 10 years, not for the next 10 weeks. Labor is committed to keeping the economy strong, but also to making sure our economy delivers for Australia’s working families. As I said at the outset, I am not rewriting history, but it is important that the community remember the 22 per cent interest rates that Australian families faced under John Howard when he was Treasurer. I remind people that this is the fifth interest rate rise since the 2004 election. This is hurting Australian families. There is also the uncertainty over industrial relations,
the increased cost of child care, and the price of petrol and groceries continuing to escalate. *(Time expired)*  
Question agreed to.

**Tasmanian Pulp Mill**  
**Senator MILNE** (Tasmania) (3.28 pm)—I move:

That the Senate take note of the answer given by the Minister for Fisheries, Forestry and Conservation, (Senator Abetz), to a question without notice asked by Senator Milne today relating to the environmental impact of a proposed pulp mill in Tasmania.

I want to note the absolute contempt that the minister demonstrated for the people of Tasmania when he chose to answer in such a waffling and ill-considered way. The question to him was very specific. It was about the effluent from the Gunns pulp mill and its impact on the marine environment.

In particular, what I asked the minister was whether the government was concerned that, since Minister Turnbull had made his decision that he would only assess the pulp mill on preliminary documentation, a former senior CSIRO scientist and expert on oceanography had come out and said quite clearly that Gunns’ hydrodynamic modelling was misleading at best. He went on to say that Gunns’ prediction that effluent will not reach the shore is due to the combined effect of several modelling errors that disallow ocean layering and that this should be a wake-up call for both governments and the fishing and tourism industries. He also went on to document in considerable detail why Gunns got it wrong about where the effluent will end up. He demonstrated that, because Gunns failed to take into account the result of warming, the deficiencies in their modelling render it useless in determining where the effluent will end up and whether it will achieve the dilution and dispersion that is claimed.

We have known since the Wesley Vale pulp mill campaign in 1989 that Bass Strait does not flush, that it takes six months in the area off the Tamar for Bass Strait to be able to flush itself out. So, contrary to the view that you are going to get dispersion and dilution, you will actually get concentration of effluent. What Dr Godfrey has shown is that that effluent will blow up onto the shore of Bass Strait, into the Tamar River and into Commonwealth waters. For the minister to compare that with the emissions from the tailpipe of a vehicle—suggesting that, just as you would not want the emissions in your vehicle because they would poison you, so you would not want the emissions from a pulp mill in the river and that is why you would pump it out to sea—shows a complete contempt for the environment.

But the point I want to make today in moving this motion is that the minister has an extraordinary level of responsibility on his shoulders. We know, from the court case to which Minister Abetz referred, that Gunns had been in heavy consultation with Mr Early from the department and that they had sent a letter and a ‘draft assessment document’ designed ‘to assist the minister in making the necessary decisions under the EPBC Act’. In other words, Gunns was in there lobbying for the kind of assessment process it wanted and for the time line it wanted before the minister made his decision. Then—what a surprise!—the department, Mr Early, recommended exactly what Gunns wanted: a preliminary assessment based on existing documentation. And the advice that Mr Early gave the minister, which I am shocked about, says, ‘We didn’t believe that Gunns needed to do any more actual work in order to have proper assessment documentation which would enable the minister to make an informed decision.’ Now we know from several scientists and the Fishing Industry Council that Gunns’ information is mislead-
ing. That is why they withdrew from the RPDC process—because they could not meet standards; they could not provide the documentation that was being asked for. Now we have a Commonwealth minister saying that what he has got from Gunns will be adequate to assess this particular process.

The onus is very strongly on the government because, if a decision is made to approve this project and it pollutes Bass Strait, the effluent washes up into the Tamar and onto the shores of Bass Strait and it contaminates the fishery, then the responsibility is clearly on the shoulders of Minister Turnbull and his colleagues such as Minister Abetz. There will be a question for the federal government of liability for damages because of the air pollution in the Tamar Valley and the impact on tourism and the fine food and wine industries but, in particular, the impacts on the fishery and the marine environment, not to mention the natural environment, because dioxins bioaccumulate in the food chain and we are going to see that in the marine fishery. I am appalled that the government treats in such a pathetic manner the real concerns of the people of Tasmania about the pollution of Bass Strait. (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 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 Calvert (from 12 citizens)

Anti-vehicle Land Mines

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

The Petition of the undersigned shows:

That the undersigned note that like anti-personnel landmines, anti-vehicle mines are indiscriminate in who they effect, that they disproportionately kill and maim civilians, they delay relief efforts in war affected countries and they go on killing for decades after the conflict has ended. We note that Australia’s existing stock of anti-vehicle mines is obsolete and only used for training purposes, so now is the perfect time to commit to supporting a ban on these indiscriminate weapons. We welcome the Australian Government’s support for further restrictions on the use of anti-vehicle mines; but believe such measures to be inade-
Your Petitioners ask that the Senate should:

• Legislate a ban on the production, transfer, importation and use of anti-vehicle mines in Australia and by Australians other than by the Australian Defence Forces for training in demining and avoiding the hazards of anti-vehicle mines; and

• Pass a motion supporting the development of an international treaty that would ban the production, transfer, importation and use of anti-vehicle mines globally.

by Senator Moore (from 1,128 citizens)

Petitions received.

NOTICES
Withdrawal
Senator WATSON (Tasmania) (3.34 pm)—Pursuant to notice given on the last day of sitting on behalf of the Standing Committee on Regulations and Ordinances, I now withdraw business of the Senator notice of motion No. 1 standing in my name for the next day of sitting.

Presentation
Senator WATSON (Tasmania) (3.34 pm)—Following the receipt of a satisfactory response, on behalf of the Standing Committee on Regulations and Ordinances I give notice that on the next day of sitting I shall withdraw business of the Senator notice of motion No. 1 standing in my name for four sitting days after today in relation to the Disallowance of the Broadcasting (Charges) Determination 2007 and Radiocommunication (Charges) Determination 2007. The minister’s response is indeed very lengthy and detailed. I therefore seek leave to table the committee’s correspondence concerning these instruments.

Leave granted.

Senator Heffernan to move on the next day of sitting:

That the Rural and Regional Affairs and Transport Committee be authorised to meet during the sitting of the Senate on Wednesday, 15 August 2007, from 3.30 pm, to allow officers of the Department of Agriculture, Fisheries and Forestry, Biosecurity Australia and the Australian Quarantine and Inspection Service, to provide a briefing to the committee.

Senator Kirk to move on the next day of sitting:

That the following bill be introduced: A Bill for an Act to establish the Parliamentary (Judicial Misbehaviour or Incapacity) Commission. Parliamentary (Judicial Misbehaviour or Incapacity) Commission Bill 2007.

Senator ABETZ (Tasmania—Minister for Fisheries, Forestry and Conservation) (3.35 pm)—I give notice that, on the next day of sitting, I shall move:

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:

Water Bill 2007
Water (Consequential Amendments) Bill 2007.

I also table a statement of reasons justifying the need for these bills to be considered during the sittings and seek leave to have a statement incorporated in Hansard.

Leave granted.

The statement read as follows—

Purpose of the Bills
The Water Bill establishes an overriding Commonwealth water resource management function across the Murray-Darling Basin and a national water data collection, analysis and information service within the Bureau of Meteorology.


Reasons for Urgency
The Water Bill and the Water (Consequential Amendments) Bill are necessary to implement the
measures contained within the National Plan for Water Security.
These bills are necessary to implement the measures contained within the National Plan for Water Security.

The current arrangements for the management of the Murray-Darling Basin by consensus of the relevant states, the Australian Capital Territory, and the Commonwealth have failed to deliver timely and adequate responses to the accelerating over use and degradation of the water resources of the Basin. The National Plan for Water Security provides for these measures to be addressed subject to placing the Basin under overriding Commonwealth authority.

These bills, together as a package, provide for Commonwealth management of the Murray-Darling Basin and are a prerequisite for the implementation of the assistance and reform measures set out in the National Plan for Water Security. Failure to implement the measures quickly will delay the reforms and allow the degradation and over use of the waters of the Murray-Darling Basin to compound.

**Senator Milne** to move on the next day of sitting:

That the Senate—

(a) notes with grave concern:

(i) the deteriorating state of conservation in the five World Heritage sites in the Democratic Republic of the Congo (DRC), including the Virunga National Park, home to more than half of the 700 mountain gorillas remaining on the planet,

(ii) the occupation of the Virunga National Park by militia, resulting in the slaughter of large numbers of wild animals for bushmeat,

(iii) the recent execution-style killing of four mountain gorillas, shot in the head and the hand, in Virunga National Park as payback for the crackdown on the militia occupying the park, and

(iv) the decision of the World Heritage Committee of the United Nations Educational, Scientific and Cultural Organization (UNESCO), meeting in Christchurch, New Zealand in July 2007, to request the Director-General of UNESCO and the Director of the World Heritage Centre to convene a meeting with the President of the World Conservation Union and representatives of the African Union to address the rapidly deteriorating state of conservation of the World Heritage sites in the DRC; and

(b) calls on the Government:

(i) to convey to the DRC Government, Australia’s concern at the destruction of wildlife, and in particular the mountain gorillas, in the World Heritage sites and Australia’s willingness to assist in bringing about a solution, and

(ii) as a state party to the World Heritage Convention, to do all it can to support international efforts within the convention to urgently address the issue, and to use its good offices to urge the Director-General of UNESCO to step up efforts to bring all parties together in order to secure the World Heritage sites and their wildlife.

**Senator Bob Brown** to move on the next day of sitting:

That the Minister for the Environment and Water Resources (Mr Turnbull) take account of the report by Dr Stuart Godfrey in assessing the impact of the Gunns Limited’s proposed pulp mill on the environment of Bass Strait and the Tamar River.

**Senator Milne** to move on the next day of sitting:

That the Senate—

(a) notes:

(i) growing concern about the deteriorating state of human rights, democracy, freedom of expression and the rights of civil society in the Russian Federation (Russia), particularly the use of force against peaceful demonstrators, the suppression of the democracy movement and the increasingly unfair Duma
elections, as well as reports of the use of torture in prisons,
(ii) the bashing and murder of sleeping activists protesting against the planned construction of an international uranium enrichment centre at the Angarsk uranium enrichment plant in Siberia,
(iii) the 2005 Russian deal to sell uranium to Iran to fuel the Russian-built Bushehr nuclear plant, in spite of widespread fears about Iran’s suspected nuclear weapons program, and
(iv) the Government’s negotiation of a proposed agreement to sell uranium to Russia, in spite of its close nuclear relationship with Iran; and
(b) calls on the Government not to negotiate any agreement on the supply of uranium to Russia.

LEAVE OF ABSENCE

Senator GEORGE CAMPBELL (New South Wales) (3.38 pm)—by leave—I move:
That leave of absence be granted to Senator Ludwig for the period 13 August to 14 August 2007 inclusive on account of illness.
Question agreed to.

COMMITTEES

Australian Crime Commission Committee Meeting

Senator PARRY (Tasmania) (3.39 pm)—by leave—At the request of the Chair of the Parliamentary Joint Committee on the Australian Crime Commission, Senator Ian Macdonald, I move:
That the Parliamentary Joint Committee on the Australian Crime Commission be authorised to hold a public meeting during the sitting of the Senate today, from 5.30 pm, to take evidence for the committee’s inquiry into the future impact of serious and organised crime on Australian society.
Question agreed to.

BUSINESS

Rearrangement

Senator PARRY (Tasmania) (3.39 pm)—by leave—At the request of the Chair of the Senate Standing Committee on Legal and Constitutional Affairs, Senator Barnett, I move:
That business of the Senate order of the day no. 1, relating to the presentation of the report of the Legal and Constitutional Affairs Committee on the Social Security and Other Legislation Amendment (Welfare Payment Reform) Bill 2007 and four related bills be postponed to a later hour.
Question agreed to.

NOTICES

Postponement

The following items of business were postponed:
Business of the Senate notice of motion no. 1 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 14 August 2007.
Business of the Senate notice of motion no. 2 standing in the name of Senator Milne for today, proposing the reference of a matter to the Environment, Communications, Information Technology and the Arts Committee, postponed till 12 September 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 14 August 2007.

LOCAL GOVERNMENT

Senator PARRY (Tasmania) (3.41 pm)—At the request of Senator Boswell, I move:
That the Senate—
(a) condemns the dictatorial actions of the Beattie Queensland Government in imposing forced amalgamations on Queensland
local government without the opportunity for appeal;

(b) expresses serious concern at the Queensland Government’s decision to impose fines on councillors who put the amalgamation policy to local citizens by referendum;

(c) notes that the International Convention on Civil and Political Rights states that every citizen shall have the right and the opportunity to take part in the conduct of public affairs and that this right is being undermined by the Queensland State Government; and

d) calls on the Beattie Government to make any amalgamations voluntary as recommended by the Federal Leader of the Opposition (Mr Rudd).

Question put.

The Senate divided. [3.45 pm]

(The President—Senator the Hon. Paul Calvert)

Ayes………… 42
Noes………… 23
Majority……… 19

AYES

Abetz, E. Adams, J.
Barnett, G. Barnett, A.J.J.
Bernardi, C. Birmingham, S.
Boswell, R.L.D. Boyce, S.
Brandis, G.H. Brown, B.J.
Calvert, P.H. Chapman, H.G.P.
Colbeck, R. Coonan, H.L.
Cormann, M.H.P. Cormann, M.H.P.
Ellison, C.M. Ferguson, A.B.
Fielding, S. Fierravanti-Wells, C.
Fifield, M.P. Fisher, M.J.
Heffernan, W. Humphries, G.
Joyce, B. Kemp, C.R.
Lightfoot, P.R. Macdonald, I.
Macdonald, J.A.L. Mason, B.J.
McGuigan, J.J.I. Milne, C.
Murray, A.J.M. Nash, F.
Nettle, K. Parry, S. *
Patterson, K.C. Payne, M.A.
Scullion, N.G. Siewert, R.
Trood, R.B. Watson, J.O.W.

NOES

Bishop, T.M. Brown, C.L.
Campbell, G. * Carr, K.J.
Conroy, S.M. Crossin, P.M.
Evans, C.V. Forshaw, M.G.
Hogg, J.J. Hurley, A.
Hutchins, S.P. Kirk, L.
Lundy, K.A. Marshall, G.
McEwen, A. Moore, C.
O’Brien, K.W.K. Polley, H.
Ray, R.F. Sterle, G.
Webber, R. Wong, P.
Wortley, D.

PAIRS

Johnston, D. McLucas, J.E.
Minchin, N.H. Sherry, N.J.
Ronaldson, M. Ludwig, J.W.
Stott Despoja, N. Faulkner, J.P.
Trosth, J.M. Stephens, U.

* denotes teller

Question agreed to.

YANGTZE RIVER DOLPHIN

Senator BOB BROWN (Tasmania—Leader of the Australian Greens) (3.48 pm)—I move:

That the Senate—

(a) notes with regret:

(i) news of the extinction of the Yangtze River dolphin, and

(ii) that this is the first large vertebrate to be forced to extinction by human activity in 50 years and only the fourth time since the year 1500 that an entire evolutionary line of mammals has vanished from the face of the earth; and

(b) calls on the Government to ensure the implementation of Australian law, requiring management plans to lift creatures facing extinction to greater safety in Australia.

Question put.

The Senate divided. [3.50 pm]

(The President—Senator the Hon. Paul Calvert)
NUCLEAR NONPROLIFERATION

Senator MILNE (Tasmania) (3.53 pm)—

I move:

That the Senate—

(a) notes that:

(i) the Nuclear Suppliers Group (NSG) is an intergovernmental body concerned with reducing nuclear proliferation by controlling the export and re-transfer of materials, including uranium, that may be applicable to the development of nuclear weapons,

(ii) the NSG was founded in 1975 in response to the Indian nuclear test of the previous year, a test which demonstrated that certain non-weapons specific nuclear technology could be readily used for weapons development, and

(iii) the NSG makes decisions by consensus, which means that each of the 45 NSG members, including Australia, must agree to the change of any rule, including those rules which prevent the export of uranium to non-Nuclear Non-Proliferation Treaty states such as India; and

(b) calls on the Government to use its position in the NSG to block the submission to exempt India from the NSG rules preventing the supply of uranium to states which have not signed the Nuclear Non-Proliferation Treaty.

Question put.

The Senate divided. [3.54 pm]

(The President—Senator the Hon. Paul Calvert)

Ayes……………7
Noes……………57
Majority………50

AYES

Bartlett, A.J.J.
Brown, B.J.
Campbell, G. *
Conroy, S.M.
Evans, C.V.
Forsyth, M.G.
Hurley, A.
Kirk, L.
Marshall, G.
Milne, C.
Murray, A.J.M.
O’Brien, K.W.K.
Ray, R.F.
Sterle, G.
Wong, P.

NOES

Abetz, E.
Adams, J.
Barnett, G.
Bernardi, C.
Birmingham, S.
Boswell, R.L.D.
Boyce, S.
Brandis, G.H.
Calvert, P.H.
Chapman, H.G.P.
Colbeck, R.
Coonan, H.L.
Cormann, M.H.P.
Ellison, C.M.
Fierravanti-Wells, C.
Fifield, M.P.
Fisher, M.J.
Heffernan, W.
Humphries, G.
Joyce, B.
Kemp, C.R.
Lightfoot, P.R.
Macdonald, I.
Macdonald, J.A.L.
Mason, B.J.
McCaw, J.J.
Nash, F.
Parry, S. *
Patterson, K.C.
Payne, M.A.
Scullion, N.G.
Trodel, R.B.
Watson, J.O.W.

* denotes teller

Question negatived.
Monday, 13 August 2007

Senator BARTLETT (Queensland) (3.57 pm)—I move:

That the Senate—

(a) notes the report by Voiceless, the fund for animals, *From Label to Liable: Scams, Scandals and Secrecy—Lifting the veil on animal-derived food product labelling in Australia* which reports that:

(i) most jurisdictions in Australia do not require animal-derived food products to identify the farm production system from which they have been sourced,

(ii) the majority of Australia’s animal-derived food products such as pork, chicken and eggs are sourced from factory farms where animals live their lives in conditions that most people would find unacceptable if they were fully aware of them,

(iii) a number of terms are currently used to differentiate animal products such as barn laid eggs, free range, open range or range eggs, grain-fed beef, free-range, bred free-range, organic and biodynamic but most of these terms are not defined in legislation, which means there is broad scope for consumer uncertainty as to their meaning, and

(iv) Australia has no standard for labelling of vegetarian or vegan products; and

(b) calls on the Government to explore the need for clear and enforceable national standards, identifying the farm production system from which food is sourced.

Question negatived.

**DISCRIMINATION AGAINST SAME-SEX COUPLES**

Senator NETTLE (New South Wales) (3.57 pm)—I move:

That the Senate—

(a) notes that:

(i) the acceptance and celebration of diversity, including sexual orientation and gender diversity, is essential for genuine social justice and equality, and

(ii) discrimination against same-sex couples continues to be a significant cause of distress in the community; and

(b) calls on the Government to:

(i) remove all forms of discrimination against same-sex couples from current federal legislation, and

(ii) legislate to allow marriage between two people, regardless of their sexual orientation or gender identity.

Question negatived.

Senator Nettle—I would like it noted that both the major parties voted against that motion.
The PRESIDENT—The Hansard will show that.

COMMITTEES
Appropriations and Staffing Committee
Report
The ACTING DEPUTY PRESIDENT (Senator Moore) (3.59 pm)—I present the annual report for 2006-07 of the Standing Committee on Appropriations and Staffing dated August 2007.

Ordered that the report be printed.

Scrutiny of Bills Committee
Alert Digest
Senator ROBERT RAY (Victoria) (4.00 pm)—I present the Scrutiny of Bills Alert Digest No. 9 of 2007, dated 13 August 2007.

I seek leave to move a motion in relation to the document.

Leave granted.

Senator ROBERT RAY—I move:

That the Senate take note of the document.

What a privilege it is to have a former distinguished member sitting on the frontbench there. Alert Digest No. 9 of 2007 examines the five bills introduced to support the implementation of the Northern Territory emergency response and alerts the Senate to provisions that may be considered to raise issues within the committee’s terms of reference. The Families, Community Services and Indigenous Affairs and Other Legislation Amendment (Northern Territory National Emergency Response and Other Measures) Bill 2007 and the Northern Territory National Emergency Response Bill 2007—also include provisions that would give the minister the power to repeal parts of these bills, or to declare that parts cease to apply, by legislative instrument. These instruments would not be disallowable by the parliament. The committee takes the view that the parliament, rather than the executive, is the appropriate body to determine when laws are to come into force and when they cease to have effect. As such, the committee considers that these provisions may inappropriately delegate legislative power, but leaves it to the Senate as a whole to determine if they do so unduly.

In respect of the Northern Territory National Emergency Response Bill, the committee has identified a number of additional provisions that may be considered to raise issues within the committee’s terms of reference, and I would like to highlight a number of these. Firstly, the bill contains a number of provisions that create offences for the possession and sale of liquor containing more than 1,350 millilitres of alcohol but does not define the term ‘alcohol’ or provide advice on how the amount of alcohol in the liquor is to be calculated. The committee notes that in each case the explanatory memorandum to these bills seeks to justify this exemption on the basis that their provisions are special measures, as provided for in the International Convention on the Elimination of All Forms of Racial Discrimination.

The committee concludes that these provisions may be considered to trespass on personal rights and liberties, but leaves it for the Senate as a whole to determine if they do so unduly in the light of their classification as special measures. Two of these bills—the Families, Community Services and Indigenous Affairs and Other Legislation Amendment (Northern Territory National Emergency Response and Other Measures) Bill 2007 and the Northern Territory National Emergency Response Bill 2007—also include provisions that would give the minister the power to repeal parts of these bills, or to declare that parts cease to apply, by legislative instrument. These instruments would not be disallowable by the parliament. The committee takes the view that the parliament, rather than the executive, is the appropriate body to determine when laws are to come into force and when they cease to have effect. As such, the committee considers that these provisions may inappropriately delegate legislative power, but leaves it to the Senate as a whole to determine if they do so unduly.
the bill contains provisions which enable the Commonwealth minister or officials to make various decisions, for example in respect to liquor licences, community store licences and the suspension of members of community government councils, without any provision for merit review of these decisions. The committee draws these provisions to the attention of senators as they may be considered to make rights, liberties and obligations dependent on non-reviewable decisions.

Finally, the bill includes a number of provisions that allow delegated legislation to amend this act or Commonwealth and Northern Territory acts. The committee notes that the explanatory memorandum to the bill does not provide an explanation regarding why it is considered necessary to be able to amend or modify primary legislation through regulations rather than by reference to the parliament. As such, the committee draws senators’ attention to these provisions as they may be considered to delegate legislative powers inappropriately.

The committee has also identified a number of additional provisions in the Social Security and Other Legislation Amendment (Welfare Payment Reform) Bill 2007 which I draw to the attention of senators. These include proposed new subsection 123UK(1) of the Social Security (Administration) Act 1999 to be inserted by item 17 of schedule 1 of the bill, which provides for the question of whether an unsatisfactory school attendance situation exists or has existed in relation to a child to be ascertained in accordance with a legislative instrument made by the minister. The committee notes that the definition of an unsatisfactory school attendance situation is fundamental to the application of the income management framework to welfare recipients. As such, the committee suggests that this definition may be considered a matter that is more appropriately dealt with in primary legislation. The committee considers that this provision may inappropriately delegate legislative power, but it leaves it for the Senate as a whole to determine if it does so unduly.

This bill also includes a number of provisions that allow the Queensland commission or child protection officer of a state or territory to give the secretary of the department a written notice requiring that a person be subject to the income management regime. But the legislation is unclear as to whether or not these discretions are subject to merit review. Similarly, the bill includes provisions that explicitly exclude some decisions from merit review. The committee draws these provisions to the attention of senators as they may be considered to make rights, liberties or obligations dependent upon reviewable decisions.

Finally, the committee notes that, while the bill indicates that individuals subject to the income management regime will not lose any of their welfare entitlements, it does not appear to make any reference to the payment of bank interest in respect of funds deducted and held in an income management account. This is income that would have been available to an individual had these funds been deposited in their own bank account. The committee seeks the minister’s advice in respect of this matter but, pending this advice, draws these provisions to the Senate’s attention as they might be considered to trespass on personal rights and liberties.

I commend this Alert Digest to the Senate. I thank members of the committee for convening this morning; for other circumstances, I could not be there. The committee has dealt with these bills and has drawn a record number of matters to the attention of the Senate—some 28, which I think is a record. It may indicate to the Senate that, whilst there is bipartisan support for the legislation, we should not get the technical as-
pects wrong, because they may come back to haunt us. So I really urge the government to look at that. To show our bona fides, we sent the minister an embargoed copy of this report some hours ago so that it could be worked on. I thank the Senate.

Senator BARTLETT (Queensland) (4.08 pm)—It is important to draw this Alert Digest report to the attention of the Senate, as Senator Ray has done as chair of the Scrutiny of Bills Committee, and to draw the report to the attention of the wider community. It is important not to confuse what the role of this committee is or the purpose of this report. This is a nonpartisan committee. It makes assessments of legislation not on its policy merits but on the basis of its terms of reference, which go to very specific matters to do with basic rights and liberties and basic issues of appropriate delegations of power and the way legislation operates.

The committee produces—I think always—unanimous reports, and has done so again in this case. It really is incumbent on the Senate as a whole—and I would suggest the wider community and the media, who as usual are packing the gallery and listening to the proceedings with interest!—to absorb the messages that are contained in this report. Senator Ray, as chair of the committee, said that 28 different matters have been drawn to the attention of the Senate and the minister, many of which do touch on the terms of reference about potential trespass on basic personal rights and liberties. I do not want to go over the merits of the various pieces of legislation relating to the Northern Territory intervention—we will have an opportunity to do that later on tonight and tomorrow—but I do want to go to the issue of the basic role of the Senate, which is to examine legislation to make sure that we at least get the fundamentals rights. It is a matter of showing good faith, frankly. If we want to make radical changes to laws affecting the lives of many thousands of Australians in fundamental ways, if we want to give enormous powers to government ministers and government officials to intervene in very detailed ways in how people live their personal lives on a day-to-day basis, the least we can do is to show some good faith and to make sure there are clear limits to how those powers will operate, clear opportunities for independent review of any decisions that are made and detailed and evidence based explanations whenever any of these basic rights and liberties are being suspended for a particular purpose. It is not enough to wave around a banner saying ‘It’s an emergency’ as an excuse to then ignore all of these fundamental issues. The Senate’s—the government and all parties here—taking these issues into account will send a very important signal.

I will just recap some of the points that Senator Ray has outlined. To enable a minister to subsequently switch on or off the operation of the law on their own personal decision without the oversight of parliament is an enormously significant act, particularly when those powers he is switching on and off can have such a big impact on the individual lives of many Australians. I should draw the Senate’s and the community’s attention to some of the welfare measures that were detailed by Senator Ray. I am sure there is a tendency amongst some in the community to think: ‘It’s all to do with stuff in the Northern Territory and Aboriginal people in the Territory. Although I am interested in that and it concerns me, it doesn’t actually affect me directly so I will leave it up to someone else.’

These welfare measures relating to school attendance do affect every Australian. They are not about Indigenous people in the Territory; they are about every Australian. This legislation gives the power to the minister to define what is and what is not unsatisfactory school attendance. It leaves it completely
open for the minister—or a future minister, for that matter—to decide for themselves what constitutes unsatisfactory school attendance and to use that benchmark in the future to impact on and intervene in the lives of any Australian that has a child at school and is receiving any sort of welfare payments, which is pretty much everybody. This potentially affects the lives of every Australian with a school-aged child, and it is giving immensely broad powers—immensely broad discretions—without merits review and without explanation or justification as to why they are needed. I do not mind having a policy debate about whether we want to make these sorts of changes, but we have not even had that. They are just being made, and no explanation has been given as to why these sorts of very extreme powers with very significant curtailment of basic fundamental rights and liberties are occurring.

The issue of how you measure 1,350 millilitres of alcohol is very significant—it is not just a matter of making life a bit more easy for the people who sell alcohol or for the people who buy it in the Territory—because, if you inadvertently go over this limit, you are risking extremely severe penalties, including jail sentences. Basically you will be put into the category of a drug runner. Maybe that is an appropriate thing to do—that is for a separate policy debate—but, when it is not very easy to determine where the offence kicks in and people could be charged with severe criminal offences and punished for the offence, it is very serious. To give Commonwealth officials the power to remove people from councils, to cancel licences and to take over stores is significant enough in itself, but to enable it to be done without review of those decisions means they are enormous powers.

I again emphasise that I am not in this context debating the policy merits of what this legislation seeks to do—I will do that elsewhere. That is not the role of this committee. This committee is there to alert the Senate and the community to any instances where there are major potential breaches of basic freedoms, rights and liberties or major potential breaches in terms of giving extreme powers to government officials, ministers or politicians without proper review and oversight of how those powers are used. That is why the report is called an Alert Digest—to alert the Senate and the public. As I said, the committee makes its decisions on the basis of its fundamental terms of reference. It does not make policy judgements; it makes judgements about the basic issues of good governance, proper checks and balances on the exercise of powers and proper checks and balances on when people’s freedoms and rights are potentially being compromised. It is incumbent on the Senate, if it is wanting to show good faith, to consider the issues raised in this report before the debate—certainly before the committee stage of the debate—comes on, because it is a matter that goes to the heart of the prospects of success for what this package of legislation seeks to deal with.

We all know that the legislation seeks to deal with a very important matter—improving the protection of Aboriginal children. That is something that all of us in this place, whatever other views we have, would support the intent of. But it is one thing to support the intent; it is another to ensure that the mechanism you use will be effective. One key aspect of ensuring it is effective is showing good faith in the implementation of those measures. You do not get a much better indication of whether or not good faith is occurring than if there is genuine consideration given to the genuine concerns, and very serious concerns, raised by a nonpartisan committee like the Senate Standing Committee for the Scrutiny of Bills.
I note that one person who is regularly held up as being a strong supporter of the government’s action in the Northern Territory, Noel Pearson, gave a clear statement in his article in the Weekend Australian last Saturday that it is crucial to the long-term success of the intervention in the Territory that the Prime Minister and the minister not only work with the leadership of the Northern Territory but also do not show intransigence to proposed amendments to the legislation. If there is an attitude that shows total intransigence to any proposed amendments, including amendments going to issues as fundamental and as nonpartisan as what is contained in this report, it will be a very bad sign for the prospects of failure of the actions of the government in this area. It is crucial, fundamental, and nonpartisan, and it is a big test as to whether or not the Senate does show that it is alerted by the this Alert Digest.

Question agreed to.

**Economics Committee**

**Additional Information**

Senator McGauran (Victoria) (4.18 pm)—On behalf of the chair of the Economics Committee, Senator Ronaldson, I present additional information received by the committee on its inquiries into the provisions of the Trade Practices Legislation Amendment Bill (No. 1) 2007 and the Trade Practices Amendment (Predatory Pricing) Bill 2007.

**Intelligence and Security Committee**

**Reports**

Senator McGauran (Victoria) (4.18 pm)—On behalf of the Parliamentary Joint Committee on Intelligence and Security, I present two reports of the committee and seek leave to move a motion in relation to the reports.

Leave granted.

Senator McGauran—I move:

That the Senate take note of the reports.

I seek leave to incorporate tabling statements in Hansard.

Leave granted.

The statements read as follows—

**PARLIAMENTARY JOINT COMMITTEE ON INTELLIGENCE AND SECURITY**

**ANNUAL REPORT OF COMMITTEE ACTIVITIES 2006-2007**

Canberra 13 August 2007

Mr President, on behalf of the Parliamentary Joint Committee on Intelligence and Security I have pleasure in presenting the Committee’s report entitled Annual Report of Committee Activities 2006-2007.

Mr President, the Committee completed another full and productive year scrutinising terrorism legislation and aspects of the administration and expenditure of the intelligence agencies. As the work and volume of the intelligence agencies increase so too does the work of the Committee.

The fourth review of administration and expenditure focused on recruitment and training. The intelligence agencies have been rapidly recruiting staff in order to provide more security and counter-terrorism capability. The Committee found that, in a competitive market place, increasing and retaining staff was challenging and that timely security clearances remained an inhibition to recruitment.

A significant challenge for the agencies was the recruitment of sufficient numbers of people with necessary language skills. The Committee concluded that language training remains one of the most difficult and expensive areas of training for the intelligence agencies. The agencies demonstrated that various initiatives are being devised to lessen and, it is hoped, eventually overcome these difficulties. Overall, the committee was satisfied that the agencies were managing their expansion.

The other major inquiry of 2006 was the statutory review of the security and counter-terrorism legislation. The Committee’s review followed and took into account the report of the Security and Legislation Review Committee (the Sheller Committee). The Committee made 26 recom-
mendations and, in particular, recommended the appointment of an independent reviewer of terrorism law in Australia. Under the recommendation, the Committee would examine the reports of the Independent Reviewer.

During the review period, the Committee tabled four reports on the listing of terrorist organisations. The four reports dealt with the re-listing of 14 organisations. Procedural issues relating to consultations with the States and Territories and the nature of the information provided to the Committee remain a concern in all these reviews.

In addition to these reports, the Committee also commenced its inquiry into the operations, effectiveness and implications of the terrorist organisation listing provisions of the Criminal Code and the fifth review of administration and expenditure. The reports of these inquiries will be tabled in the next reporting period.

On behalf of the Committee, I take this opportunity to thank and commend Mrs Margaret Swieringa for her excellent support as Secretary of the Committee from 2002 to June 2007. Margaret provided professional advice and support of the highest standard and the Committee wishes her well in her future endeavours.

In conclusion, and on behalf of the Committee, I would like to thank all those who have contributed to the work of the Committee during the past year.

Mr President, I commend the report to the Senate.
minds that rapid growth could negatively impact the agency’s work if not handled very carefully. All agencies demonstrated to the Committee that they are expending a considerable amount of their resources to attract and then retain, the right staff for their agency.

Agencies continue to make training and development of staff a high priority and in most agencies training budgets have steadily increased, in some cases very substantially. Agencies outlined to the Committee a range of improvements that they have made to their training programmes over the past twelve months. Agencies noted that with so many new staff, average experience levels will be lower in the short term. To counter the effects of this experience gap, agencies are putting extra emphasis on training programs for new starters in the early stages of their employment. Additionally, several agencies noted that they are directing extra effort into leadership training. The Committee is satisfied that agencies are making a concerted effort to match their increasing staff numbers with appropriate training programmes to ensure that the agency has a highly skilled workforce which is capable of meeting the high standards of each agency.

Due to the high standard of submissions and the evidence given at the hearings, the Committee has increased its knowledge of the finance and expenditure activities of the intelligence and security agencies. The Committee found nothing in the evidence provided to raise concerns about the existing financial management within any of the agencies. Agencies discussed the challenges they have faced and continue to face—handling considerably increased budgets in conjunction with, in most cases, rapidly increasing staff numbers.

In conclusion, and on behalf of the Committee, I would like to thank the Head of each agency and their staff for their on-going cooperative approach to the work of the Committee.

Mr President, I commend the report to the Senate.

Senator Alan Ferguson

Parliamentary Joint Committee on Intelligence and Security

13 August 2007

Question agreed to.

DELEGATION REPORTS

Parliamentary Delegation to Cambodia and to the 116th Assembly of the Inter-Parliamentary Union

Senator MARSHALL (Victoria) (4.19 pm)—by leave—I present the report of the Australian parliamentary delegation to Cambodia and to the 116th Assembly of the Inter-Parliamentary Union held in Bali, which took place from 21 April to 4 May 2007. I seek leave to move a motion to take note of the document.

Leave granted.

Senator MARSHALL—I move:

That the Senate take note of the document.

I want to very briefly speak to the report of the 116th Assembly of the Inter-Parliamentary Union. I have attended these assemblies as a delegate of this parliament over the last 18 months. I will probably not be going to the next scheduled meeting of the IPU, given that we will most likely be in an election period at the time.
The work of the IPU is important. It is about parliamentarians meeting not to represent their governments but to represent their parliaments. The work of the IPU is very diverse. Some of the important work that I want to briefly talk about is its work with regard to human rights. In a world where human rights are not always as they should be, and not always to the standard that we and many other developed countries would expect in functioning democracies, it is critical that there is ongoing international scrutiny and an opportunity to exchange dialogue with parliamentarians from different sovereign states. While the assembly is concerned about human rights across the board, one of its major functions—a very important role—is to investigate allegations of human rights abuses of parliamentarians. This is not about parliamentarians simply seeking to look after one another. It follows quite logically that, if parliamentarians in working democracies cannot be afforded human rights, there is little or no chance that the general population will be afforded any level of human rights.

The IPU has a standing committee which works between assemblies. It looks at and investigates human rights abuses against politicians. People may remember recently seeing on their TV screens the leader of the main opposition party in Zimbabwe being beaten, nearly to death, by state sanctioned police violence. This is the kind of matter that the IPU attempts to investigate as best it can, but it often relies on the cooperation of the host government. There are many examples where politicians are elected to office, only to be jailed on trumped up charges, beaten, kidnapped or murdered. This is more common than we would like to think and the human rights committee works actively in this area.

I have spoken many times, for instance, about the abuse of a number of elected representatives in the Filipino government who coincidentally seem to get arrested on trumped up rebellion charges before elections are due to take place so that they are unable effectively to participate in the elections. One case I have spoken about many times here is that of Crispin Beltran, who was arrested over 18 months ago and charged with rebellion offences that were supposed to have taken place 20 years earlier. Of course, one of the problems for the state is that Crispin Beltran was actually in jail—jailed by the former and disgraced Marcos regime—at the time these rebellion offences were supposed to have taken place. Nevertheless, he spent 18 months in jail before finally working a way through the process of the law to be released after the last election.

Far too many countries are investigated by this committee. This committee currently has on hand investigations into abuse against parliamentarians in Bangladesh, Belarus, Burundi, Colombia, Ecuador, Eritrea, Honduras, Lebanon, Malaysia, Mongolia, Myanmar, Pakistan, Palestine, Israel, Philippines, Rwanda, Sri Lanka, Turkey and Zimbabwe. This is hard work but it is very important work. Often international pressure, with the status of the IPU, leads to effective results or effective representation. The eyes of the international community being quite focused on some of these abuses leads to successful results, but unfortunately not always.

I commend this report to the committee. Many charges are detailed in the report. I commend the work of my fellow delegates: Ms Hull, Ms Moylan and Mr Jenkins from the other place, who participated actively in the debates in the assembly. They were not there to represent the government’s view but to represent the views of this parliament, which is quite different sometimes from the views of the executive. I would also like to thank Mr Neil Bessell, the delegation secre-
tary, who does an outstanding job of organising the Australian delegation.

The IPU is a very worthwhile organisation. There are questions, from time to time, whether membership of such organisations is worth it. From my experience in serving my time—which is now coming to an end, I suspect—I can say quite strongly that this is an important organisation. Australians engage actively in it when we are there. I think this organisation, the Assembly of the Inter-Parliamentary Union, is very good value. It is good for our understanding and often it makes a real difference. I commend the report to the Senate.

Question agreed to.

TELECOMMUNICATIONS LEGISLATION AMENDMENT (PROTECTING SERVICES FOR RURAL AND REGIONAL AUSTRALIA INTO THE FUTURE) BILL 2007

First Reading

Bill received from the House of Representatives.

Senator MASON (Queensland—Parliamentary Secretary to the Minister for Health and Ageing) (4.27 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 MASON (Queensland—Parliamentary Secretary to the Minister for Health and Ageing) (4.27 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—

Today I am bringing forward the Telecommunications (Consumer Protection and Service Standards) Amendment Bill 2007. This Bill would amend the Telecommunications (Consumer Protection and Service Standards) Act 1999 so that the Australian Government’s $2 billion investment in the Communications Fund is preserved to provide an income stream for future telecommunications improvements in regional, rural and remote Australia.

The Communications Fund was established in September 2005 as a dedicated and perpetual fund to provide an income stream to implement the Government’s responses to recommendations made by the Regional Telecommunications Independent Review Committee.

This Bill protects in legislation the $2 billion principal of the Communications Fund so that only the interest earned from the Fund—up to $400 million every three years—can be drawn upon.

The Federal Opposition has announced that it will abolish the $2 billion Communications Fund and spend the entire capital on a broadband network in highly commercial and predominately metropolitan areas leaving several millions of rural and regional premises stranded without any targeted assistance for even basic telecommunications services.

This Bill will ensure that rural and regional premises are not left stranded without reliable and up-to-date services in the future.

It is the Government’s intention that the Communications Fund should be maintained at a minimum level of $2 billion, and the Bill I am bringing forward seeks to make this intention explicit.

Maintaining the $2 billion for investment into the future will enable the Communications Fund to reliably generate income that will be available for future investment in telecommunications improvements in regional, rural and remote areas.

The Regional Telecommunications Independent Review Committee is required to conduct regular reviews of the adequacy of telecommunications services in regional, rural and remote Australia.

The first review is required to commence before the end of 2008, with subsequent reviews being completed every three and a half years. The reviews must consider the adequacy of telecommu-
The Committee is required to report to the Government, which in turn is required to respond in a timely way to any recommendations made by the Committee. Funding can then be accessed from the Communications Fund earnings to implement the responses that relate to regional, rural and remote telecommunications.

This process provides certainty for people in regional, rural and remote Australia that the improvements in their telecommunications services will keep pace with the rest of the nation.

In securing the Communications Fund this Bill protects the long-term interests of regional, rural and remote Australia.

Debate (on motion by Senator Mason) adjourned.

AUSTRALIAN CITIZENSHIP AMENDMENT (CITIZENSHIP TESTING) BILL 2007

Second Reading

Debate resumed.

Senator KIRK (South Australia) (4.28 pm)—I was speaking before question time in this second reading debate on the Australian Citizenship Amendment (Citizenship Testing) Bill 2007 and the citizenship test that it seeks to introduce. One of the stated aims of the bill is to achieve a more inclusive society. However, in my view, and in the view of a number of witnesses before the Senate Standing Committee on Legal and Constitutional Affairs, the test, by its very nature, is a very exclusionary measure to achieve this aim. Tests are, by their very nature, designed to be passed or failed, so it difficult to see exactly how this bill is going to promote a more inclusive society.

It is critical, I think, that this test does not act as a de facto English test or a test reminiscent of a bygone era—namely, the White Australia policy of the past. Whilst the citizenship test will attempt to measure a prospective citizen’s knowledge of Australia and its values and way of life, many average Australian citizens have a very poor understanding of Australia’s history and aspects of government. I would therefore be concerned that a number of Australian citizens may not pass the test if they were asked to sit it.

In the committee hearings, another concern that was raised about this test was that it might result in a higher threshold of knowledge for individuals who are not yet Australian citizens. Professor George Williams from the Gilbert and Tobin Centre for Public Law at the University of New South Wales said to the committee that a test of this kind is an ineffective way of instilling values. Someone who fundamentally disagreed with Australian values could pass the citizenship test by correctly identifying the answers, even if they do not have a personal commitment to the values that the answers express. There is a concern that not only will individuals be answering questions that they might not necessarily agree with, but also that they could simply rote-learn answers to questions, or answer them in accordance with what they know is the right answer rather than with what they actually believe in.

Another factor that was drawn to our attention during the course of the committee hearings is that the government has relied on a number of opinion polls to formulate this legislation and introduce a citizenship test. In my view, and in the view of a number of witnesses to the committee, it is not appropriate for an opinion poll to be the determining factor in the legislative or policy-making process. In addition, the government said that it has relied on the fact that other countries such as Canada, the Netherlands, the United Kingdom and the United States have introduced citizenship tests, but when the department was questioned at the committee hearing about the effectiveness of these coun-
tries’ citizenship-testing arrangements, we were told that, at least in the UK and Canada, there has not been any evaluation of the citizenship test. The department was able to inform the committee only that they had not seen any evidence of it being a disincentive for people to apply for citizenship. In any event, comparing Australia’s experience with citizenship practices in other countries is not relevant. Every country has an individual history relating to citizenship and a different experience on which to base its policies. A witness from the Human Rights and Equal Opportunity Commission told the committee:

For us to adopt precedents from the UK without understanding the basic differences between our countries would be dangerous.

I move on now to some of the concerns that were expressed in relation to the content and the nature of the citizenship test. The 20-question, multiple-choice citizenship test seeks to test prospective citizens on their knowledge of Australia and of Australian values. It is not clear what exactly our identifiable Australian values are. Can they even be identified? Are they unique to Australia? Values are a very subjective concept, and some values such as freedom, democracy, respect for the rule of law, equality and non-discrimination are values which are held in countries other than Australia. Should we therefore be testing prospective citizens on the presumption that they do not already hold these values? In one submission to the committee, it was said that testing people on common values implies that there is only one set of Australian values and one type of Australian citizen and that this undermines the vital role that multiculturalism and diversity play in Australian society.

One of the most concerning features of this legislative scheme is that it is the minister who will determine what are Australia’s values and this decision will not be transparent for others to assess or even review. It remains to be seen how the minister will determine what constitutes Australian values. However, with this ambiguity about what constitutes identifiable Australian values, and the different backgrounds from which people come to take the test, there is certainly no overwhelming evidence to support the proposition that a multiple-choice test is indeed an adequate way to test and assess a person’s values and whether they are consistent with so-called Australian values.

It was concerning to us as members of the committee that members of parliament have not had, and will not have, the opportunity to review and consult on the likely content of the test questions before this legislation is passed. The entire legislative scheme that the government intends to introduce establishes the structure for citizenship testing, yet the actual test itself remains a mystery. At the time of the committee hearings—and it is still the case—no guidance as to the nature of the test had been provided, nor was the content of the supporting resource booklet from which people will learn for the test provided to the committee. The secrecy and lack of transparency or readiness—whatever it is—on the part of the government in regard to this test is quite concerning. The legislation makes the citizenship test a pivotal step in achieving an important legal status and, in these circumstances, transparency and accountability are critical.

The potential impact of this bill is also of concern, and it was raised by a number of witnesses to the committee. There are some factors which have been identified as being more problematic than others. In particular, it was raised with us that the test has the potential to deter people from applying for citizenship. We heard that it should be expected that the number of applicants for citizenship will fall after the test is introduced. The intimidating and stressful nature of the formal test
could act as a deterrent, and people with a low level of ordinary literacy—not to mention computer literacy—could well be deterred from attempting the test and therefore obtaining Australian citizenship. The submission by the Human Rights Education Centre at the Curtin University of Technology raised concern that the proposed testing regime will have a disproportionately negative impact on already disadvantaged and marginalised groups within society, including refugees, women, people with disabilities, people in rural areas and people from non-English-speaking backgrounds. The specific hurdles that people from these groups are likely to face include—for women, for example—the fact that family care obligations often make it very difficult for women to attend English language courses provided by the government.

In the case of humanitarian entrants a significant number of refugees, as we know, are survivors of torture and trauma. They may continue to experience the after-effects of this torture and trauma, and this can quite easily impact on their ability to learn and process new information, let alone a new language. So, there is the potential that the test will have a disproportionate impact on these persons from disadvantaged groups, particularly insofar as it is going to impact on those who do not speak English.

The legislation fails to take into account that people with limited language skills can still make an important contribution to Australian society. In light of the potentially significant impact this test will place on certain persons, it is also concerning to see that the minister has no discretion under the bill to make exceptions for individuals who are disadvantaged by testing arrangements. The only exemptions from the testing requirements are for persons over the age of 60, for those under the age of 18, for persons with a physical and/or mental disability and for people with literacy problems. It was said to us in the committee that there should be an exemption for refugee and humanitarian entrants who have a limited education and/or interrupted schooling, and I think that there certainly is some merit in that.

The Human Rights and Equal Opportunity Commission argued that the bill contains no adequate safeguards to ensure that the creation of different tests does not operate to unfairly discriminate against particular categories of applicants. They also argued, as I have said, that the bill should provide a mechanism to allow the minister to make exemptions or to put into place an alternative process for applicants who are unfairly disadvantaged by having to sit the test.

One of the principal concerns that was raised at the committee hearings was the wide scope given by the bill for the exercise of ministerial discretion. The proposed legislation will include a new section, section 23A, which gives the minister alone the power to approve what will constitute the citizenship test. A number of witnesses before the committee expressed their concern that the test would not be a legislative instrument and, therefore, disallowable by the parliament. The committee heard considerable evidence in this regard, and we were certainly concerned that the test would not be subjected to parliamentary scrutiny. The suggestion made by the committee is that the test questions be tabled in the parliament as a measure at least of some reassurance that there will be the opportunity for members of parliament to scrutinise the test before it is made available and becomes part of the testing regime.

We saw that a considerable amount of funding is going to be spent on implementing the citizenship test. In the view of a number of witnesses to the committee, the funding that is going to be spent on this test would be
much better spent on alternative programs to assist Australia’s new and potential citizens. There are many examples of these types of programs—programs that seek to improve settlement, orientation, and language and education programs for new migrants. In addition, there is the need for ongoing community support and integration programs such as employment skills programs. It is also very important to support new families with children by providing affordable child-care options so that parents are able to access employment and attend English language classes. Civics education classes are another way in which new citizens can be successfully integrated into Australian society, as opposed to answering a set of test questions correctly.

In conclusion, I reiterate that Labor will be supporting the passage of this legislation, but I think that the concerns of those witnesses who came before the committee ought to be placed on the record because a great deal of thought has gone into their submissions. Senator Lundy has foreshadowed that Labor will be moving an amendment that there be instituted a formal and comprehensive review of the impact of the bill after three years. I think that this is absolutely essential. A number of the matters that I have raised here today and that were put before the committee and detailed in the committee’s report need to be carefully reviewed and scrutinised as the legislation comes into effect so that we can see what the impact is upon citizenship numbers and upon the number of people who apply for citizenship and whether or not the citizenship test is acting as a disincentive or as an exclusionary tool for people who otherwise would become Australian citizens, rather than having the desired impact and making for a more inclusive Australian society.

Senator NETTLE (New South Wales) (4.43 pm)—I was part of the Senate Standing Committee on Legal and Constitutional Affairs inquiry into the Australian Citizenship Amendment (Citizenship Testing) Bill 2007 that is before the Senate. We heard that it is unnecessary—we heard a lot of evidence at the committee about the fact that our citizenship laws are working quite well—and there was not a case put forward about why there was a failure of the way in which our current citizenship laws operate. We received evidence from the Victorian Immigrant and Refugee Women’s Coalition. They wrote in their submissions that Australia has been well served by its existing, inclusive citizenship laws and that we now have a culturally diverse and socially cohesive collection of people who are proud to call Australia home. So we heard that our citizenship laws are working quite well.

The government puts forward two rationales as to what it thinks a citizenship test will achieve. The first one is about improving the English language skills of migrants here in Australia, and the second one is about improving the cohesiveness of Australian society. I will go to the first issue. I had a look at the census data over the last two census periods which look at the English language proficiency of migrants. Over the period of time that this government has been in power, the English language skills of migrants in Australia have improved so much that the Department of Immigration and Citizenship have had to change the way in which they measure English language proficiency, because the bottom two categories—that is, the two categories with migrants with really low English language proficiency—were meaningless because people’s English-language skills have improved so much.

So the idea behind the citizenship test—that we need to improve the English language skills of migrants—is not based on the government’s own evidence, which shows that the English language skills of migrants
are massively improving and have massively improved over the period of time that this government has been in office. The improvement has been so great that the way in which English language proficiency is measured has had to be changed.

The other rationale the government put forward about a citizenship test is that it will improve the cohesiveness of our society. During the Senate inquiry, the government were not able to put forward any evidence about how they would improve the cohesiveness of society. In fact, when I asked them questions about this, the two things that they pointed to were that it operated in other countries and that they had carried out a consultation discussion paper and the majority of people who had responded to that discussion paper had supported it. That is not justification at all. I asked the government whether the countries that had introduced citizenship tests had done any assessment of whether or not the tests had improved the cohesiveness of their society, and their answer was, ‘No, they haven’t been in place long enough for them to evaluate it.’ I do not think that you can argue—and other witnesses appeared before the committee to say this—that the United States society or the United Kingdom society is in some way more cohesive than Australian society. We have certainly seen great friction occurring in both those societies within different cultures in a way that we do not see in Australian Society. So I do not think that pointing to the example of overseas is any evidence that introducing citizenship tests improves the cohesiveness of the society. In fact, what the committee heard is that it has the potential to do exactly the opposite. Tests, by their very nature, are exclusionary. Tests are designed to separate people into one group of individuals who pass and another group of individuals who fail. An educator who appeared before the committee said that tests are ‘designed to gatekeep; that is what they are for’. So, in seeking to introduce a citizenship test, this piece of legislation is designed to separate people into those who are deserving citizens and those who are undeserving citizens, which will not improve the cohesiveness of our society.

We heard from a whole range of witnesses at the Senate committee about the way in which this will increase division within our society. I think that Australia can and should be proud of the cohesive nature of our society, of the way in which we have promoted multiculturalism, of the way in which we have celebrated the diversity of people who make up this country and of the immigrants who have come to Australia for over 200 years and made this great country what it is. I think we should be encouraging people to come and be citizens of this country. Therefore, I do not think it is constructive and useful to put barriers in place like this proposal for a citizenship test. As I said, we heard from the committee about the way in which a test will create division within society. We also heard about the way in which it may prevent people from deciding to put their hands up to say that they would like to become a citizen of this country. We heard from the President of the Federation of Ethnic Community Councils of Australia that the citizenship test would be likely to discourage many people from seeking citizenship. This is what she said:

Our concern is that a lot of people who would feel uncomfortable about any testing at all, particularly if they have a low level of literacy, will not apply for citizenship but will self-select out. We do not want to see that. I am sure that nobody here wants to see that. So why put in place a test which not only will divide our society but will actively discourage people who may have a massive contribution to make to Australia from taking out citizenship?
The other thing we heard in the Senate inquiry which is worth noting is that the citizenship test will not improve the English language skills of migrants in Australia but will undermine the existing English language programs that have been put forward for migrants in Australia. We heard this from a number of educators who talked about the way in which teachers change what they teach to ensure that people can pass a test. We heard, for example, from the Australian Council of Teachers of English to Speakers of Other Languages. We heard from their president, who said:

As soon as there is a test, teachers feel the need to get their students to pass the test and students put pressure on to be given what it is that they need to pass the test. Suddenly, lessons become all about passing the test. Certainly from my experience overseas, where everybody is sitting English language tests to prove their English language proficiency, we have huge evidence that all good teaching practice goes out the door as people do test preparation ... It is very bad pedagogical practice because the aim is so limited. Your capacity to pass an English test is in no way an indication of your capacity to operate in the thousands of everyday communications you need to have.

What we see is that putting in place the government’s proposed citizenship test will not improve the English language skills of migrants in Australia. It will in fact undermine the existing English language programs for migrants, because those programs will then start teaching so that people will pass the test rather than having the English language skills they need in order to survive in Australian society.

We heard at the Senate inquiry into this legislation that, firstly, the legislation is unnecessary. There is no failure of our existing immigrations laws. Secondly, we heard that the two objectives the government is proposing for this legislation—improving the English language skills of migrants and improving the cohesiveness of our society—will not be achieved by this test. Far worse than that, this test will undermine the existing English language programs for migrants and contribute to increasing the divisiveness that exists within our society.

The Australian Greens cannot support this piece of legislation. We see it and the proposal by the government as a way of sending a message to those people in the community who have some very racist attitudes towards immigrants coming to Australia. That is certainly one of the things we saw in the submissions that were made to the Senate inquiry. We saw a response to the government’s call-out to racists in Australia, or that dog whistle by the government. One of the submissions the Senate committee received was from a group calling itself Australia for Australians, and in it were their suggestions, their response to the federal government’s call for a citizenship test. They said:

... the test must make clear that they understand that in everyday life they are expected to dress and act like other Australians and that their cultural and religious practises and dress must be restricted either to private, ceremonial or religious occasions.

That is not a view that we see put forward in mainstream Australian society, but this government is sending out a message with this proposal for a citizenship test to particular groups from the community who have racist attitudes, and they responded in the form of this particular submission. Another of their recommendations said:

... 90% of all immigrants allowed in must be of white European or British or North American origin.

A further recommendation said:

In view of what has happened and what is happening around the world in the last 30 years there should be a ban on allowing Muslims into Australia—from whatever country—no exceptions ...

When you send out a message, as this government has done, about a citizenship test
that is excluding people from being citizens then you strike a chord with those people in the community who have quite extremist and quite racist views in relation to the value of our multicultural society. This was one group that responded to that call from the government, they responded to that dog whistle, and put forward these extremist views to the Senate committee—racist views that I hope the government does not agree with and that certainly mainstream society does not support.

Senator Brandis—But you represent a minority party yourself.

The ACTING DEPUTY PRESIDENT (Senator Moore)—Minister, do not shout across the chamber.

Senator NETTLE—Minister, I do not support racism.

Senator Brandis interjecting—

The ACTING DEPUTY PRESIDENT—Senator Nettle, do not respond to interjections across the chamber.

Senator Brandis interjecting—

The ACTING DEPUTY PRESIDENT—Minister, your point can be made later in the debate.

Senator NETTLE—The point that I have been making is that the government sent out a message about excluding people from being able to be citizens. There are people with racist exclusionary views within our society who have responded to that call. They have seen this as an opportunity that the government has created for them to put forward and to gain support for their racist views. That is what we saw in their submission and that is why I have chosen to highlight that particular submission.

The Greens see this citizenship test as a step back from the support for multiculturalism that we think the government of Australia should be promoting. We have seen the government stepping back from multiculturalism. We have seen it even with the way that ‘multicultural affairs’ was dropped from the title of the department. We do not have the Department of Immigration and Multicultural Affairs anymore, and the opposition followed suit by dropping ‘multicultural affairs’ from their senior immigration portfolio as well, replacing it with ‘integration’.

Instead, the Greens would like to see our government talking about the great value of multiculturalism in our society. We would like to see the government encouraging migrants to learn English. We agree that English language skills help you to survive in Australian society. Therefore, I will be moving a second reading amendment on behalf of the Greens that calls on the government to increase funding to and expand upon existing English language programs. In that way we will be able to encourage migrants to learn English language skills.

The Senate committee heard evidence from Ms Katie Wrigley from the Refugee Advice and Casework Services in Sydney. She talked about the limitations on the existing English language hours of study available to new migrants. She was talking about how limited that is and how it would not allow people the English language skills that they might need to pass the proposed citizenship test. She said:

The contents of the proposed test, including questions about Australian values, would be outside the vocabulary scope of basic language classes for those learning a new language with the first 510 hours of study.

And that is all that is currently provided in the existing English language programs for migrants.

If the government were really interested in improving the English language skills of migrants, it would expand these existing programs and ensure that migrants were able to
get the English language skills they need. It can take a really long time to learn a language. There are people for whom English is their first language, and it still takes them an extraordinarily long time—many years—to grasp the language. If you are coming to Australia as, say, a young African refugee, you have never learnt your own language in a formal setting, let alone attempt to learn another language in a formal setting. So you would arrive in Australia without any English, without any history of having formal training in any written language, and you would be expected within 510 hours of study to be able to gain enough English to pass this kind of citizenship test. It is just not going to happen.

We have heard about the number of migrants who are not able to attend even the limited 510 hours of study that are available because they have to work, because they have to get money to survive in their new country or because they have small children and family and child-rearing responsibilities. If the government were genuine about wanting to ensure that all those people had the opportunity to learn English, they would ensure that child care was available so that migrant mothers would be able to go and learn the English language skills that are so important for them in being able to engage in Australian society.

There was another issue that was raised in the course of the Senate inquiry into this matter, and that was about the level of discretion that is given to the Minister for Immigration and Citizenship in this legislation whereby the minister is able to determine what shall be in the citizenship test. This is about deciding who can or cannot become a citizen. Surely we, the parliament, should have some say in what kind of test, if there is to be a test, is put in place to determine who should be able to become a citizen. The Greens believe that parliamentary oversight of any citizenship test, if it is to be introduced, is important, and so I will be moving in the committee stage of this legislation an amendment to ensure that, where the government makes a determination about what questions are to be in a citizenship test, the parliament has some oversight into this. This was an issue raised by many of the organisations that appeared before the Senate committee.

As I said at the outset, I want to see us here in Australia celebrating the diversity of people that exist in Australia and their contribution to Australia. I note that the member for Kooyong, Petro Georgiou, spoke in the House of Representatives about his own father as an example of somebody who has made a massive contribution to Australian life, and of course we all know there are many such people who would not be able to pass the citizenship test that has been proposed. I have spoken with many members of the Greek community in my suburb in Sydney who are extraordinarily concerned about it and who would not pass the citizenship test. Most of them have been in Australia, working and contributing to the Australian community, for between 20 and 30 years—as have people at the Cyprus Club, which is just around the corner from my place. They have all been contributing, yet they would not pass the citizenship test that has been proposed.

I want to live in a country which is made up of migrants who contribute to our society. This citizenship test is not going to increase the number of migrants that can come to Australia and contribute to Australian society. I want to see the government speaking out about multiculturalism and the benefits that it brings to our society. We have seen governments in the past in Australia, right from the White Australia policy at the beginning, that have sought to limit the diversity
of people in Australian society. But we have also seen, from the beginning up until now, fair-minded people in society speak up and stand up for the importance of diversity within our community and for the value that multiculturalism brings to our society. We have seen over the whole history of this country that people have spoken out about the value of multiculturalism. Now is an occasion when we as members of parliament can join with those in the community who speak out about the value of our multicultural society and who seek to prevent steps being taken that will limit that diversity within our society. This is an opportunity to stand up and take that position of supporting the diversity of people that make up our society. That is what the Greens will be doing, and we call on other senators to do likewise.

It is really disappointing that the opposition, as we heard from the previous speaker, have decided to support this legislation. I think more foresight is needed to understand the history of how governments have sought in the past to limit immigration, to be exclusionary in terms of who is able to gain citizenship, to the detriment of our society, by preventing people from various backgrounds becoming citizens. I want to see us stand up against that. It is important that other senators join the Greens in standing up to promote and to celebrate the diversity of our society and the multiculturalism that has made us a strong and safe country. I move the second reading amendment standing in my name:

At the end of the motion, add:

“and the Senate is of the view that the Government should:

(a) increase the hourly funding rate for the Adult Migrant English Programme (AMEP); and

(b) increase the funding to expand the Adult Migrant English Programme (AMEP).”

Senator BARTLETT (Queensland) (5.03 pm)—The Democrats have long spoken about the importance of multiculturalism to the future of Australia and about the necessity for all of us in positions of leadership to promote the benefits of multiculturalism and to increase understanding and awareness in the Australian community of just how essential it is to our nation fully redeveloping its potential. The unfortunate aspect of this bill before us, the Australian Citizenship Amendment (Citizenship Testing) Bill 2007, is that it is poorly thought through. Like quite a number of other election year measures, it is based not on any evidence but simply on assertion and the creation of a perception. At best, it will be an expensive, bureaucratic waste of time. At worst, it will be divisive, destructive and discriminatory.

One of the issues identified in the report of the Senate Standing Committee on Legal and Constitutional Affairs on the legislation is that questions that will make up the much discussed citizenship test will not be made public. We will have a large body of secret questions that will be used to test whether or not people have a supposed understanding of Australia’s values, culture, history and the like. The rationale is to prevent people from rote learning the questions, but to me that is simple sophistry on the part of the government and the minister. People will be given a resource booklet from which the questions will be drawn. It is ludicrous to suggest that having a resource booklet that people can look at, understand and identify is okay but that giving them the actual questions—200 of them, mind you, from which a selection will be randomly drawn—is not okay. It is simply an example, once again, of the excessive control and secrecy which this government likes to put over so many things.

This is disappointing because, as should be acknowledged, it was actually the Liberal Party, back in the days when it was some-
what more accurate to call it a liberal party, that played a key role in developing multiculturalism and cementing it into Australian society, making multiculturalism a reality. Indeed, it is an irreversible reality—Australia is a multicultural society. So it is particular disappointing that it is under a Liberal government that such a poorly thought through and jingoistic attack is now being made on multiculturalism and that the false idea is being promoted that a singular framework can be put forward within a citizenship test to measure people’s suitability to be Australian. To put something like that forward is using public policy and law to promote mythology. That, I would suggest, is not helpful for any nation. To me, it demonstrates an insecurity about Australia, about our nation, and a lack of awareness of who we are as a nation.

The strange thing with some of the notions that are put forward in the arguments in favour of a citizenship test is that somehow we have some sort of problem with migrants having not properly integrated into the Australian community that might somehow be fixed by a citizenship test. Firstly, whilst there are lots of insinuations made about there being some sort of problem with unnamed migrants having not integrated properly into the Australian community, it has never actually been named in any meaningful sense, certainly not by government ministers.

There is no credible argument or effort to demonstrate how testing people who are already permanent residents, having resided here for a minimum of four years, is somehow going to address that problem. If people fail this test they will still be permanent residents. Because they cannot take it, they cannot become eligible to apply for citizenship, and they cannot take the test until they are already permanent residents. So if there is any problem with them with regard to integration, they will already have been permanent residents here for four years. It is a ludicrous mechanism to use to deal with any alleged problem with regard to a particular migrant’s suitability to be part of the Australian community. They will already be part and parcel of the Australian community.

It suggests that particularly migrants from non-English-speaking backgrounds are somehow or other part of the problem. Facts demonstrate that the groups of people most ready and most eager to become Australian citizens are those who arrive here as refugees. They are the keenest to fully commit to Australia and to fully rebuild their lives as Australians. Actually, people who come from English-speaking countries are the slowest to become citizens. According to data I got from the Parliamentary Library, we have close on one million permanent residents in Australia who are non-citizens—people who would be eligible to be citizens but have not got around to it, cannot be bothered by for some other reason, have not taken up citizenship. Over half of those come from the UK or New Zealand. So if we have any problem with integration of migrants into the Australian community and with people fully connecting and fully committing to Australia, then we need to focus on people from the UK and New Zealand, using the criteria that the government puts forward to justify this test.

I am not making that particular allegation; it is up to people whether they wish to reside in a country permanently without becoming citizens. That is their choice. Those people still contribute in many ways to the Australian community and, if they want to pay all their taxes and do all the other things without having the right to vote, then that is their business. But if we are using the taking up of citizenship and eligibility for citizenship as some sort of test of suitability for ‘Australianness’ and the full integration of people,
then there is a proof, there is the so-called problem. Half of the pool of nearly a million permanent residents who have not taken up citizenship are people from the UK and New Zealand. It just shows the shoddy thinking and the poorly thought through rationale behind the citizenship test.

These sorts of things are particularly problematic because they show a fundamental misunderstanding about the nature of citizenship. They show a misunderstanding about the nature of migration, of migrants and the reality of the modern world. It has to be said in any debate on citizenship that it was only as recently as 1948 that any such thing as an Australian citizen came into being. Even though we had been a nation since 1901, there were actually no Australian citizens until 1948. Even until the 1970s we were still seen as British subjects and Australian citizens at the same time. We still have the bizarre anomaly whereby a whole range of people who are British subjects—or were British subjects in January 1984, I think it was—were eligible to be on the electoral roll at that time and are still eligible to vote. So we have a whole bunch of people in the country who are not Australian citizens but have a right to vote yet, at the same time, we have another group of people who are Australian citizens and live in the country but are refused the right to vote because of changes made to the Electoral Act last year—people in prison. We have another group of people who are Australian citizens who are overseas and, in many cases, are denied the right to vote. We have yet another group of people who are Australian citizens who, because of changes made to the Electoral Act, are much more easily knocked off the roll without their knowledge and will find it harder to get back on. They also have impediments in the way of their right to vote.

The inconsistencies in the way this debate is presented are quite considerable. Even that very basic phrase that was used in the government’s very poorly written and quite intellectually shoddy discussion paper at the end of last year—the line that is repeated all the time, the one that sounds great on the surface: ‘citizenship is a privilege not a right’—was just a ruse. They had obviously already decided what they were going to do. It was another of those sham consultation processes that gives the work ‘consultation’ a bad name. It is a privilege—there is no doubt about that, and certainly I feel very privileged to be an Australian citizen—but it is also a right for many people. It was a right that I received by virtue of being born here to Australian citizen parents, but it is also a right solely on the basis of legislation created in 1948 and updated by the new Citizenship Act passed earlier this year. But those rights that attach to citizenship are only legislated; they are not constitutionally entrenched. They can be modified, and indeed are modified as in the examples I gave with respect to the Electoral Act.

What we really need in Australia with citizenship is not some sort of jingoistic test, some sort of Trivial Pursuit quiz, to enable some of us to single out who is an Aussie and who is not. What we need is a proper, grown-up, commonsense debate about what citizenship entails and what we need to do to get full value and an increased understanding of it, which we clearly do not have from some in government who want to put forward this kind of legislation.

As I said before, there is a fair probability that this will simply turn out to be a fairly benign, bureaucratic and expensive waste of time that will not achieve any significant positive benefit nor cause great problems. There is also no doubt that this legislation is causing a lot of anxiety amongst some sections of the migrant community. People know their history—migrants often know Australian history a lot better than natural-
born Australians—and a lot of people are aware of the White Australia policy and its deliberate use of administrative procedures in a premeditated, discriminatory way. We all know—or we should all know—that arbitrary language tests were used in the past as a deliberate screening mechanism to keep out people from particular regions or individuals we decided we did not want. People know about that history, and that is why they are concerned that these sorts of tests could be used in that sort of way in the future. I am not saying that that is the intent of the government here but, as always, when we pass legislation we have to look at not just how it might be used tomorrow but how it might be used in five or 10 years time. Putting forward a bunch of secret questions as a way of determining who can be a citizen and who cannot is a practice that frankly does not make me feel particularly comfortable. That reality should be linked to the other existing reality of the extreme powers given to the minister under our Migration Act.

Another thing that many migrants know, and they know it much more clearly and starkly than they did a month or so ago, is that anybody residing in this country—it does not matter if they have lived here for decades or for all but a few weeks—who is not a citizen is always at risk of having their residency right cancelled and being deported. It is a right that any country has, of course, to determine whether or not people who are not citizens—aliens, to use to old jargon—can reside. But the problem is that the Migration Act allows that right of the government of the day to be exercised in an extreme, capricious, potentially politically motivated and extraordinarily unjust way. So every one of those more than a million people who are resident in Australia—in fact, it would be close to 1½ million once you count all the temporary residents—is potentially at risk of having their visa cancelled on the most flimsy of pretexts under some of the extreme powers and the wide-ranging discretions that the migration minister has.

When you combine the potential for an unfair blockage through a secret citizenship test with extreme powers under the Migration Act, for visa cancellations without proper rights of review or appeal, then you get an increased concern and apprehension amongst some people in the wider community. Reducing people’s rights, increasing the power of government over the lives of people and reducing the opportunities for scrutiny of the mechanisms that governments use for merits review and independent appeals have a cumulative effect that reduces people’s rights and increases the risks of injustice, whether arbitrary or deliberately malicious, and is the sort of thing we need to guard against. By putting forward these things, I am not alleging a deliberate, malicious hidden agenda—I think the agenda is pretty obvious here: it is just an election year stunt. The test is not particularly aimed at trying to target particular groups in the community, at least in my view. As I said before, we have to look at how something can be used down the track rather than how it might be used tomorrow.

The other reality of this test—particularly if the questions are kept secret, but even if they are not—is a very real probability that there will be a higher benchmark for migrants who wish to become Australian citizens versus those of us who are Australian born and get citizenship as a legal right, at least as the law stands at the moment. There is a very real prospect that people who are required to pass the citizenship test will have a much better understanding and knowledge of Australian society, history, rules et cetera than many Australian-born people. That is one of the reasons why the Democrats recommend that any test that is put forward for migrants to take should first be tested on a
representative sample of existing citizens and Australian-born citizens. We need to test the test to make sure that the vast majority of Australians can pass it. If you are requiring migrants to pass a test that many Australian-born people cannot pass, then it is discriminatory and unfair. Apart from anything else, it would highlight the ludicrousness of the whole concept. It is important to ensure that the test is properly tested on people to make sure that it is something that most Australians can pass. If the government is serious about ensuring that people who migrate to this country—who seek to settle here and become citizens—are able to demonstrate some understanding and ability to integrate with Australia via the taking of a test, then I do not see why it would be unreasonable to expect that the test be also tested on Australian-born people.

I note the Senate committee report into the legislation included a unanimous recommendation from the committee that the proposed citizenship test questions be tabled in the parliament, and it is one that I support. As I understand it, it was not supported by the government in the lower house. I urge the government to reconsider this recommendation when we get to the committee stage of this debate in the Senate. I also draw the attention of the Senate and of anyone else who is following this debate in the wider community to the dissenting report that I put forward to the legislation, which contains the formal response that the Democrats put forward to the government’s discussion paper, towards the end of last year, on the merits of introducing a formal citizenship test. It outlines some of the issues that we in the Democrats believe need to be given much better consideration.

If we are going to have a genuine debate about increasing the understanding and value of citizenship and the role that citizenship can play, it is time that we recognised that citizenship is not just about some sort of jingoistic loyalty such as cheering on your football club. There is nothing wrong with cheering on your football club, but citizenship is a much deeper and more complex concept than that. We in Australia live in an era in which many people are dual citizens and in some cases are citizens of more than two countries. In those sorts of circumstances, this narrow nationalistic atmosphere that some in the government like to put forward when promoting and debating these sorts of issues simply does not fit. It does not work in a modern world and it should not work in a modern world. Multiculturalism is something that we should be celebrating and promoting as a positive. The Liberal Party in a previous era played a positive role in doing that. The Democrats continue to do that today. We would urge those within the government who still recognise that history—and I know that Senator Brandis is one of them, because I have heard him speak quite eloquently on that in the past—to continue to make those efforts. (Time expired)

Senator HURLEY (South Australia) (5.23 pm)—Citizenship has in many ways been taken for granted in Australia in the past, and it is quite good to get some debate about what citizenship means in Australia, what its value is and how people become citizens of Australia. The current act, in subsection 21(2), sets out the general eligibility for citizenship, which is that applicants must understand the nature of application for citizenship, must possess a basic knowledge of the English language and must have an adequate knowledge of the responsibilities and privileges of Australian citizenship. After many decades of accepting the current form of assessing them—which is basically by a personal interview—the current government has decided that, whereas those aims are worthy, we need to change the way in which they are assessed. The government wants to
change the personal interview to a test. In my travels around the country, there has been quite a large measure of support—including by many migrants, who have a deep understanding of Australian culture and want to display that knowledge—for some perhaps more rigorous form of testing for citizenship. However, the government has not set out very clearly the reasons why it has gone to the particular form of testing that it has, what it hopes to achieve or what it regards as the criteria for citizenship.

Most of the questions that I have asked have revolved around what has been happening in testing overseas—in particular, in the United Kingdom and the Netherlands but also in the United States of America and Canada. Whether this merits support will depend on the implementation of the testing. Although there are some claims that overseas testing has been examined in detail and that the Australian testing will be modelled on it, as I see it there are some very important differences between the proposed Australian system and the overseas systems. Whereas the proposed Australian system has very limited exemptions in areas like physical and mental disability or age and some flexibility where there is a literacy problem, other countries have a much more flexible system—for example, in the United States applicants have the ability to take the knowledge component of the test in the language of their choice. Not only is that not the proposed system for the Australian test but the literature around citizenship—the resource booklets and so forth—will be printed only in English and not in any other language. Prospective citizens will thus need to have a fairly good grasp of English before they even start on the process and before they can read about what the government regards as Australian values and the Australian way of life. I have concerns about that. What it will mean in fact is that various migrant groups will spend their resources on producing booklets in different languages, and prospective citizens will probably have to pay for some training in how to do the test or pay for booklets that describe it. This is one area in which the Australian test is more rigorous than the overseas test which it is modelled on.

The other particular problem that I have is that there is no doubt that this change in the regime of citizenship will affect people who have come in as refugees and humanitarian entrants far more than it will affect other groups. The great bulk of migrants to Australia come in under a works skills program of some description or are students, and they need to pass an English language test before they even get their visa. They achieve a level of functional English before they even come into Australia, so if they get a permanent visa once they are here and decide to apply for citizenship then obviously they will have a particular level of English that will facilitate their citizenship application. However, refugees and humanitarian entrants do not necessarily have that English language facility. They also often have considerable problems with literacy or have had problems with schooling in their past and need to make up a lot of ground. Many of them also suffer from trauma. They may have difficulty in accessing English classes and in dealing with the bureaucracy involved here. They are other particular problems that I have.

This is a group which would be most anxious to take up citizenship, to get an Australian passport, to have their right to be in this country regularised in that way. That has indeed been proved in the rate of take-up of citizenship among that group of refugee and humanitarian entrants. Many of that group are very anxious to get Australian passports to be able to travel back to their country of origin to see friends and relatives, with the security of knowing that they will be able to
return to their citizenship in Australia. It also assists them often in getting a job or accessing the ability to bring relatives over. So this is one group that I have great concerns about. I will very closely follow what happens to their rate of uptake of citizenship, their ability to pass the test in future and whether there will be any deterrents in the new system. I hope that the Department of Immigration and Citizenship will keep very good records of those results. We have heard from the department that the countries on which the test is modelled have not undertaken comprehensive reviews. If this is done in Australia, it will provide a good service not only to the multicultural community here but also, presumably, to those overseas. I hope and expect that very good records will be kept about who passes and fails, what the rates are and any changes in the take-up of citizenship.

The third area where I have concerns, and this has been expressed by many of the speakers, is with the English language training. The booklets will be produced in English and facility in English is obviously critical to passing the test. It has been mentioned by other speakers that the Adult Migrant English Program is quite limited in many ways. For most eligible people the program will only provide 510 hours of English training and slightly more for people who are assessed as being in more need because of their particular literacy or low education problems. The trouble with the AMEP course is that for many people it is not sufficiently flexible to enable them to take up even their 510 hours, and this is shown in departmental statistics. Only something like 10 or 12 per cent of participants in the program successfully complete it with the required certificate in functional English.

The very people who have the most need for the program to get their citizenship tend to be those who have the most difficulty in accessing AMEP. As I understand it, there are a couple of major reasons for that. One reason is that people tend to grab a job if they can get one. It makes it difficult for those eligible for the program—and they tend to be from the refugee and humanitarian entry group—to keep up their job, their home responsibilities and their English language training. Another major reason is that for women at home, people who are ill and people in remote areas, the program is not sufficiently flexible. For example, people have difficulty accessing child care for some programs and in remote communities there may not be enough people to form a class, so people end up not completing the course.

There are some people who will always have difficulty in acquiring another language. We saw that with the wave of immigrants who came here after World War II. Some of those people picked up English very quickly while others, often because they were women at home with little exposure to other English speakers, never really acquired the full facility of the language and to this day require help with translating from their children. I am concerned that those kinds of people will from now on be excluded from citizenship. I expect that as the department and the minister monitor this program they will tend to make adjustments to ensure that people are not unduly disadvantaged in the acquisition of citizenship. I can think of examples, such as the wife at home who might not be able to acquire the English language. While her husband and children acquire citizenship, she may be the only one left out. The Labor Party policy of improving the funding and the flexibility of AMEP is the answer in this instance. Our policy is about education and giving people the proper opportunity to study the language and really assist them to participate in that citizenship. That is something that we all want to see. We all want to see people acquire English lan-
guage skills, the dominant language in our country, so that they can access in full the advantages that Australia can give.

I urge the government to review the program well and to be flexible in its implementation, and I urge them to look at the AMEP program to see whether more funding can be provided. One of the things about this proposed new test is the significant funding involved: the cost will be $123 million over a five-year period. The fee will go up from $120 to $240, so there are significant costs involved for both the government and those who need to take the citizenship test before they can apply for citizenship. That is why it is important that we make sure this test achieves its aims, and that it does so fairly and correctly. That kind of money could be well spent on providing good programs for migrants to this country—for instance, assisting youth to integrate into schools and into our society and so on. So the significant costs involved mean that we should be fairly rigorous in monitoring the outcome of the new system.

In participating in the Senate Standing Committee on Legal and Constitutional Affairs inquiry I was a bit dismayed to hear that there is still no sight of the resource booklet upon which the test questions will be based and that the values statement, the booklet, to which the Secretary to the Department of Immigration and Citizenship said there had been very limited departmental input, will be produced within the minister’s office. As I understand it, there has been no input from FECCA in this process. We are still waiting for some kind of indication of what will be in the booklet. But, more than that, there will not be an opportunity for FECCA or any of the other groups involved in multicultural life in this country to have any kind of say as to what is in that booklet.

I think that relying on a value judgement of the Minister for Immigration and Citizenship and the government to decide what are Australian values and what is Australian life, without reference to groups in the wider community—not only to the multicultural groups but to other groups that might want to have a say about what Australian values are and what represents our way of life—is not a good way to proceed. I think that is particularly poor policy and practice from the government. In its haste to implement this policy, and probably because this is an election year, the government is skipping a very essential part of the process of developing a good system that it can defend with confidence.

I support the foreshadowed Labor Party amendment to this bill and the recommendation that there be a review of the operation of the new test so that we can properly assess that it is fair to all Australians, so that it will not be a blemish on our recent proud record of welcoming people from all races and cultures to our country. The Prime Minister has very often said that the Australian people are very generous in offering refugees sanctuary in our country, and I like to think that that is indeed the case: that Australians are generous and do support the principles of fairness, that they will give people a chance to settle in our country even though they may not be perfect in their English or in their understanding of our way and that they will accept the enthusiasm of migrants to be Australian and to get on with life and make a success of it at its face value. I think that should be supported by the people in this country.

Senator McEWEN (South Australia) (5.42 pm)—The Australian Citizenship Amendment (Citizenship Testing) Bill 2007 has been of some controversy in the western suburbs of Adelaide, where my electorate office is, so I would like to take this opportunity to address an important matter and to
attempt to assuage the concerns of people in my area who have a particular interest in migration matters.

The Australian Citizenship Amendment (Citizenship Testing) Bill 2007 amends the Australian Citizenship Act 2007 to provide for the testing of prospective applicants for Australian citizenship. When implemented the measures included in this bill will mean that persons who wish to become Australian citizens will firstly need to successfully complete a new citizenship test before making their application. One of the stated objectives of the test is that applicants understand the responsibilities and privileges that attach to Australian citizenship. If that is achieved, that will be a good thing. Labor supports applicants for citizenship achieving that level of understanding.

When news of this bill first emerged it faced strong criticism, and sometimes ridicule, from community groups, the media, members of parliament from all sides, and many members of the public. Comments made by the government exacerbated community concerns that this legislation required the testing of people for some ill-defined concept of Australianness. There were also concerns that the testing regime itself would discourage people from applying for citizenship.

My office, which is located in an area of Adelaide where consecutive waves of migrants have settled, has received countless phone calls both from concerned constituents and from prospective constituents wanting details of the bill and of the test. One of my constituents, who voluntarily teaches English to immigrants in Adelaide, phoned, fearing for her students. She was very confident in teaching her students how to speak, read and write in English, but she did not know how she could teach people and prepare them for this mysterious test. Thankfully, since the initial floating of the bill, it has changed considerably and it is somewhat more moderate in intent and objectives than was first indicated. The motivation for those changes is unclear but, whether it is poll driven, as much government policy is these days, or whether it was an acceptance by the government that the original plan was potentially very divisive, Labor welcomes the moderation.

Of course, Australia does have—and always has had—a type of citizenship test that applicants must complete. As outlined by the Australian Council of TESOL Associations, that test is in the form of an English language interview with an immigration officer, with questions regarding Australia’s laws, responsibilities, governance and history. The majority of migrants in Australia prepare for this interview by completing a 20-hour citizenship education course run through the Adult Migrant English Program.

Given that the government has provided no evidence that the current test is ineffective, it is difficult to understand exactly why the proposed computer based written test is necessary. A number of submissions to the Senate Standing Committee on Legal and Constitutional Affairs inquiry into this bill expressed similar views, questioning the necessity of a new test. The current system allows an officer to speak with applicants in an interview, which is, arguably, the best way to determine someone’s character. In an interview you have to do more than simply remember answers to questions; you need to express both your desire for citizenship and an understanding of the responsibilities that come with that honour. The Refugee Council of Australia noted in their submission to the Senate inquiry:

... there remains little evidence forwarded as to the practical, positive impact that English language testing beyond that which currently exists within the citizenship process, or a quiz on “the
Australian way of life”, will have on ensuring a higher “quality” of Australian citizen. The current testing is adequate in determining who should become an Australian citizen.

It is obvious that the new test will further advantage well-educated migrants who are comfortable with the English language. These applicants for citizenship will not have to overcome the language barrier, learn study techniques or learn how to become comfortable in using a computer. Therefore, it is unlikely that the new citizenship test will deter them from applying for citizenship. Unfortunately, those with little education and those for whom English is not their first language or a language that they are comfortable with could be deterred. The stated objective of this bill is not to slow the migration of those from linguistically diverse backgrounds, but that may well be the outcome as people are discouraged by the imposition of a test that is not well understood.

During a period when our country is experiencing a massive skills shortage, the last thing we should be doing is making potential citizens jump through an extra hoop. The government has invested money in schemes like the so-called baby bonus to increase our population, but that will not help us in the short term. More attention to skilling Australians through investment in training and education is urgently needed. But the government has neglected the skills crisis for a decade or more, so we cannot expect any quick fix there either. An imperfect but more immediate solution is to encourage people to migrate to Australia. We need to ensure that the test will not deter people from applying for Australian citizenship, not only because we are desperate for skilled workers but also because of what people from other nations and other cultures bring to Australian society. One of the best features of Australia is our cultural diversity. We are a multicultural nation. We have welcomed people from 200 different countries to become Australian citizens, and the effect this has had on our country has been remarkable. The rich culture of our country is now a lot more than just Vegemite, AFL and the Uluru snow domes.

One of the great privileges of being a senator is being able to attend citizenship ceremonies, where we meet people from so many nations who have decided to become citizens. Australia is a richer and better place for having had people from other countries choose to come and live here. My state of South Australia mirrors the rest of Australia in that it has a diverse population, with only 74 per cent having been born in Australia. Of South Australia’s population, 6.7 per cent were born in England and 1.5 per cent were born in Italy. In 2004-06, more than 6,000 people settled in South Australia, with the top five countries of origin being the UK, the Peoples Republic of China, Sudan, India and New Zealand.

I grew up in a neighbourhood in Adelaide which was home to a large number of migrants from Europe who came here to build a better life for themselves and to help build the infrastructure and industries that have become integral to the economy of South Australia. Those migrants faced numerous struggles, including racism, yet they managed to contribute greatly to our society, just as their children and grandchildren continue to do. They have added immeasurably to our economy and our culture. We needed them back in the 1950s and we need them now.

Labor is disappointed with the lack of detail about this bill provided to parliament and to those organisations and persons who made submissions to the Senate committee inquiring into the bill. Without knowing the content of the test, we cannot make well-informed decisions as to the impact the test will have on Australia and our prospective citizens. We can only hope that the test will
not place unreasonable barriers to individuals securing citizenship and participating fully in Australian society. We do know that the test is likely to be a multiple-choice test with questions regarding so-called Australian values. Such a test, as pointed out by the St Vincent de Paul Society—a very conservative organisation, in my experience—runs the risk of promoting ‘a monoculture that destroys our multicultural heritage and ignores Indigenous Australia’. They were very salient comments from the St Vincent de Paul Society, which has a long history of assisting migrants and refugees in Australia.

By introducing a new test, it may be seen that we are sending a message to those wanting to apply for citizenship that we want them to leave their own values and culture at the door while encouraging them to have a beer and go to a footy game. If we want to ensure the bona fides of people applying for citizenship, and if we want to present Australia to the world as a nation that welcomes difference and is not racist or discriminatory, we are not going to do it by encouraging people to learn the team colours of our cricket team or the lyrics of our national anthem.

No doubt one of the government’s initial imperatives for introducing this test was to give the impression to the Australian public that we can stop undesirables from becoming Australian citizens, but no citizenship test will stop people considered to be of bad character from becoming Australian citizens. In fact, we are creating a standard test on which someone who guessed every answer would get at least 25 per cent correct. So it stands to reason that someone who has studied hard would be able to get the required 60 per cent correct. This testing will not filter out bad people. Strongly motivated bad people are likely to pass the test with flying colours. If someone wants to become an Australian citizen and commit illegal acts it is highly unlikely that they will be deterred by a multiple-choice test. Passing any test does not require a strong commitment to Australian values but simply a good memory.

I acknowledge that some exceptions to the test have been made—those younger than 18 years of age or over 60 will be exempt, as will people considered to have a physical or mental disability that prevents them from understanding the test. Those applicants with literacy difficulties will now be talked through the test. The bill also provides that further exemptions and variations can be made. Whether those exemptions and variations are workable and whether they are applied consistently remains to be seen.

National Legal Aid expressed to the Senate Standing Committee on Legal and Constitutional Affairs its concern that a citizenship test has the potential to impact negatively on vulnerable groups such as refugees, humanitarian visa holders, victims of domestic violence and people with mental health problems. National Legal Aid went on in its submission to discuss the reality for refugees unable to obtain citizenship, describing citizenship as providing a sense of ‘belonging to a supportive nation’. Do we really want refugees who have fled devastating circumstances in their home countries to come to a country that requires them to sit a test that is written in English and based on topics that include our national sport? How will this confronting situation assist their ability to recover from an already traumatic beginning to life in Australia? National Legal Aid explained that citizenship is ‘an essential part of the healing process for torture and trauma victims, who often experience flashbacks linked with the fear of return’.

In my experience, a group who may be distinctly disadvantaged by a test such as that proposed in this legislation are women without an English speaking background who
come from countries where women typically do not engage in any formal education, except perhaps the most basic education, and may not even have literacy in their own language. As well as having little or no literacy, these women often have responsibilities to their families and commitments which prevent them from learning effective English or from getting out and about so they develop a broader understanding of the Australian culture. We need to make sure that the personal circumstances of women, particularly those with family-caring responsibilities, do not preclude them making the grade for this test, upon which citizenship is contingent.

This legislation must be teamed with a commitment to increasing the amount of quality support and education available to migrants, particularly those with no or little English literacy. The estimated cost of implementing the proposed citizenship test is more than $120 million over five years. We have to ask whether that is money that would be better spent ensuring that all migrants who need it have access to English language and literacy classes that adequately equip them for living in Australia and participating fully in our communities. There is plenty of evidence that the 510 hours of English language education currently provided to non-English migrants is woefully inadequate, particularly for people from non-literate backgrounds.

Labor will be supporting the bill, but our approach to its introduction will be very different to that of the government should we win the upcoming election. Labor will place a strong emphasis on English language education and preparation for employment. Labor will spend almost $50 million to improve and expand English language tuition. We will introduce a traineeship in English and work preparation designed to allow new entrants to develop skills, knowledge and experience in Australian workplaces as well as allowing them to continue their English language education. Our new residents will then be better equipped to apply for jobs. Working in meaningful employment or having some family members in employment is the best way for people to learn and accept all aspects of their new nation’s culture.

Labor acknowledges the concerns expressed by many that this test could be abused in the future because so much power with regard to its application lies with the minister, who will approve by written determination the content of the test and specify what grade must be earned to complete the test successfully, and who may decide that certain mandatory questions must be answered correctly. With such important elements of this legislation being left to the discretion of the minister it is possible for the test to be abused by any future government. This test has the potential to be used to stop people from particular ethnic backgrounds from becoming Australian citizens. That is a very concerning possibility and one the parliament must be vigilant to prevent.

The introduction of the new citizenship test has the potential to disadvantage or frighten off many prospective citizens; therefore, there must be great caution taken in its implementation. The test must be matched with support and resources to help new migrants become fully engaged in Australian society. We also need to monitor the implementation and outcomes of this legislation. Accordingly, I urge the Senate to agree to Labor’s very sensible amendments which go to that issue of ministerial review of the efficacy and outcomes of the new testing regime.

The concerns expressed by those who are anxious about the impact of this bill may have been laid to rest if the detail of the legislation had been provided to the Senate. The lack of detail has created uncertainty about
what might well have been a less controversial bill. When this detail is provided, we will be able to make a better judgement and assessment of how reasonable the exemptions by the minister are, what questions will be included and the finalised structure of the test.

With the necessary support and resources provided, I hope that the citizenship test will achieve its stated objectives of ensuring applicants understand the nature of their application, possess a useable and useful standard literacy in English and have an adequate knowledge of the responsibilities and privileges conferred on them by Australian citizenship. I certainly hope the test achieves those objectives but I also hope it encourages our new citizens to hold onto their own cultures and to share their cultures with the rest of Australia, as has been the case for the whole of Australia’s history.

Senator BRANDIS (Queensland—Minister for the Arts and Sport) (6.00 pm)—On behalf of the minister with principal carriage of the Australian Citizenship Amendment (Citizenship Testing) Bill 2007, Senator Ellison, may I thank honourable senators for their contributions to the second reading debate. First, may I deal with some questions that have been raised by senators in their speeches on the second reading. Senator Nettle and Senator Hurley both raised the question of the funding of the Adult Migrant English Program. I inform honourable senators of the following matters concerning that program. The government has consistently demonstrated that it is willing to assist in settlement services to assist migrants and humanitarian entrants to settle in Australia and to learn English. In the 2007-08 budget, the government provided an additional $209 million over four years to six Australian government agencies to enhance services for humanitarian entrants. In addition, the Australian government currently spends $285 million annually delivering English language programs to new migrants and refugees.

Funding for the Adult Migrant English Program has increased from $98 million in 2003-04 to $156 million in 2006-07. The government is also considering providing further assistance to help migrants and refugees to prepare to pass the new citizenship test. Under the Adult Migrant English Program, migrants who do not have functional English are legislatively entitled to up to 510 hours of English language tuition or until they reach functional English, whichever comes first. In addition to the 510 hours, under the special preparatory program, humanitarian entrants under 25 years of age with low levels of education can access a further 400 hours. In 2006 the Prime Minister agreed to the formation of an interdepartmental committee (IDC) on English language chaired by DIAC. The IDC recently considered options for the provision of more flexible, vocationally focused and better integrated English language training to meet the needs of migrants and refugees. The government acknowledges that citizenship test preparation assistance funded by the government may need to be made available to the community.

Can I then deal with the question of the test, an issue that was raised by Senator Nettle. The bill refers to ‘a test’, the indefinite article, rather than ‘the test’, the definite article, so that it is clear that more than one test may be approved by the minister. Among other things, this approach means that we are not discriminating on the basis of the type of visa which a prospective citizenship holds. That has never been a factor of Australian citizenship policy and law.

Senator Nettle also raised the question of Senate scrutiny over the determination and test questions; that is, the determination of
citizenship and the test on which that determination is based. The government does not believe that the determination, which will approve the content of the new citizenship test and include the test questions, should be subject to the disallowance provision of the Legislative Instruments Act 2003 for the following reasons: in the government’s view there is likely to be uncertainty and confusion if potential applicants have sat and passed a test which is then disallowed. There may then be a question about whether such persons would need to re-sit the test in order to satisfy the general eligibility criteria. The determination does not in any event fall within the meaning of a ‘legislative instrument’ as defined by section 5 of the Legislative Instruments Act: it is not of a legislative character; it will not determine the law or alter the content of the law. I trust those observations meet the concerns raised by individual senators on those matters.

Let me turn to summing up the bill overall. The Australian Citizenship Amendment (Citizenship Testing) Bill 2007 amends the Australian Citizenship Act 2007 and provides for the introduction of formal citizenship testing for citizenship applicants. 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 participate in our democratic processes. We also have responsibilities: we must obey Australia’s laws, respect 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 tests will highlight the common values we share as well as our history, heritage, symbols, institutions and laws. It will give migrants to Australia the information they need to better understand what it means to be Australian, their rights as Australian citizens and what is expected of them in return.

The Australian Citizenship Act 2007 requires that applicants for citizenship, by conferral under the general eligibility provision, 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. People who are not required to have knowledge of the English language or the responsibilities and privileges of Australian citizenship will not be required to sit the citizenship test. This includes applicants under the age of 18 or those 60 years or over, and those with a permanent physical or mental incapacity which prevents them from understanding the nature of their application. The citizenship test will provide prospective citizens with the opportunity to demonstrate in an objective way that they have knowledge of Australia, including the responsibilities and privileges of citizenship and a basic knowledge of English. The requirement to sit a test will encourage them to obtain the knowledge that will support successful integration into Australian society and enable them to maximise the opportunities Australia has to offer.

Concerns have been raised regarding the power in the bill that allows for a ministerial determination to establish eligibility criteria for sitting a test. Specifically, the concern is that a determination may establish eligibility criteria that are inappropriate and unfair, with no parliamentary scrutiny and no opportunity for disallowance. Legal advice confirms that the determination-making power in proposed section 23A does not allow for the setting of eligibility criteria for sitting the test that are inconsistent with the provisions of the act.
and, in particular, the general eligibility criteria in section 21(2). For example, a determination could not legally provide that only people of French-speaking background are eligible to sit a test.

The power is required for two purposes. One is to ensure that the resources available for testing are used only for prospective citizens. The second is to enable access to any special test that may be needed to be limited to those for whom the special test is intended. In this regard the bill refers to ‘a test’ rather than ‘the test’ so that it is clear that more than one test may be approved by the minister. This is the issue which I addressed earlier. The introduction of formal testing will be carefully monitored to identify those prospective citizens for whom an alternative test or tests may be appropriate. This approach will enable the development of an alternative test or tests to be designed on the basis of an identified need rather than conjecture. To help alleviate the concerns about test eligibility criteria, the government has proposed the insertion of a note to explain that the power to set eligibility criteria to sit a test cannot be inconsistent with the act and, in particular, general eligibility criteria for citizenship.

I will now address the recommendations of the Senate Standing Committee on Legal and Constitutional Affairs, which recently completed an inquiry into the bill. I acknowledge, Mr Acting Deputy President Barnett, that you chair that important Senate committee. The first recommendation was that the operation of the testing regime be reviewed three years after the bill’s commencement. As has been stated publicly, the test will be monitored closely, particularly for the first six months, to determine whether any patterns emerge suggesting a particular cohort has difficulties with the test. The government agrees with the committee’s recommendation that a formal review of the testing regime should be conducted three years after commencement of testing.

The second recommendation was to table the proposed citizenship test questions in parliament. The rationale behind making the test questions confidential is to provide an incentive for people to read the citizenship test resource book, which will help them gain an understanding of the concepts contained in the book. Publicising the questions will serve to promote rote learning of the answers; for this reason the test questions will remain confidential and will not be tabled in parliament.

The third recommendation was that clause 23A(1) of the bill be amended to specifically require that the test relate to the eligibility criteria in proposed sections 21(2)(d), (e) and (f). Legal advice has confirmed there is no ambiguity with this subsection of the bill. However, to ensure no further conjecture about this issue, the government has proposed the insertion of a note that will explain that citizenship tests must be related to the general eligibility criteria in the new sections 21(2)(d), (e) and (f). These criteria require applicants to have an understanding of the nature of the application for citizenship, to possess a basic knowledge of the English language and to have an adequate knowledge of Australia, including the responsibilities and privileges of Australian citizenship.

Concern has been raised that the content of a citizenship test, including the questions and answers, may be unreasonable. It is important to note that, with the exception of knowledge of Australia, these requirements for citizenship under the general eligibility provisions, which applicants will be required to demonstrate by successful completion of a test, are longstanding. Indeed, the requirement to have a knowledge of the English language has been a feature of Australian citizenship legislation since its commence-
ment on 26 January 1949. It is also the case that most adult applicants for citizenship, including refugee and humanitarian entrants, have been required to satisfy those requirements. The bill will introduce an objective form of assessment as to whether an individual satisfies these requirements. As has been noted previously, the test questions will be designed to test knowledge contained in the citizenship resource book, which will be freely and widely available to all.

In summary, this bill will ensure that new citizens have the necessary knowledge of the Australian way of life to which they are required to commit. This will aid their successful integration into our society. I commend the bill to the Senate.

Question negatived.

The ACTING DEPUTY PRESIDENT (Senator Barnett)—The question now is that this bill be read a second time.

Original question put.

The Senate divided. [6.17 pm]

(The Acting Deputy President—Senator G Barnett)

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<th>AYES</th>
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Majority......... 33

AYES:

Adams, J.
Bernardi, C.
Boyce, S.
Chapman, H.G.P.
Cormann, M.H.P.
Eggleston, A.
Fielding, S.
Fiifield, M.P.
Hurley, A.
Joyce, B. *
Kirk, L.
Marshall, G.
McLucas, J.E.
O’Brien, K.W.K.
Payne, M.A.

Barnett, G.
Birmingham, S.
Brown, C.L.
Colbeck, R.
Crossin, P.M.
Ferguson, A.B.
Fierravanti-Wells, C.
Fisher, M.J.
Hutchins, S.P.
Kemp, C.R.
Lundy, K.A.
McEwen, A.
Moore, C.
Patterson, K.C.
Polley, H.

NOES:

Allison, L.F.
Brown, B.J.
Murray, A.J.M.
Siewert, R. *

* denotes teller

Question agreed to.

Bill read a second time.

Ordered that consideration of this bill in Committee of the Whole be made an order of the day for the next day of sitting.

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

Report of Legal and Constitutional Affairs Committee

Senator JOYCE (Queensland) (6.21 pm)—On behalf of the Chair of the Senate Standing Committee on Legal and Constitutional Affairs, I present the report on the Social Security and Other Legislation Amend-
ment (Welfare Payment Reform) Bill 2007
and four related bills, together with the Hansard record of proceedings and documents presented to the committee.

Ordered that the report be printed.

Second Reading

Debate resumed from 8 August, on motion by Senator Scullion:

That these bills be now read a second time,

upon which Senator Chris Evans moved in respect of the Social Security and Other Legislation Amendment (Welfare Payment Reform) Bill 2007, 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 by way of amendment:

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
 onStop the legislation. Sit down and talk. No more dispossession.

It comes with the signature of Galarrwuy Yunupingu, and it was brought by Raymattja Marika and Olga Havnen. I seek leave to table this message stick from the Northern Territory Indigenous peoples.

Leave granted.

Senator BOB BROWN—I thank the Senate. I read from the written message attendant with this stick. It says:

Aboriginal leaders meeting at Garma this weekend have called upon the Prime Minster not to introduce the proposed legislative measures to give affect to this declaration of a national emergency in our communities in the Northern Territory.

The safety and wellbeing of all our children is paramount. We understand the need for tackling violence and abuse in some of our communities. Aboriginal people have led the way in addressing these issues in the absence of government support.

If any measure is expected to achieve the desired outcomes, there must be collaboration with community leaders throughout the Northern Territory. However, the Prime Minister’s unilateral action, without consultation or negotiation with us puts in jeopardy our relationship with the Government. It jeopardises the possibility of achieving any sustainable outcomes. The leaders brought to the Garma meeting messages from communities across the Territory expressing our people’s continuing concerns and alarm at the way in which the Australian Government’s intervention is being used to do much more than the intended protection of our children.

We are at a loss to understand how the removal of the permit system and the introduction of compulsory acquisition of our lands have anything to do with redressing the many complex social issues afflicting our communities. It is more likely that the Governments proposals will open the floodgates to illegal alcohol, drug and pornography dealers and to those who intend to prey on Aboriginal women and children.
We are deeply concerned at the severity and widespread nature of the problems of child sexual abuse and breakdown in our communities. But these are complex matters that occurred due to the neglect of successive governments in Australia that require a long term commitment of resources and political resolve on all our parts if we are to achieve the sustainable, positive changes that are so long over due.

We will continue to work collaboratively with Governments and communities to ensure that children are protected, they are our future and we will not compromise that for them. Above all, the role of our families and the need to strengthen and maintain our families must lie at the heart of any proposed solution. The widespread fear caused by the deployment of Defence Force personnel in our communities will be a long term obstacle to achieving stable, healthy families and communities.

The Governments present intervention is not sustainable and the personnel presently working in our communities will inevitably leave. The impact of this intervention will have serious negative consequences, and one which concerns us most, because of the widespread defamation of all Aboriginal people that has resulted, is that Aboriginal people will lose confidence in any intervention, such as regular visits to medical services. The Government’s decision to terminate the CDEP and replace it with social security arrangements will affect a majority of those people living on Aboriginal land. The detrimental impact of this new policy will be to force people into townships and communities where Aboriginal housing and services are drastically inadequate and create further dysfunction in those populations. Their policy of making social security entitlements conditional on school attendance and other factors will also contribute to a large transmigration with disastrous potential.

Moreover because the homelands have served as safe havens for families escaping alcohol, drug abuse, criminal behaviour and related dysfunction there will no longer be the option of the protection of their homelands. Thereby, the scale of the problem that concerns us all will accelerate rapidly particularly exposing women and children to greater risk.

We believe that the following steps are a pathway forward in dealing cooperatively with these matters.

And the first of those steps that come with the message stick is ‘Sit down and talk’; the second is ‘Stop the legislation’; and the third is ‘No more dispossession’.

Senator Scullion—Like bus drivers.

Senator BOB BROWN—You are intervening on a message to the Senate from the Indigenous people of the Northern Territory, Senator, and you are out of order.

Senator Joyce—Mr Acting Deputy President, on a point of order: is this all contained in the message stick that has been tabled or is this another speech?

The ACTING DEPUTY PRESIDENT (Senator Barnett)—My understanding is that it accompanies the message stick, but what is your point of order?

Senator Joyce—My point of order is that, at the start of his speech, Senator Brown said that this was part of the message stick but it sounds like he is now reading a speech.

The ACTING DEPUTY PRESIDENT—That is not my understanding. My understanding is that this accompanies the message stick, but Senator Brown can clarify that matter.

Senator BOB BROWN—Thank you, Mr Acting Deputy President. For the information of Senator Joyce, there is an English transcription of the message stick with the message stick which has been tabled. I am now reading from the message to this parliament from the people who provided that message stick at Garma. It continues:

The widespread fear caused by the deployment of Defence Force personnel in our communities will be a long term obstacle to achieving stable, healthy families and communities.

The Governments present intervention is not sustainable and the personnel presently working in our communities will inevitably leave. The impact of this intervention will have serious negative consequences, and one which concerns us most, because of the widespread defamation of all Aboriginal people that has resulted, is that Aboriginal people will lose confidence in any intervention, such as regular visits to medical services. The Government’s decision to terminate the CDEP and replace it with social security arrangements will affect a majority of those people living on Aboriginal land. The detrimental impact of this new policy will be to force people into townships and communities where Aboriginal housing and services are drastically inadequate and create further dysfunction in those populations. Their policy of making social security entitlements conditional on school attendance and other factors will also contribute to a large transmigration with disastrous potential.

Moreover because the homelands have served as safe havens for families escaping alcohol, drug abuse, criminal behaviour and related dysfunction there will no longer be the option of the protection of their homelands. Thereby, the scale of the problem that concerns us all will accelerate rapidly particularly exposing women and children to greater risk.

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Sitting suspended from 6.30 pm to 7.30 pm

Senator BOB BROWN—Before dinner I had—
Senator Joyce—Mr Acting Deputy President, I rise on a point of order. I would like Senator Brown to clarify exactly who wrote this message stick and that he stands by exactly what he has put up as a translation.

The ACTING DEPUTY PRESIDENT (Senator Hutchins)—He may deal with that, but that is no point of order. I call Senator Brown.

Senator BOB BROWN—Thank you, Mr Acting Deputy President. I would ask, through you, whether Senator Joyce has been consulting with the Indigenous people and that if he has a different message he bring it before the Senate in this debate before it is guillotined.

Raymond Gaita, the moral philosopher and author, writing in the current Monthly magazine, had this to say:

No plausible description of the plight of the Aboriginal communities can justify the condescension shown to them and their leaders by the lack of consultation and the reckless disregard for the consequences of such dramatic but ill-prepared intervention ...

Could such disrespect be shown to any other community in this country? The answer, I believe, has to be no. If that is true, then it betrays neither cynicism nor insufficient love of country to suspect that, to a significant extent, Aborigines and their culture are still seen from a racist, denigrating perspective. From that perspective, the (sincere) concern for the children is concern for them as the children of a denigrated people, just as it was when children whom we now call the Stolen Generation were taken from their parents.

We have to go back and ask: where did this all come from? And we all know that the horrific prospect of child abuse has causal factors. I simply read from The Angry Australians by Ward McNally. It was published in 1974, and this is from page 45:

Jim Doherty is almost coal black. Self-educated and self-assured. He has worked at a variety of jobs from shearing sheep and fencing station property to driving heavy transports. He is about thirty-three years of age, and says he was born under a mulga bush somewhere near the edge of Tennant Creek.

“I was luckier than most. I found work with white people who treated me decently and encouraged me to learn as much as they could. They taught me lots of things. Most importantly that not all whites are bad, or that all Aborigines respond to opportunity. From the day I was first encouraged to read I have striven to get further up the ladder of education, and to turn back what I learn to my own people in the hope that some of them, too, will resist the yoke of slavery for so long on their necks, and fight for dignity and a place in the Australian way of life. That’s our right, you know. We were here thirty thousand years before your forebears came and raped our women, poisoned our water holes and left poison food for our people to eat and die from”, he told me when I talked with him in the back bar of the Alliance Hotel in Brisbane.

Jim Doherty went on:

“Before I was ten my elder sister was found beaten up and raped. Everyone knew four or five white laborers working near the town had done her over. But as she was a little black girl no-one cared a damn about her. I used to dream about the way she looked when she crawled back to the humpy that night. Now I dream about it no longer. It’s etched into my mind.”

Here we are, 33 years down the line, recognising the distress and hurt in the Indigenous communities where people are housed 10, 20, up to 30 in one house. Let us take note that the World Health Organisation points out that the single biggest factor common to child abuse is overcrowding and ask ourselves: who did that? Who caused that? Why hasn’t that been fixed? Which government has turned its back on that circumstance in this great, wealthy country of ours?

If we then look at the figures of child abuse we find that, for the most recent year of statistics, there were some 34,000 substantiated cases of child harm reported in Australia and that 6,000 of those were in the In-
When we look at the coercive powers being given to the Australian Crime Commission through this legislation—extraordinary ASIO-like powers to surveil the community and then coerce, without charge, people to give testimony and to produce goods—we find that it is clear, it is written in the legislation, that when it comes to looking for evidence of violence or child abuse it is on the basis of race. Not the 80 per cent: if you are white you are exempted. But if you are in the black community you are subject to it. And it does not confine itself to the Northern Territory. If you are in Launceston, Perth, Echuca, Palm Island or Redfern and you are black, you are subject to the Australian Crime Commission’s coercive powers. Those powers were never meant for citizens of this country but were meant to protect this country from organised crime dealing in drugs, international transfer of money and white slavery. But, now, we have those coercive powers taken from the mafia, the criminal gangs and the triads into the Indigenous communities of our country, and nowhere else. If you are white you are under it, if you are black you are not. The legislation spells that out absolutely clearly.

I have never seen such racist legislation. I would never have expected that one would see such racist legislation and never could have believed one would see such racist legislation before a parliament this far down from the White Australia policy. It is deplorable. It is disgusting, and it is very political. This is a government which turned its back on the Indigenous people of this country more than a decade ago, but in the run-up to this election—in trouble itself—it has gone for law and order and is compelled by other arguments which the guillotine will fall on before we can put them properly in this chamber.

What is the rationale for taking the land from communities throughout the Northern Territory? What is the rationale for changing the terms of the Constitution? This government and this Prime Minister think they are above the Constitution of this nation of ours so that the just compensation terms of the Constitution are changed to another word—‘reasonable’. According to whose reasoning will this reasonable compensation be given to the unconsulted but insulted Indigenous people of this country?

Peter Andren, the honest, diligent, intelligent and caring member for Calare, who cannot be in this place because of illness, had this to say about these bills last week:

The Howard Government has proved it has no intention of seriously consulting with Aboriginal peoples by ramming 500 pages of legislation through parliament to address the so-called ‘national emergency’ in Aboriginal communities, according to Peter Andren, Member for Calare.

“These bills remove the permit requirement for entry to Aboriginal lands, trample on land rights and effectively paints every Aboriginal community in the Northern Territory as dysfunctional, addled by alcohol and incapable of determining their own lives,” Mr Andren said.

“What’s more they override the Racial Discrimination Act and stand condemned as the most racist legislation introduced into federal parliament since the shameful days of the so-called Aboriginal protectorate acts early last century.

I seek leave to incorporate the rest of that media release.

Leave granted.

The document read as follows:

“When the government didn’t control the Senate in 1997-98 the Native Title legislation was de-
bated over 10 months with several inquiries, 600 amendments moved and 200 accepted, including the government being forced to allow the Racial Discrimination Act to apply. Where is the debate and Racial Discrimination Act now?

“This exploitation of the situation in some Aboriginal communities is a shameful election-year wedge by the Prime Minister.

“Hiding behind a newly discovered election year concern the PM and his lackeys have thrown half a billion dollars at a crisis born generations ago of factors the Prime Minister has never acknowledged as serious.

“As a nation we have never paused long enough to consider the impact of removing people from their land, introducing diseases of Europeanisation, taking children from their parents over many generations and refusing to enact a Treaty recognising the prior and continuing custodianship of this land by Aboriginal peoples.

“The downward spiral of self abuse, child abuse, constantly degraded self-worth, incarceration and failure to be recognized as the first and continuing owners of this land are prime causes of Aboriginal stress and grieving.

“It requires 20 years at least of enlightened, properly informed policy along the lines promoted by Professor Fiona Stanley and Associate Professor Helen Milroy who point to a critical lack of indigenous professionals. They highlight the desperate need for early intervention programs for parents and children and culturally trained teachers, as well as the absolute necessity for permanent on ground medical and mental health services to address intergenerational grief and stress.

“What does this Prime Minister do? He continues his process of eroding self-determination and land rights on top of recent legislation specifically designed ‘to improve access to Aboriginal land for development, especially mining’.

“What has this to do with poor health outcomes and child abuse?” Mr Andren asked.

“If he had any real interest the Prime Minister would investigate the progress being made in restoring pride and purpose in Canadian native communities through a mixture of reparations for their stolen generations which included child abuse by whites, as well as a major national Indigenous Foundation for specific community building projects.

“This is the way forward, and it requires full consultation with and implementation by indigenous communities.

“The reality is there are many, many fine Aboriginal communities around Australia. The Prime Minister has effectively smeared an entire race by this precipitous and arrogant legislative response weeks out from an election.

“If his concerns were genuine he’d consult as widely as possible way beyond any poll.

“A standout and damning feature of this six-week blitz and hasty legislative response are the comments from the authors of the Little Children are Sacred Report who point out there is not a single action taken by this government so far that truly corresponds with any of the 97 recommendations made in the report.

“These bills are the trojan horse for the Prime Minister’s long held ambition – to mainstream and assimilate Australia’s Aboriginal peoples so they become ‘like us’.

“Why would they bother?” Mr Andren said.

Senator BOB BROWN—What is the government going to do after this putsch on Indigenous Australians in the run-up to this election? What are they going to do with those people who find themselves arraigned into jails, which are already overfull in the Northern Territory, if that is the government’s aim? And from the minister that is what we are going to see: jails with no services to deal with sex offenders—none. There are no education facilities and no adequate facilities to deal with addicts. If you are in Alice Springs and you have a psychological crisis, there is no hospital facility, no ability to fly out, and no jail facility except surveillance. This government says that it has moved the Army and police into Indigenous communities to make things better. What is more, it says that it is going to take the land from the Indigenous people and then give compensation—listen to the minister—in terms of the services it provides. There is
no just compensation, as I said a moment ago, other than in the terms this patronising and disgusting government in 2007 would put upon the Indigenous communities without their consultation.

This need not have happened. We had the wit and wisdom in 2007 and the expertise to do as the Indigenous people themselves have called for for decades: to consult and, arm in arm with the Indigenous people, to provide the services, the education facilities, policing and security, the ability to stop the white grog runners and drug runners making money out of Indigenous people in this country. If only it were done in good faith. Instead, we have this disgusting bad faith and political advantage being taken of Indigenous Australians yet again by the Howard government in the run to the election in 2007.

What a shameful process this is. What an inglorious moment in history this is and how badly this will be looked back upon by every single member of this government and this opposition which votes for it. There we have a failure of opposition. It is left to the Greens and the Democrats to come in here and defend decency in this country, to defend the argument that we should not be a racist nation, to look for honour and respect for the First Australians, instead of this indignity, this calumny, this disgusting racism which is built into this legislation. The guillotine will fall but the shadow of this process this week with this government abusing parliament as well as Indigenous Australia will never, ever be eradicated.

**Senator CROSSIN** (Northern Territory) (7.45 pm)—Nearly seven weeks ago Pat Anderson and Rex Wild QC handed down a report as a result of their inquiry into the protection of Aboriginal children from sexual abuse. Infamously now known as the *Little children are sacred* report, their interim report of October last year stated that ‘sexual abuse of children is not restricted to those of Aboriginal descent, nor committed only by those of Aboriginal descent, nor just to people in the Northern Territory’. The report also reiterated the observation that, given the nature of Aboriginal communities, the classic signs of children likely to suffer neglect or abuse is more apparent.

Dysfunctional families, whether they are Indigenous or non-Indigenous, reflect and encompass problems of alcohol and drug abuse, poverty, lack of housing and unemployment. The first recommendation of their report says:

That Aboriginal child sexual abuse in the Northern Territory be designated as an issue of urgent national significance by both the Australian and Northern Territory Governments.

It further suggests both governments establish a collaborative partnership and commit to genuine consultation with Aboriginal people in designing initiatives for Aboriginal communities. So how is it that an issue of urgent national significance becomes a national emergency and in fact a crisis? How is it that the problems do not just relate to Aboriginal communities, but these bills before us only focus on the Northern Territory? How is it that there are some communities where there are no problems at all but at least 70 of these communities have been targeted purely on their population size? How is it that this federal government has had 11 long years to do something in Aboriginal communities to make a real difference but it has not done so? How is it that this government has been responsible for the oversight of the community known as Mutitjulu, under Parks Australia—hardly a shining example of a community that is coping—yet it believes it can do better in 70 other places in the Northern Territory?

These bills provide for a government response to addressing child abuse of Aborigi-
nal children in the Northern Territory by amending existing Commonwealth legislation. Be under no illusion: these bills before the Senate will dramatically and drastically change the lives of Indigenous people in the Northern Territory. The details and aspects of bills we are considering have been presented to the parliament without consultation, without informed consent from either the Indigenous people it will affect or the Northern Territory government. Since the announcement that this government was planning to intervene in more than 70 communities in the Northern Territory, we have struggled to find out the details, the nature and the impact of this measure. Originally, there was concern that health checks for children would be compulsory—that has now changed. People were very unclear, in fact frightened, about the role of the army and NORFORCE and that is slowly changing. Information on these changes has been delivered through press release and media interviews by this government alone.

I spent six weeks travelling throughout the Northern Territory with my colleagues Warren Snowdon and the bush members of the Northern Territory government, especially the Indigenous members, following the announcement of this intervention. I want to spend a minute to pay tribute to those Indigenous members in being prepared to assist, inform and reassure people in their electorates and communities. Certainly their arrival was welcomed—although, bear in mind, it is not their legislation. Their efforts in talking to people in their electorates have been given little thanks or recognition by this government.

Indigenous people affected by this legislation are distressed and stressed about what the implications will mean for them. They do not understand or accept why they have been targeted or why they were not been and told about these changes before they happened. If there was not a national emergency before this government intervened then, let me tell you, out on the ground there is certainly one now.

The Anderson-Wild report contained 97 recommendations. The federal government has acted on only three of these through this legislation. Instead, it gives the Commonwealth minister an unprecedented level of discretion to act with the same powers as the Northern Territory minister when it comes to town camps, to amending Northern Territory legislation, through regulation I might add, and to sacking local government councils. These bills will ensure that every aspect of Aboriginal life will be controlled by the Commonwealth, such as the administration of all Commonwealth and NT programs in these communities, and will be overseen by the minister. Blanket quarantining of Centrelink will be involved in the spending of money, and the leasing of communities will mean that the land will be held by the Commonwealth for at least five years. While we in the Labor Party support the protection of children, this government has failed completely to understand either the underlying causes or the best comprehensive long-term approaches to these solutions. The only sustainable approach is to involve these people in long-term solutions with maximum community input for their ownership, and only then will solutions be sustained, long term and effective.

In an article in the *Sydney Morning Herald* on 31 July, Fiona Stanley, paediatrician and former Australian of the Year, comments that virtually all populations around the globe with a history of social exclusion and marginalisation have the same types of problems that we see exhibited in Indigenous people in Australia. So why is it that when you look at the evidence of Maori, Canadian and American indigenous people they fare far better? What is it that is different? Why
can't this government ask that simple question? She suggests:

For a start they have specialised, well-funded health services; effective partnerships and involvement of indigenous people; and many more indigenous professionals who are ... advocates for their people.

... ... ...

Treaty negotiations and land rights are linked to outcomes that ensure local resources, employment and community economic opportunities.

But, most importantly, there is a recognition of history and past dispossession that provides for some restorative justice.

What is missing in this package is a lack of social research and compassion. The astonishing lack of discussion, let alone negotiation, has not paved the way to convince me that this government has any intention of providing lifelong skills for Indigenous people, no intention of empowering them or ensuring that, after this emergency is over, the whole exercise will leave these people with the ability to self-determine their future and the skills to do that. The Australian Labor Party has indicated its support for some of these measures, with the key focus being to tackle child abuse and neglect. Of course I, like all of my colleagues, want to see the end of child abuse everywhere, not only in Indigenous communities.

I also believe that this legislation, which purports to tackle sexual abuse in Indigenous communities, must—like any other legislation—comply with the Racial Discrimination Act. This would ensure that the actions of the government do not discriminate on the grounds of race, colour, descent or ethnic origin and are consistent with the previous track record of all federal governments when it comes to responding to Indigenous issues. I do not accept the non-application of part II of the RDA. That eliminates the possibility of the courts fulfilling their normal role, which is to decide whether or not this proposed legislation is a special measure. Before the committee hearing last week, the Human Rights and Equal Opportunity Commissioner said that an essential feature of a special measure is that it is done in consultation with, and is generally with the consent of, the people who are subject to it. The apparent lack of consultation prior to the introduction of these bills is therefore a matter of serious concern. I have noted the comments of HREOC that this could be a special measure. But in order for that to occur, consultation is needed. This government should immediately seek to do so once these bills are passed through this parliament.

As legislators we should be sending a clear message that we have confidence in this plan, confidence that it will be to the benefit of the people in the Northern Territory and confidence that it will achieve results against the aim that has been set for it, which is the protection of our children. In doing so, we must also observe the integrity of the Racial Discrimination Act. This is a basic principle for the opposition, for this country and for the Indigenous community of this country. In fact, this very point was made by former Federal Court magistrate Murray Wilcox, who said on ABC’s AM program last Tuesday:

... the Government is saying this is racially discriminatory legislation but nonetheless it is to be regarded as valid.

That is the reason why we propose an amendment to eliminate such measures that would restrict the role of the courts and of the RDA. We should stand by that legislation. It is an important check and balance on any government. This government should not walk away from its obligations to ensure a healthy and lively debate on this legislation and should not shut down the role of the courts in scrutinising this legislation.
I want to turn to a number of other elements in the legislation. Firstly, this government has failed to demonstrate in any way how proposed changes to the permit system will assist in protecting children. They claim that removal of the permit system that is presently in force will open up communities to more visitors, which somehow will prevent or lessen child abuse. In fact, the Northern Territory police have told us the opposite: they have told us that having this permit system in place has on more than one occasion meant they were able to use the permit system as a means of controlling what occurs on these lands. Where drivers could not produce permits, police were able to stop and search their vehicles and thereby prevent grog and drug runners entering the communities. The removal of the permit system will prevent police from doing this and achieve the opposite of what the government claims: more drug runners and grog runners. In fact, today the Police Federation of Australia said that it is of the view that the Australian government has failed to make the case that there is any connection between the permit system and child sex abuse in Aboriginal communities and that therefore the changes to the permit system are unwarranted. When Minister Brough put out a discussion paper on the possible changes to the permit system, not one Aboriginal community wanted change. But their views are being totally ignored. That is a total lack of respect for Indigenous people.

Labor does and always will support Aboriginal land rights and the act that underpins them. This legislation gives the federal government the leasehold over prescribed areas for five years, but the underlying title stays with the traditional owners, who therefore will ultimately regain control. Their traditional rights to continue to use their land must not be affected. I personally have grave concerns about aspects of this legislation in relation to the compulsory acquisition of the land for five years. I am yet to be convinced that this needs to occur in order for this plan to be implemented.

The legislation also scraps the CDEP, the Community Development Employment Program. While it would be welcome if there were enough real jobs in remote communities for Aboriginal people to occupy, the reality is that this simply is not the case. For many organisations, especially those servicing the most remote organisations—like homeland resource centres—the scrapping of CDEP with the resultant reduction in funding and loss of activity payments will be potentially disastrous to the homelands and the outstation movement. Again, this move will do little to protect children. Indeed, if it forces Aboriginal people to move away from homelands to larger communities with more crowded housing, it may do the opposite.

We had a number of submissions before us last Friday from homelands associations in the Northern Territory. The Laynhapuy, the Marthakal from Elcho Island and Bawanunga all put in submissions. They hold grave concerns about the impact of the abolition of CDEP. They say that the government response could well precipitate the collapse of well-functioning organisations. This is because the precipitous withdrawal of funding will not give them time to plan or structurally adjust. This would create a climate of extreme uncertainty, which makes retention and recruitment of staff and the maintenance of morale extremely difficult. It would also cause uncertainty as to the security of land and assets. The impact and consequences of the removal of CDEP have not been discussed with Indigenous people. Why is it that you can live in Lajamanu and not get access to CDEP from 30 September but travel across the border into WA and still be eligible to work under this scheme? This is not about ensuring Indigenous people get
access to employment opportunities but about ensuring that this government gets access to their money. That is the only way their money can be quarantined: through Centrelink rather than through wages. What is fair about quarantining the payments of Indigenous people if they are on Centrelink but not if they are on a wage? The assumption here is that people who are earning a salary know how to or in fact do spend their income appropriately. There is no evidence to suggest that that is a fact.

There are elements of this legislation that are worthy of support, such as the crackdown on pornography. Yet the measures do not go to limiting access to adult channels on Austar and do not go to educating adults in these communities about the appropriate time to watch these adult channels—which is not when children are up and around. As such, you have to ask how effective they will be. I believe that the restrictions on alcohol also warrant consideration, although there are communities that have alcohol management plans in place and these plans should be allowed to remain. That seems unlikely.

This legislation and the process in which it has been developed are far from perfect. Just today I received a letter from the Elliott District Community Government Council. Elliott is a community located 700 kilometres south of Darwin and 780 kilometres north of Alice Springs. It is the largest remote community in the Barkly region. But guess what? It is not one of the 70 communities that have been targeted by this government. The Elliott community have written to say that, while they applaud the federal government’s national response to protect Indigenous children in the Northern Territory and support the proposed initiatives, they are extremely disappointed that the Elliott community has not been considered to be included in the initial emergency response. For some reason the excuse that the government is giving is that it is a town camp. I fail to understand how that can be so, and I will be interested to hear the minister’s response when we ask why Elliott has been left out of this strategy when it has over 650 Indigenous residents.

We can all see that the health and wellbeing of children are of paramount priority and need to be acted upon immediately. While neither side of this house has an unblemished record when it comes to Indigenous affairs, the history books are filled with brash, radical and hurried plans attempting to fix Indigenous disadvantage. Those plans were not given full consideration by parliament, they did not provide for full and proper consultation with Indigenous people and they have failed. We have argued for a review of part 4 of the legislation as well as the section of the legislation that deals with the quarantining of Centrelink payments 12 months following the implementation of this legislation so that we can continue to work to improve existing measures to the benefit of Indigenous people, and to do so in a spirit of consultation with Indigenous people.

On this side of the house, we are committed to examining these measures and, while we believe they need amendment, we are committed to implementing measures which will deal with not only short-term social abuse issues affecting young Indigenous kids, but also which will address the economic and cultural sustainability of Indigenous communities into the future. There are many elements of this legislation that I find personally abhorrent and I have great difficulty in giving it my support. I am not convinced that this legislation will lead to long-term gains. Look at this government’s track record. This government has had 11 long years to commit to fixing the housing crisis in the Northern Territory, but it has not. It could have ensured that we were not the only developed country in the world to still have
trachoma in epidemic proportions in our Indigenous people and allocated the $22 million needed to eradicate it, but it has not. It could have ensured that there were adequate facilities in communities for the aged and funding for long-term programs for the youth, but it has not. It could have said ‘sorry’ to the stolen generation and addressed their mental health problems, but it has not done that either. It could have ensured that stolen wages were returned to Indigenous people, but it has failed in that area as well. And it could have guaranteed that reconciliation and recognition of Indigenous people was something they would long be remembered for, but this government will not.

In the year when Indigenous people should be celebrating the 40th anniversary of gaining the vote and being recognised as equal citizens in this country, they are still fighting to educate and inform people about how they live and are urging us to take account of the impact of this legislation, how it will affect them and the consequences it will have. This legislation is ill conceived and ill informed. It takes no account of the views of Indigenous people and assumes that they all need some form of intervention. They do not.

Senator BARNETT (Tasmania) (8.05 pm)—I stand tonight to strongly support the government’s legislation before the Senate, the Social Security and Other Legislation Amendment (Welfare Payment Reform) Bill 2007. At the outset, I want to empathise with Senator Crossin, the Labor senator from the Northern Territory, and say that I understand where she is coming from and the motivation she has, which is for the betterment of Indigenous communities and particularly Indigenous children in the Northern Territory.

It is true that I have learnt a great deal over the last week or so while getting abreast of the concerns that have been raised and getting my head around some of these issues. I want to say to Senator Bob Brown—who has referred to our government as a racist and a disgusting government—that I find those words hurtful and offensive. You are entitled in a democracy to your own views, but one of the key motivations behind this legislation is to ensure that those who are missing out, those who are suffering and those who are combating sexual abuse, particularly kids, are raised up. We want to remove them from the terrible situation in which they live. We need this emergency measure. We know that we have failed in the past. There have been many decades of failure across all levels of government, in particular by state governments. We have failed as a nation and it is time.

I would like to pay tribute right up front to the Hon. Mal Brough, who is 100 per cent committed to the health and welfare of Indigenous communities in Australia and specifically in the Northern Territory. Minister, thank you and well done for biting the bullet, for leading us and for conveying to us that these people deserve respect and dignity. You want to give those children a chance in life. You want them to be able to achieve their best potential and achieve good health outcomes, education outcomes and social outcomes. You want them to be the best that they can be. That is the desire that Minister Mal Brough has shown us.

The Prime Minister and Minister Brough made that historic announcement on 21 June this year. It was a historic announcement
because it was an emergency measure to respond to an emergency situation, and that is what happened. Six weeks prior to that June announcement, the Little children are sacred report, commissioned by the Northern Territory government, confirmed what the Australian government had been saying. It told the government in the clearest possible terms that sexual abuse of 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. This government has said, ‘Enough is enough; we want to make a difference in the lives of these children in the Northern Territory,’ and that is what they have done. It is motivated by compassion, care and concern and a wish to give respect and dignity to these children so that they have a way through and a chance to make a go in life.

It has been a great honour to chair the Senate Standing Committee on Legal and Constitutional Affairs. I want to thank every one of the senators on that committee, including the participating senators, who appeared at the hearing on Friday last. We received a reference on 9 August 2007, and, yes, we had little time—we had one day, and it was a full day. I want to say to the witnesses who presented before that committee: thank you for doing what you could. I thought the submissions were thoughtful, well researched and well prepared. I want to thank all the senators on that committee. In particular, as committee chair, on behalf of the committee I want to thank the secretary of the committee, Jackie Morris, together with Julie Dennett, Tim Watling, Sophie Power, Alice Crowley, Judith Wuest and Michael Masters. What a great team and what a great effort they have undertaken on behalf of our Senate committee to pull together this report. I am proud of the report, which was tabled just a few hours ago in the Senate. I have referred to the various witnesses that appeared before the committee. I want to thank them for their efforts and for their contribution, which has been most valued.

The minister, Mal Brough, has said that the situation we are in at the moment requires urgent and immediate action. That is exactly what has happened. We have already had action on the ground up there with police, health and emergency services personnel. The minister has indicated that he is tremendously encouraged by the support that he has received for this emergency response from the government and from ordinary Australians. I want to take my hat off to the volunteers who have committed their own effort, time and resources to get up to the Northern Territory to make a difference on behalf of all Australians. This includes people from Tasmania like Dr Rob Walters, who gave his time and effort to do that. There are hundreds of people, and maybe more, who are volunteering. On behalf of all of us I say: thank you for that.

Senator Bob Brown—How long is he staying?

Senator Barnett—Senator Brown, if you want to make accusations and derogatory comments about the volunteers, stand up and do it in a separate speech. This is my time to make a contribution to this Senate with respect to the importance of the health and safety of the children of the Northern Territory’s Indigenous communities.

We have received 155 submissions as of nine o’clock this morning. It was a short time frame, but we do not live in a perfect world.

Opposition senators interjecting—

Senator Barnett—We do not live in a perfect world, and that is why we have done what we can in the time available.

An incident having occurred in the gallery—
Senator McGauran—Mr Acting Deputy President, I rise on a point of order. I have been sitting here for some time listening to my colleague Senator Barnett make his address. I have referred to the proper standing order with regard to the running commentary in the gallery. I refer you to section 175, ‘the conduct of visitors’. It is quite obvious that there is ongoing noise and disruption. We have three security members up there. I would ask them to take charge of the matter; otherwise we are going to have this running commentary through the address of any government speaker. If nothing else, Mr Acting Deputy President, could you please warn the visitors in the first row on the right of the gallery.

Senator Bob Brown—On the point of order, I have heard far greater noise from the gallery during first speeches. What a petty point is being taken by the minister. It is not consistent with standing orders. There has been no disruption. The member who is talking has not complained, and the point of order should be ruled out. We are, after all, in a democracy. We are not in some sort of sound bell where nothing from outside penetrates these walls. A little decency and forbearance in these circumstances would go a long way.

The ACTING DEPUTY PRESIDENT (Senator Hutchins)—In terms of decency, I would ask the ladies and gentlemen in the gallery to observe the standing orders of the Senate and to listen to the speakers in silence.

Senator Barnett—Thank you, Mr Acting Deputy President. I am quite happy in terms of this being a democracy. We have the right and entitlement to share our views across the chamber. Everybody in this country is entitled to their view and we should vigorously respect each other’s right to express that view. I was not particularly concerned about the interruptions but I do appreciate the willingness of Senator McGauran to indicate that standing orders are important.

Just about all the witnesses in our committee did welcome the intent of the Australian government’s intervention package. Some were strongly supportive of the package and some were strongly against the package. I wanted to refer to a few witnesses in particular. John Moriarty, of the National Indigenous Council, said:

I find this a once in a lifetime opportunity for fighters like me who want Aboriginal rights, and I think it should be supported. We have lost at least two, maybe three, generations in my communities up there in Borroloola.

Dr Moriarty went on to say:

... we have allowed the states to do their thing. I find that this intervention is one of those aspects that will dig deep into the real issues and have Aboriginal people brought into the system.

Mr Wesley Aird, of the National Indigenous Council, told our committee last Friday:

I think the status quo is a result of a failed model in terms of funding and governance systems. I think it is destroying communities and lives. The obvious manifestation of this is child abuse and neglect as well as alcoholism and violence.

He also said:

I support the intervention. I think it is important that it is treated as a package.

Mr Aird went on to say:

I am concerned that the critics of the intervention are losing the real focus here, which is the protection and safety of families and children.

That is the real focus.

The committee also heard that many residents of Alice Springs and Katherine were supportive of the intervention package. The Mayor of Alice Springs Town Council, Councillor Kilgariff, told the committee:

I would like to start by saying that many people in this area have welcomed the federal intervention. They see it as a catalyst for change. Over very
many years we have seen a deterioration in the quality of Indigenous lives brought about by many things but I would say principally by alcohol and welfare dependency.

She went on to say:

... I think the intervention is very welcome.

Likewise, the Mayor of Katherine Town Council, Councillor Shepherd, noted that she and most of her community welcomed the government’s intervention.

Yes, many submissions were critical of the haste with which the legislative package had been introduced into parliament and argued that there should have been more consultation—and I note the views Senator Crossin expressed tonight. Magistrate Dr Sue Gordon, Chair of the NIC and also the National Emergency Task Force—someone for whom I have great respect and a very high regard and someone who is demonstrating great leadership in dealing with these important matters—told the committee that consultation in the context of a response to an emergency was necessarily limited, and she drew a parallel with the imperative for governments to act swiftly in the face of other emergencies. She submitted that the protection of children and, indeed, adults in communities who suffer violence and abuse had been completely lost in the public debate and noted that in an emergency like a tsunami or a cyclone governments do not have time to consult people in the initial phases. That was said by Dr Sue Gordon, an authority and someone I have the highest regard for. She put a very persuasive and powerful submission to our committee last Friday.

Senator Ellison—Hear, hear!

Senator Barnett—Thank you, Senator Ellison. Mr Aird, from the NIC, told the committee:

... there has been so much consultation with Indigenous people over the years on so many topics. I think this one is different because we knew that the abuse and neglect of children was ongoing. So for every day, every week that you were out there consulting—and with some known outcomes, dealing with personalities that you would expect to be consulted—the person who delayed action would knowingly be allowing more abuse, more neglect ...

The time for action is here. The time for an on-the-ground emergency effort is with us.

The protection of children is the top priority. There has been reference to the Racial Discrimination Act and the exclusion from part II of the Racial Discrimination Act, noting that that is limited to the five years. That was discussed at length in the committee hearing. Departmental officials from FaCSIA informed the committee:

The bills make it clear that those measures in relation to the emergency response are special measures, and special measures are based on the Convention on the Elimination of All Forms of Racial Discrimination, which allows concrete measures to ensure the adequate development and protection of individuals. The provisions in the bills are intended to provide a benefit to Indigenous Australians and to secure their adequate advancement and enjoyment of their human rights on the same basis as others.

So that is in fact the direct opposite to what Senator Brown has indicated in terms of our government being racist. The exact opposite is happening. We are trying to lift these Indigenous children and their communities so that they can partake in Australian society in the same way that other Australian men, women and children partake. So with respect to the Racial Discrimination Act, the way the legislation is written is entirely appropriate.

Yes, there have been views put on the permit system. I want to put on the record that there have been both criticisms of and support for the permit system. The Mayor of Alice Springs Town Council said:

... the Alice Springs Town Council has resolved that it does agree with getting rid of the permit system in major communities and on major roads.
That was the view put by the Mayor of Alice Springs Town Council, and I strongly support that. The question has to be asked: why would you want to have a closed community? There needs to be persuasive and overwhelming evidence to support that, and that evidence is not there. A review into the permit system was done last year. Over 100 submissions were made to the government. Interestingly, the Combined Aboriginal Organisations of the Northern Territory gave evidence that the group had not even made a submission to that review, on the basis that it considered the issue of permits to be within the expertise of the Northern Territory land councils. The government decided on balance to leave the permit system in place for 99.8 per cent of Aboriginal land in the Northern Territory. The permit system applies to towns, places with roads, shops and public places like other towns. That is how it is planned to work under this legislation. The objective is to provide for strong and safe communities that can thrive and prosper like other smaller communities throughout Australia.

There has been discussion on the changes to the Community Development Employment Program and the income management regime and the funding of the $580 million package. That is the level of commitment being given—$580-odd million—to address these issues. That highlights the priority that this government places on the health and safety of Indigenous children in the Northern Territory. The Mayor of Alice Springs Town Council noted in her evidence:

Eighty-five per cent of police work here in Central Australia is alcohol related ...
The issues relating to alcohol, drugs and pornography were discussed at length.

I just want to comment on the restrictions on pornography. We had submissions from the Festival of Light and the Australian Christian Lobby, and I note that on 10 August this year the Prime Minister announced, with Minister Helen Coonan, new initiatives in relation to the provision of free on-line content filters to Australian families and public libraries, as well as access to internet server provider filtering on request. What an excellent measure! That is something I have been supporting for many years and I am thrilled with that measure. I think it will provide support, encouragement and opportunities for safer protection to be provided to these communities.

I want to talk about monitoring the measures which deal, in the national emergency response, with the possession and supply of X-rated films to assess the effectiveness of those measures in preventing that use of these films in the sexual abuse or sexualisation of children and young people in these prescribed areas. There should be ongoing monitoring to see how that affects these communities—how it benefits them, whether it is working and whether it needs to be extended or not. That is a question that remains open.

Yes, we did make recommendations. It was not just a carte blanche. In fact we made six recommendations, and I just want to touch on those very briefly before my time expires. Firstly, the committee recommended that the operation of the measures implemented by the bills be continuously monitored and publicly reported on annually through the Overcoming Indigenous Disadvantage reporting framework. We believe that that is an important framework. The reporting will happen annually. It will be a public document and you will be able to see how the progress is going.

Secondly, the committee recommended that the emergency task force make publicly available its strategic communications plan and its other operational plans, and that that
should be done within six months. The longer-term plan should be tabled and made very clear within 12 months, so that the public knows—there is a transparent process—exactly what is going on. Thirdly, we recommended that the whole process be properly reviewed within two years of the commencement. You need a little bit of time for the emergency task force measures to be implemented and to see how they work.

Fourthly, we recommended a very thorough, culturally appropriate public education and information campaign to explain to the people on the ground, particularly in the Indigenous communities, exactly what is going on and who is doing what, when and where, so that they understand how the measures in the bills will impact on them, and what their new responsibilities are. Fifthly, we have asked the government to develop explanatory material with respect to the quantity of alcohol greater than the 1,350 millilitres set out on the bill and the definition of ‘unsatisfactory school attendance’. Finally, we have recommended to the government that it should closely examine the need for additional drug and alcohol rehabilitation services in the Northern Territory and, if necessary, provide additional funding support for those services.

In conclusion, I support the legislation. It is built on compassion and the need for action to provide for the safety, health and welfare for Indigenous children in the Northern Territory.

Senator NETTLE (New South Wales) (8.25 pm)—On the day that the Prime Minister made the announcement which has resulted in this legislation, I was in the office of Senator Siewert—my Greens colleague from Western Australia. In her office I met a group of Indigenous women from the Northern Territory, who had come to Canberra as part of a national speaking tour to talk about how they did not want a radioactive nuclear waste dump on their homeland. Each of the women in the group was from a different site where the federal government is proposing to build a radioactive nuclear waste dump in the Northern Territory.

It was just a few hours after the Prime Minister had made his announcement that I met these women in Senator Siewert’s office and they were all very quiet. I do not know why they were quiet. Maybe they were contemplating the enormity of the announcement that the Prime Minister had just made. Perhaps they were still a little bit in shock. Perhaps they felt disempowered because they did not know what to say or how yet to respond, but one of the women, as she was leaving Senator Siewert’s office, turned to me and said, ‘I’m from the stolen generation.’ She said it as if to offer me an explanation. It was as if she was saying to me, ‘I understand; I’ve seen this before. I’ve seen this firsthand.’

It really struck me and it made me think that I do not want to see future political leaders in this country five, 10 or 20 years from now apologising to Indigenous Australians for the decisions being made here today in the Senate. When governments in the past made decisions to take Indigenous children away from their families they were well intentioned and paternalistic. I do not want to see that again. I do not want future political leaders to be apologising for the decisions that are inherent in this piece of legislation and this proposal by the Prime Minister.

We all want to see an end to young Indigenous children experiencing sexual abuse, in the same way that we want to see an end to all children, whatever country they are from, and whatever nationality they have, experiencing sexual abuse. We all want to see less alcohol abuse, less drug abuse and less violence occurring in Indigenous com-
munities, as in other communities around Australia and around the world. There is a whole raft of people who have been working, for almost their entire lives, to improve the lives of people in the circumstances that some Indigenous communities are experiencing. They have been dedicated to these projects. They are the people that the government should be talking to and listening to in coming up with a proposal about how to tackle the violence, disadvantage and sexual abuse that occurs in some Indigenous communities.

The Prime Minister appears to have made his announcement with no consultation. I think that the very clearest lesson that white Australians can learn from the history of the way in which we have engaged with Indigenous Australians is that you must consult. You must engage in a genuine discussion with Indigenous Australians. If that does not occur, and if Indigenous Australians are not leading that process then whatever you are trying to achieve will not work. The history of Australian governments engaging with Indigenous Australians shows that if you do so without consultation and without genuine engagement you will fail. And that is what we are seeing here again from this government.

There are numerous studies which show us that the best way to deliver services for Indigenous Australians is to have Indigenous Australians leading and driving that process. We have set up Aboriginal medical services and Aboriginal community controlled health organisations in this country because we recognise that is the best way to deliver health outcomes for Indigenous Australians. I was on the Senate inquiry that was looking into the government’s proposal to abolish ATSIC. When the President of the Australian Medical Association, the AMA, appeared before the committee, I asked him for the AMA’s view about how Aboriginal community controlled health organisations worked in terms of being able to deliver health outcomes. He was very glowing in his response. This is what he said:

I think the model that they have there is a model we need in the non-Indigenous delivery of primary care, because they deal with it in a holistic way. They do not deal with it in a symptom way—you come in with a sore throat and they say, ‘Here’s your script; get out’—but they deal with the whole: who are you, who is your family unit and what makes you up? They actually deal with the whole person. They deal with the physical and psychological needs. The way the AMSs [Aboriginal medical services] are structured—

And he said ‘Don’t tell them out there!’ presumably referring to his doctor colleagues—is probably how we should structure the non-Indigenous ones.

That is, the non-Indigenous medical services. Similar studies about the effective way to deliver health outcomes to Indigenous Australians have come up with the same results in countries all around the world from the United States to Canada and throughout the Pacific. Having visited Aboriginal community controlled health organisations, the outcome of those studies makes perfect sense when you see how Indigenous Australians are driving their own projects to improve their own lot in life. We know that Indigenous Australians are far more likely to access government services, whether it is health care or Centrelink, if they can talk to another Indigenous person. The government has set up some models recognising that this is the way you deliver services.

But not only does the provision of services for Indigenous Australians by other Indigenous Australians deliver better health outcomes it is the very basis of the idea of self-determination. The United Nations Universal Declaration on Human Rights talks about the importance of self-determination. The United Nations Universal Declaration on Human Rights talks about the importance of self-determination. Australia has signed up to that; countries all
around the world have signed up to that. And similarly that commitment to self-determination can be found in the International Covenant on Civil and Political Rights. The international community has recognised the importance of self-determination: it is about Indigenous people being able to control and drive their own future in their country.

After the Prime Minister made his announcement about the Northern Territory, I decided that I wanted to go and visit Indigenous organisations in my state of New South Wales that I knew were doing fantastic work to help their communities tackle the problems that they face. I did that because I want to see this issue addressed seriously, and that means needing to learn from the experience that is out there about what works when Indigenous people are leading the way.

I went to visit the Katungul Aboriginal Medical Service in Narooma on the New South Wales south coast. They provide health services for Aboriginal communities from Ulladulla all the way down the south coast, yet they do not receive enough funding from the federal government to be able to employ even one full-time GP. They do not get any money from the federal government or from the state government to ensure that they can provide Indigenous Australians from Ulladulla to the Victorian border with dental care. I met an Aboriginal man who lives near there. He was talking to me about the Indigenous children in his community whose teeth have rotted down to their gums because they have no access to dental services and they have such poor nutrition.

Indigenous communities on the south coast of New South Wales are trying hard to improve their health, but they are not getting the support that they need from the federal government or from the state government. Some of the issues that they face are similar to those horrible stories that we have heard about from communities in the Northern Territory. Indigenous Australians all around this country need support. They need to be able to have access to mental health services, to dental services and to drug and alcohol services that are run by Indigenous communities for Indigenous communities.

I also went up to Lismore in the north of New South Wales where I visited an organisation called Rekindling the Spirit, which is an incredible organisation run by an Indigenous guy who himself was a victim of sexual abuse. He used to work for the Department of Community Services in New South Wales as a child protection officer and he experienced racism from his colleagues who were also child protection officers within that department. But in some ways the Department of Community Services was quite good to him in that they lent him a car. He would then drive around and pick up all the Indigenous men and drop them to the alcoholics anonymous meeting that was happening that night and then drop everybody home again that night—all the people who did not have transport would not have got to the meetings if he had not been doing that. He was working incredible hours until the early hours of the morning to help his community, his Indigenous brothers and sisters, be able to attend those meetings. The next day he would rock up to work again for the New South Wales Department of Community Services. He did that for many years before setting up his own organisation, which is an Indigenous-run centre for Indigenous communities in northern New South Wales. They work with a lot of people who are referred to them, including men who are referred to them from the New South Wales Department of Corrective Services. They are men who may have been perpetrators of violence. The Rekindling the Spirit organisation works with those men to help them deal with their lives,
to deal with the problems that they have had in their lives and the violence that they have engaged in. They also work with the families as well as with women and children who have been victims of violence. They have a long-term strategy of dealing with the cycles of violence that exist, because they work with both the victims and perpetrators of that violence.

After visiting Rekindling the Spirit I went to Southern Cross University, which is also located in Lismore, where I met up with a class of masters students who are studying a degree in Indigenous studies. It is a unique course operating at Southern Cross University and is being run by Professor Judy Atkinson. I know they are keen to see it expanded and run elsewhere. I was sitting in a room of masters students—they were predominantly Indigenous and all were women—and they went around the room telling me who they were and what their experiences were. After they had done that, I realised that I was sitting in a room of about 12 Indigenous women who had each been working for about 30 years on child sexual abuse in Indigenous communities. This was a room of experts, and I wished that it had been the Prime Minister and the Indigenous Affairs minister sitting and hearing the stories from each of these women about the work that they have been doing for their entire working lives with Indigenous communities to tackle sexual and family violence occurring in those communities.

There were two women from the Kimberley area, and Professor Judy Atkinson said to me that the program that they were running to tackle sexual violence in their community was the best program that she had seen anywhere in the world to tackle Indigenous violence in a community. I asked her what made it the best program available, and she said that it was because the program dealt with the issue of violence and sexual abuse of children by working with the whole community. It did not work with the model that we see in Western medicine of one-on-one counselling; it was about working with the whole of the community so that the community together could work on that issue.

It is the same thing about Indigenous communities being able to be the providers of the answers to the problems that some Indigenous communities in Australia face. Self-determination is the approach that we find in successful Indigenous programs. I want to stand here today to vote on a piece of legislation that recognises the great work that is being done by Indigenous people, often women, in their community to tackle the problems that they face. It did not take me very long in the six weeks since the Prime Minister made this announcement to visit a raft of Indigenous organisations in New South Wales run by Indigenous men and women who are doing great work for their community. They are the ones we should be listening to and supporting. I would love to be asked to vote on a piece of legislation which is about supporting those people to achieve the fantastic outcomes that they have been able to achieve in their communities and allowing them to drive the process. I want to vote for a bit of legislation that ensures that the Lapa Bummers, which is a youth group in La Perouse in Sydney, gets the funding that it needs to be able to continue to do the work that it is doing.

I met a 24-year-old guy at La Perouse, who is the acting CEO of the land council there. He told me that when he grew up in La Perouse there was no youth group. So many of the young Indigenous boys that he grew up with lost their way because there was no support, and he talked to me about the stark difference that he has seen amongst the young boys in the La Perouse Indigenous community because of the presence of the youth centre. That youth centre and the pro-
grams that it is running are being replicated by Indigenous communities right around Australia, but their funding from the federal government runs out next year. I think it would be disastrous if they were not able to continue to do their work, which has become a model for youth programs in Indigenous committees right around Australia, because they were not able to get the funding that they need to be able to continue and to make a difference to the lives of young Indigenous men living in La Perouse.

I want to see this government supporting programs like the Blackout Violence program. It is run by the Mudgin-Gal Aboriginal Women’s Corporation and the Wirringa Baiya women’s legal centre, which are based in Redfern and in Marrickville in Sydney. They came together as a result of some sexual violence that had been occurring in Redfern in the Block and they put together a program to address this issue. The women organised a rally and then they put together their program Blackout Violence. They launched it at the New South Wales Aboriginal rugby league knockout in Redfern, where all the communities come together. Players from 85 rugby league teams went out onto the field wearing purple arm bands to show their opposition to family violence and to sexual assault against women. I want to see the federal government supporting programs like that.

It has not taken me long to find many, and I know there are many more, fantastic Indigenous groups, not only in my state of New South Wales but all around the country, who are doing really amazing work to tackle the problems that the government talks about wanting to address. They are the experts; they are the people who have lived with and had experience of those things. They know what works and they are the people who should be driving this process. If we really want change and if we really want to ensure that young, Indigenous Australians do not experience violence, sexual abuse and drug and alcohol abuse, then we need to adopt the programs that have worked in Indigenous communities around the country. The people who have been running those programs are Indigenous Australians, so they need to drive this process and they need to be given the opportunity to be supported for the fantastic work that they are doing.

I think about the women whom I met in Rachel Siewert’s office on the day that the Prime Minister made this announcement. Those women come from communities where this government wants to dump radioactive nuclear waste. Their job to protect their land and to ensure that their land does not become a radioactive nuclear waste dump has been made harder by this legislation. They should be able to have a say in determining the future of their land and what happens on their land, and this legislation takes that right from them away. It is paternalistic. It may be well intentioned, but the same motivator—well-intentioned paternalism—led governments before this one to make the decision to take Aboriginal children away from their parents. I do not want a debate occurring in here in however many years time about the need to apologise to Indigenous Australians for well-intentioned paternalistic decision-making by this government. I want to see us support positive Indigenous initiatives that are already occurring in this country. That is what the Greens wish we were able to stand here and support. They are the stories that I think are important to tell here, because there are answers out there and we should be following those answers and supporting the Indigenous women and others who are doing fantastic work in their community to truly address, in a long-term sense, the issues that the government says it wants to address by this legislation.
Senator EGGLESTON (Western Australia) (8.45 pm)—I welcome the federal government’s response to the Little children are sacred report. I think it is a sad reflection that the kinds of problems referred to in this report exist in modern day Australia. But exist they do, and it is better that the existence of these problems be acknowledged and action taken to overcome them in a decisive and very public way rather than for these issues to remain concealed and unaddressed any longer.

It has to be conceded that quite often these problems are long term, deep-seated and culturally based and that it has been difficult to take the initiative needed to address these issues because of misguided concern about not offending Indigenous cultural mores. However, I believe that Indigenous culture has been used to throw a cloak over these problems and that, in this day and age, it is time for this cloak to be removed and for the Indigenous people of Australia as a whole to be brought into the world of contemporary Australia.

Our society does not condone the abuse of children in any way whatsoever, and the children of Indigenous Australians, as much as any other child in our community, have every right to live normal, happy lives and to grow up with the expectation of participating in the benefits of living in this great country. Some people have criticised the government’s recent action in the Northern Territory as having only a short-term focus. This is simply not true. The government’s strategy has three components: firstly, a stabilisation phase, which is occurring at the present time; secondly, the normalisation of services and infrastructure; and, thirdly, longer term support based on the norms and choices that apply to all the people of Australia.

The federal government has appointed a task force to address the issues which have been raised in the Northern Territory. This task force is led, as has been said, by Dr Sue Gordon, who is a very distinguished Indigenous lady who was formerly a magistrate in Western Australia. I must say that I have a great deal of respect for Sue Gordon, who, as it happens, I knew when she lived in Port Hedland, as I did at that time. I am sure that under her leadership and guidance the task force will operate to the highest standards and will achieve the goals which have been set for it. Still, I think we have to look at the issues involved in what is occurring in the Northern Territory in a very broad perspective and not expect too much too soon, because these issues are very deep-seated and reflect the adverse conditions of life which have existed in some Indigenous communities over a very long period of time.

Having lived in the Pilbara region of Western Australia for some 22 years, it seems to me that these problems of abuse largely occur because Indigenous people feel isolated from mainstream Australia and feel a sense of hopelessness and alienation because they do not see a place for themselves in the world of modern Australia. In the case of Aborigines living in regional towns, who are often from the generation who came into the towns after equal pay awards were made on stations, the problem they face is not having sufficient education in terms of literacy and job skill education to enable them to find work in mainstream Australian communities. Similar factors apply to Indigenous people living in remote and isolated communities, engendering in them, in many cases, a sense of alienation and hopelessness about their lives and their place in the world of modern Australia.

Indigenous people living in isolated communities know that the world they see on television and in their nearest town is not the world of their communities. As I said, I believe this leads to a sense of hopelessness.
which, in turn, is manifested in excessive drinking and various social problems, including abuse of children. I give an example of the kind of anger this sense of alienation breeds: about eight years ago, the people from the Balgo community out on the Northern Territory border in Western Australia came into the town of Halls Creek en masse and, after sitting in a park for some hours but not drinking, the men walked down to the main street of Halls Creek and trashed offices and shops along the street, beginning with the police station and then the Shell roadhouse and so on. Balgo is notorious, of course, because of the high incidence of glue sniffing, alcoholism and youth suicides which occur there. It is probably one of the worst communities that any Australian could possibly imagine as a place to live in. As I said, these Indigenous people who live in these sorts of communities have a sense of alienation because there is nothing for them to do with their lives in the East Kimberley. That in turn leads to excessive drinking and to various forms of abuse, and that is the core problem we need to address as citizens of Australia.

I believe that one of our most important long-term goals must be to provide Indigenous people with not only basic education in terms of literacy and numeracy but also job skill education so that they do have the ability to engage in useful work, the dignity of being in charge of their lives and a sense of fulfilment. It has long been my view that education, particularly job skill education, is the key to the door of the world for the Indigenous people of Australia.

One positive initiative that has been undertaken by the Minerals Council of Australia is their Indigenous employment program. This program provides Indigenous people with the opportunity to acquire skills enabling them to work in the mining industry. And, of course, these skills are transferable to other areas. The Argyle Diamond Mine south of Kununurra is particularly worthy of mention because over 20 per cent of the workforce is Indigenous. I would like to congratulate the Argyle Diamond Mine and its parent company Rio Tinto on their Indigenous training and employment program because they are setting a high standard in practise for others to follow and not just talk about.

Obviously, however, not all Indigenous people can work in mines, but there are many other alternatives that can be considered. These include working in shops and offices in towns and, more importantly as far as Indigenous people in remote areas are concerned, in tourism ventures as guides in national parks or in Indigenous arts and craft centres. These considerations should apply not only to Indigenous people in remote areas but also to Indigenous people living within our towns and cities. For example, about eight years ago when I was driving through the Kimberley a member of my staff noted that there were very few Indigenous people working in the stores or roadhouses along the way. My staff member had worked on a functional literacy program for African-Americans in Los Angeles and, after leaving my office and going to the Red Cross, set up a program called First Steps, which trained Aboriginal teenagers in metropolitan Perth high schools to prepare themselves for after-school jobs. The Red Cross ran that program and it had great success in giving Indigenous teenagers in Perth the confidence to believe that they could successfully work in mainstream situations. Unfortunately, the Red Cross did not continue with the First Step program, but it was a very successful initiative and one that I would have thought the federal government could consider taking over and applying around this country.

I would add that these jobs were not subsidised in any way and the focus of the train-
ing given to the young people was all about presenting themselves well at interviews, turning up on time for work and being neatly dressed. The failures that occurred turned out to be largely due to the kinds of social problems that the government’s Northern Territory strategy is setting out to address. For example, teenagers who had sleepless nights because they were frightened of drunken relatives did not turn up for work in the morning because they had no clean clothes or breakfast and accordingly felt what Aborigines describe as ‘shame’. These have been the secret problems faced by Aboriginal kids and underlie not only erratic work performances but also school truancy.

Having said that, in the context of this debate it is very important that Indigenous people not be demonised in general by the actions of a few. There are many Indigenous families within our cities, towns and remote communities who live as ordinary members of their societies in normal, happy family relationships. I think it is also important to understand that Indigenous people in general have similar aspirations to the wider Australian community.

Not long after I went to the Pilbara—quite a long time ago now, I must say; in the seventies—I was invited to an Aboriginal bush meeting. Such meetings were held about once every three months on the banks of a river where about 300 or 400 people would gather over three days to discuss issues of interest to them. The first bush meeting I was invited to was held on the banks of the Coongan River near Marble Bar, and I was a little surprised when I first arrived to see the chief Aborigine of the Pilbara, whose name I cannot mention since he is now deceased, sitting at the head table wearing a big white stetson on his head over his mane of white hair and at tables on either side of him sat his advisers and lawyers from Perth and Canberra.

I rapidly came to understand that these people were not naive about our society and their aspirations were much the same as all Australians in wanting better housing, health services and education. Most importantly, I discovered that they regarded grog as the biggest problem their societies faced. In fact many of the Aboriginal communities in the north of WA are dry and those who break the rules and bring alcohol into their communities are often punished severely. As I said, I believe it is important to understand that our Indigenous people, as a group, are not alcoholic child abusers and that, more than anything else, the minority who do fit into this category need a sense of purpose and meaning in their lives and to feel included in mainstream Australian society.

In conclusion, I congratulate the government on its initiative. I believe the road ahead will be a long one but at least a beginning has been made. I believe the bold initiative the government is taking in seeking to tackle the problems identified by the Little children are sacred report and in addressing the factors that underlie those problems will transform the place of our Indigenous people in this society and will make an enormous difference thereby.

Senator FIELDING (Victoria—Leader of the Family First Party) (8.59 pm)—The government’s emergency response bills are a response to problems of child sexual abuse confirmed in the Little children are sacred report. The legislation is a sweeping and far-reaching response to a terrible problem and it goes more broadly to address Aboriginal disadvantage. It relies on a momentum powered by widespread revulsion across the Australian community at numerous cases of child abuse. The Little children are sacred report found evidence of child sexual abuse in every one of the 45 communities visited. Family First wants this momentum used to achieve a better life for Indigenous people in
the Northern Territory, a life that is free of child abuse and free of alcohol abuse and illegal drugs, a life that offers hope of an escape from poverty through good education, health care and housing.

This is an emergency, and Family First does not want to have any child living in an abusive situation for one more night. But this legislation is also a radical change in policy direction that will have long-term implications for Aboriginal people and their communities. Family First is concerned at the speed at which the legislation is expected to be passed, given that it was introduced just last week. Yes, this is an emergency. Yes, we need to act quickly. But this is 500 pages of complex legislation on a complex issue that deserves Senate scrutiny. I know Senate committee inquiries can be uncomfortable for governments, but they are useful for picking up problems with policy or legislation, allowing community input and allowing some adjustment before the parliament votes.

Family First is pleased the government has recognised there is a role for the Senate in examining and reviewing the package of bills, though the inquiry was very, very short and rushed. Family First acknowledges that most of the elements of the bills were announced by the government weeks ago and that there has been some time to debate the intent, if not the detail, of the legislation.

The concern is that this legislation will alienate some Aboriginal people and increase the gulf between Indigenous and non-Indigenous people. Last week I spoke to a delegation of Aboriginal people from the Gulkula Leaders Forum, who oppose much of the legislation. I have considered their comments and the written material they provided, as well as written material from other groups. Their reaction to the legislation is understandable. This is a radical plan. I can understand not supporting major change that upturns the way your community operates but, at the moment, the choice is either more of the same or the government’s sweeping and far-reaching proposal for change.

Aboriginal people all have families and many have children. Of course they love and want to care for and nurture their kids. The disagreement is about how best to achieve that. Family First believes Aboriginal and Torres Strait Islander people, like all Australians, have rights and responsibilities. Indigenous Australians have the right to good education, housing and health care, but they also have a responsibility to make sure their children go to school, their homes are well maintained and they look after their family’s health.

In March my wife, Susan, and I made a trip to the Northern Territory. Neither of us had been to Darwin or Katherine before. We went to see firsthand some of the Indigenous communities. We went to see and hear for ourselves the stories of people, to try to understand the real problem. This trip was about helping us to be better informed. Living in the outer suburbs of Melbourne, we had not been confronted with Aboriginal poverty and disadvantage. Like many, we have not grown up with Aborigines in our community.

Our trip was deeply depressing and disturbing. We walked away stunned and shocked by the problems facing the Aboriginal community and that kids were growing up in such an environment. As we listened to men and women, Aborigines and white people alike, tell us their stories, our disbelief only grew. How could this be so? How could a community of people live like this? How could we all, black and white, have allowed the situation to reach this level of hopelessness? As we listened, the depth of the problem began in surface. We began to see the complexities.
What struck and alarmed us was the sense that no-one had the answer; no-one really had the solution. There was a defeatism that hung over every conversation. Everyone could tell you about the problems: the police called to the domestic disputes fuelled by alcohol; the paramedics called to patch up those who injure themselves on the roadside because they are blind drunk; the school teachers who cannot teach children who do not turn up; the welfare agencies that have turned away alcoholics who want to detox, because they have no funding. Most of all, we heard about the children. We were told about the kids who see their parents and the communities awash with alcohol, the kids who are on the receiving end of drunken behaviour, the kids who are not kept safe and who grow up as victims and often become abusers.

Every conversation we had ended up being about grog. In both Katherine and Darwin there were Aboriginal people drinking alcohol to excess. We could see that much for ourselves. Aboriginal people walked, some staggered, around the streets with bottles in their hands. There was such a sense of aimlessness. There was drinking in car parks, under the trees in the parks, in the doorways of shops. Australia has a huge binge drinking problem in the broader community, but what we saw in the Aboriginal community is much worse. Yet the sheer acceptance of the alcohol problem by most in the community is much worse. Yet the sheer acceptance of the alcohol problem by most in the community was staggering. In Katherine it seemed to us that this was ‘the way it was’. The term ‘dry community’ seemed farcical when, outside the gates of these communities, you would see dozens of empty tinnies littering the entrance before you drive in.

We visited a couple of communities to see how people lived. The houses seemed derelict; vandalised, graffitied, burnt, damaged, some almost destroyed. It was like driving through a war zone. We knew we should not stare but we were stunned. Who would want to live in these houses? They were like squats. There was an air of dejection; what was the point? The enormity of the problems that we saw was overwhelming. The Aboriginal people and the welfare workers who are trying to make a difference all sounded tired and worn out. We admired them for their dedication, but they were battle weary, some close to burn-out. We heard some success stories, but they were all on such a small scale. Why couldn’t they be replicated a hundredfold? We were told the government departments were part of the problem because of lack of care, lack of action, lack of funds.

What affected us was our absolute powerlessness to help these people and the abject failure of current government policy and of Australia. We were horrified that many of the next generation were being condemned to an endless cycle of abuse. As parents, we were outraged. If the adults could not be helped, or would not help themselves, these kids faced a desperate future. And we were ashamed. I reckon most people would be ashamed too once they actually see the situation for themselves. These are our fellow Australians living in these conditions.

Standing around blaming governments, state or federal, suddenly seemed a total waste of time. Whether the Prime Minister should have acted years ago is a moot point. He did not, but neither did previous prime ministers nor chief ministers. It is fruitless and time-wasting to ask the question at this point: why was nothing done earlier? These questions can be asked after we have rescued the children. And they should be asked, but not now. Every minute we waste arguing, we lose the chance to intervene and rescue a child and give them back a future. Aboriginal leader and commentator Noel Pearson hit the nail on the head when he said that we cannot let children be abused tonight or next
Wednesday or the following Wednesday night or the one after.

We left the Northern Territory depressed and demoralised and with the same sense of despair that no doubt many feel. Yet we also felt that, just because there was no obvious or simplistic solution to the underlying and complex cultural problems that many Aboriginal people live with, that is not a reason to do nothing. We did not return home with any answers. We came home with a sense of disgrace. Our generation must be a part of the solution. Ignorance is no longer an excuse.

I do not want to give the impression that governments are responsible for everything. Clearly, Aboriginal people and their communities have to bear some responsibility too. But they need a helping hand and the hand being offered to them at the moment is not one that works. Noel Pearson argues that once you acknowledge the reality that so many Indigenous communities are dysfunctional, suffering from alcohol abuse and violence you have to take immediate action. Pearson said in the Australian:

There is no time to waste when children and adults are not living in safe environments ... [there has to be a] primary focus on safety and the restoration of social order by increasing police services and controlling the ‘rivers of grog’.

Family First supports the proposed increased controls on the movement of alcohol around the Northern Territory. Controlling the alcohol problem and providing police to improve the security of people in Aboriginal communities is a basic first step.

Family First also supports the ban on X-rated and unclassified pornography. I still remember an article by award-winning journalist Caroline Overington about pornography in Aboriginal communities. Overington wrote of Judy Atkinson, head of the College of Indigenous Australian Peoples at Southern Cross University, saying that Aboriginal communities were ‘saturated with pornography’. Atkinson had seen men, she said:

... ‘uncles’ watching hard-core, violent pornographic movies while three and four-year-olds in nappies played in the dust around their feet.

Again, pornography is a problem in the wider community, but not to the extent of these accounts where some children are brought up to regard this material as normal. Family First notes that all government-funded computers will have special pornography restrictions. That is important, but it is also an irony given that federal parliament does not place the same restrictions on the computers of its members and senators.

Family First is concerned about the blanket approach of some of the measures in the government bills where Aboriginal people will have part of their welfare payments quarantined whether they are doing the right thing or not. Such an approach risks demoralising rather than encouraging people to find their way out of welfare. Family First also acknowledges that there were many CDEP projects run well and successfully and is concerned they are being shut down and hard work not acknowledged because of the failure of other projects where they were little more than sit down money. Family First thinks that Aboriginal housing does need urgent attention and a different system in place whereby housing is properly maintained over time.

Family First understands that abolishing the permit system for Indigenous townships will be a concern for some Indigenous people, but towns should be public areas. Permits isolate some Australian communities by saying that only some people can enter. Permits have not protected communities from child abuse, alcohol or drugs. But given the haste of this legislation, Family First also wants a Senate inquiry into the legislation to
start one year after proclamation and to report back six months later on whether the legislation is proceeding as expected. This is too short a time to assess outcomes but enough time to point to any adjustments that are needed.

These bills should be the first step in a long-term commitment to improve the lives of Indigenous Australians. Family First will support the government’s emergency response. We cannot as Australians continue to allow this situation to continue. Family First has reservations about some of the changes, but all change is difficult and uncertain and we owe it to the children of Aboriginal communities to try to give them a better future.

Senator BERNARDI (South Australia) (9.13 pm)—In rising to support this bill, like so many of my colleagues I do so with a deep concern for the welfare and safety not only of Aboriginal children but of all children in our great country. I also support it mindful of the fact that there are those in our community who regard politicians as all talk and no action. That is simply not the case with this government or with Minister Brough. Tonight I recognise the support of the Labor Party and Family First for the bill and the urgent need for the changes that this bill makes.

I have to contrast this with the zealotry of the Greens, who have advocated all manner of drastic and dramatic action and extremism in all manner of things. They have talked about extreme action for greenhouse gas emissions and crazy drug policies but, when it comes to the things that really matter, the protection of our sacred children, they just want more talk. Last week I heard Senator Siewert talk about how abhorrent this bill is but I heard very little about the abhorrence of the ongoing child abuse in some of these communities that this bill seeks to redress.

The Greens have called for an injection of funds to redress Aboriginal disadvantage but they do not support a $500 million program to save those who cannot save themselves.

Let us be frank about this: the self-determination of Aboriginal communities simply has not worked. Self-determination was designed to defeat the cult of victimisation afflicting Aboriginal Australia. It has failed despite Senator Bob Brown’s earlier assertions that Aboriginal people have done a good job of managing for themselves with little government support. In fact, almost every latte-sipping leftie has had a go at supporting the self-determination of Aboriginal people.

John Ah Kit, the Northern Territory Aboriginal affairs minister, stated in 2002 that the most important objective was to restore to Aboriginal people the power to make their own decisions about their way of life. Former Senator Aden Ridgeway was reported in The Age newspaper blaming poverty, health, education and nutrition problems as a failure to acknowledge Indigenous rights. Sadly, even in the face of the growing failure of self-determination, Senator Kim Carr referred to this process as a ‘powerful force for community and economic development’. I am sure Senator Carr would not approve of how Aboriginal communities have developed in the Northern Territory. Rivers of grog, pornography and substance abuse have all contributed to the current malaise.

But the time for talk is over. The federal government has to act and it has to act now because the Northern Territory government has simply failed to do so over many years. It has had many reports and, in the face of very vocal criticism by the minister for Indigenous affairs, Mal Brough, it has simply failed to act. This fact was recognised by the Leader of the Opposition in the Senate, Senator Chris Evans, in his myth-busting
speech delivered for the Canberra South Branch of the ALP last year in which he acknowledged that law and order issues in many Indigenous communities require urgent attention. Whilst not specifically acknowledging the complete failure of the Northern Territory Labor government, he called upon the federal government to play a greater role in this area. Where the Northern Territory government has failed, this federal government is taking on the role of protecting children in Indigenous communities.

We are not going to allow others to hide behind customary law, which permits young girls to be promised in marriage and raped as a right. This is not right; it is simply wrong. In this case, the government’s action speaks louder than the hot air of those who oppose this bill for some twisted and kooky extreme mantra. There is a national emergency confronting the welfare of Aboriginal children, and the well-meaning intentions of the past have become a trap rather than a solution. Values, virtues and societal norms have broken down in a slurry of alcohol, pornography, lawlessness and excuses. The time for self-serving excuses is over. Breaking the cycle requires dramatic action and drastic changes—a fact supported by many Indigenous people.

After many years of calls for self-determination and independent government systems, sovereignty and self-government we now have a clear call for change. Noel Pearson has called for an ‘immediate dismantling of the welfare paradigm and an end to permissive policy’. He went on to state:

Our outrageous social problems and our current widespread unemployability followed passive welfare

Evelyn Scott has said that welfare has almost totally destroyed Aboriginal Culture. She said:

People are off their faces and wives get bashed up because they are drunk and ... you know the interference of children. It all happens.

So what has this government done? We are prepared to quarantine some of the welfare moneys to prevent them using it in socially irresponsible ways. This includes alcohol restrictions and a ban on the possession and dissemination of prohibited pornographic material. It will be no surprise that the usual hysterical suspects have described this as a land grab. They have described this bill as racist, discriminatory and abhorrent. There is no land grab. The underlying ownership of land by the traditional owners will be preserved. People will not be removed from their land. Land is not being stolen; it is being leased for fair and just compensation in accordance with our wonderful Constitution. We need the leases to ensure access to land and assets to repair and rebuild dysfunctional communities. We need to deal with town camps as normal suburbs rather than second-rate ghettos—and this legislation allows that. This bill also endorses the COAG agreements that customary law or cultural practise excuses do not excuse violence or sexual abuse’ and it will make sure it does not happen in the Northern Territory.

In concluding, I want to put on the record that mainstream Australia supports this emergency response. Sure, there are some fringe groups and extremists who will shout very loudly—they make the most noise—but ordinary Australians know in their hearts that something is wrong and something needs to happen. The Australian public want to see real change and improve the lot of their fellow Australians. It is regrettable that we are forced to take this position by the inactivity of the Territory government, but the time for talk is over. The time for action is now. Australia’s children are sacred, and it is the responsibility of all of us to protect them from
a clear and present danger to their health and wellbeing.

**Senator MILNE** (Tasmania) (9.21 pm)—Racial discrimination has no place in modern Australia. That is why the Social Security and Other Legislation Amendment (Welfare Payment Reform) Bill 2007 and the related bills should be vigorously opposed. For all that Senator Bernardi just contributed, he did not address a justification for racial discrimination—because there is none. The legislation before us exempts the government of Australia from the provisions of the Racial Discrimination Act to facilitate a land grab. It betrays Aboriginal people and betrays all of those Australians who cheered for Eddie Mabo, who marched around the nation for reconciliation, who are profoundly sorry for creating a stolen generation of Aboriginal people and who still desperately want a fair and just Australia. It goes to the heart of our values. Aboriginal disadvantage is not new. I am shocked that Senator Bernardi and Senator Fielding stood up in here and told us how surprised they were by how bad things are. Two years ago, I stood in here and opposed the tax cuts, saying that if in a time of wealth we cannot address the issue of Aboriginal disadvantage then when will we ever be able to do so? And what happened? Family First voted for the tax cuts; the coalition supported major tax cuts. That is the situation that we are facing. This is not new.

You do not have to exempt the government from the provisions of the Racial Discrimination Act to commit to long-term funding for health, education and housing. The fact that the coalition has not done so for a decade in office tells us of a failure of long-term commitment and long-term planning. ANU Professor Mick Dodson—one of those people Senator Bernardi would describe as having some sort of kooky idea—wrote this last week:

None of us is in any doubt that we have to intervene to make children safe. We have a responsibility to do this, so does government. But we must draw the line on responses that involve racial discrimination.

We are told we need to take people's land from them and remove their right to control access to that land in the name of stopping abuse—yet we know in our heart of hearts that this has nothing to do with the issue of child abuse. Deep down we know it is something else.

Abuse is all around us. We need to desperately do something about it when it's our kids who are being abused. We all know that. It's a given.

But, we now have draft legislation which uses a form of abuse in the name of stopping abuse. What an abuse of process this is. It is an assault on democracy and an abuse of decency. We are asked to accept abusive government behaviour in our name to stop abuse. We are asked to believe these are 'special measures' so we can be comforted that they comply with the Racial Discrimination Act. We are told we need to accept this so that country can meet its international obligations. We are asked to accept that just to be absolutely sure our government needs to 'dis-apply' the RDA.

He went on to say:

I'm at a loss as to what to do. I've been fighting racial discrimination all my life. I've run out of ideas.

But I know that no Australian should accept that racial discrimination is necessary in any context. It is too high a principle to set aside—as sacred as the rule of law itself. It is not excusable in any situation and is even more troubling when we know what needs to be done to make children safe and it doesn't involve racial discrimination.

I believe that for his relentless campaign against Aboriginal culture and land rights and his obsessive desire to ‘normalise’ Indigenous people the Prime Minister, John Howard, deserves to be cast out of office. But those in the Labor Party who vote for this legislation do not deserve office either. For political expediency and because of a lack of courage they are prepared to dispos-
sess the most vulnerable Australians—just as they were prepared to see the refugees on the *Tampa* rejected and sent away. They are prepared to disappoint a nation which knows that it can be better than what it has become after a decade of the Howard government. The Labor Party is also prepared to facilitate the champagne corks popping at the Institute of Public Affairs, the Centre of Policy Studies, the Centre for Independent Studies, the Australian Institute of Public Policy, the HR Nicholls Society and the Australian lecture society, which have been relentless in promoting this new right agenda for the past 25 years, as Senator Rod Kemp, one of their apparatchiks can well attest.

We are dealing here with the politics of race in Australia and how Prime Minister Howard has systematically over 11 years destroyed and dismantled every effort to achieve justice and reconciliation with Australia’s Indigenous people. We have only had legislation to outlaw racial discrimination in Australia since 1975. It is a relatively short period against a background of nearly 200 years of a White Australia policy and a Constitution without a bill of rights. Such a bill would have outlawed the ability to discriminate on the basis of race. I heard Senator Bernardi talk about the wonderful Constitution. I wonder if he would support a bill of rights in Australia. We did not have one when the Constitution was drawn up because it would not have allowed for discrimination against Kanak people and Indigenous people.

This legislation is the most recent in a list of calculated moves driven and supported by Hugh Morgan, Ray Evans and their associates in the mining industry from 1983 onward and furthered through the right-wing think tanks that I mentioned before: to wind back and eventually stop the land rights movement; to take back Indigenous land and free it up for mining, exploration and nuclear waste dumps; and to end affirmative action for Indigenous people. As Yvonne Margarula of the Mirrar people of Kakadu said, ‘None of the promises last but the problems do’.

Prime Minister Howard and Hugh Morgan understand as well as anyone that language, culture and land are inseparable for Indigenous people. What makes this so heinous is that this coalition government, led by Prime Minister Howard, is prepared to stoop so low as to use the issue of child abuse—about which all decent people, regardless of race or creed, care deeply—to fulfil its own long-held aim of destroying Aboriginal land rights, self-determination and reconciliation. It is a ruthless ideological agenda and it is the Howard government’s final bid, in its death throes, to take away Aboriginal self-determination and land rights. It would be bad enough if it were the paternalistic racism that Senator Fielding was giving such a clear example of—he assumes that white people have the right to interfere in the lives of Aboriginal people for their own good and have the power to define that good. But it is not even paternalistic racism.

The Howard government has shown precious little concern for the health and well-being of Aboriginal communities or the maintenance of their cultural traditions or languages during its 11 years of office. It slashed $400 million from the Indigenous budget in its very first budget when it took office in 1996. How about that, Senator Bernardi and those in the opposition standing up with their desperate concern about emergency in Indigenous communities? The Howard government took away that support the minute it got into office.

In this last budget, what did you take away? Not only did you slash Indigenous affairs funding but you took away the funding for the maintenance of Aboriginal languages. You know exactly what you are do-
ing with this legislation and it has nothing to do with addressing child abuse.

It is impossible to see this legislation in isolation. It is entirely consistent with a decade of presenting narrow sectional and ideological interests and the values that sustain them as national values, the national interest, as common sense and as not open to question or review. Remember the Prime Minister’s tolerance for Hansonism and the racism that she espoused? Remember that he cast his support for her as freedom of speech when no-one was denying her freedom of speech? What people wanted was condemnation of her views, not her right to hold or articulate them. Prime Minister Howard has ruthlessly and consistently accused his opponents in the environment, social justice, women’s and civil rights movements of political correctness, acting in a political manner and advocating sectional interests rather than those of the nation, when it is the absolute reverse. It is he and his ministers who have championed sectional interests at the expense of the national interest and they continue to do so.

The new right, to which he subscribes, is concerned with wealth creation rather than wealth redistribution. It is philosophically opposed to attempts to redress the position of socially and economically disadvantaged groups through publicly funded programs of affirmative action. That is why it is so preposterous to imagine that this intervention is about affirmative action for Indigenous people. To assist Indigenous people, you need to consult them. You need to put in place long-term resourcing and long-term commitment, not hidden surveillance cameras under the auspices of the National Crime Commission. Prime Minister Howard’s time in office has been radical and that is why no-one should believe him when he argues that this legislation is affirmative action to address child abuse.

What about his response to Mabo? What about his 10 point plan in response to Wik and his Native Title Amendment Bill, which was described as the last drink at the poison waterhole for Indigenous people? That was in 1998. What about his threat to go to a double dissolution race election? He would have been quite happy to do that in 1998-99. He tore down the reconciliation process and undermined the reconciliation report that was timed to coincide with the Centenary of Federation. He refused to apologise to the stolen generation. He has promoted Geoffrey Blainey and his ridicule of the so-called black armband view of history. His new laws, brought in only last year, allow his ministers to approve a nuclear waste dump without the consent of the traditional owners of the land and, what is even worse, deny Indigenous owners their natural justice and procedural fairness. Where does that leave the benevolence that is supposedly behind this legislation? This government is prepared to legislate to take away Indigenous people’s rights to procedural fairness. It is prepared to take away all of their rights in the name of mining, exploration, uranium, pastoral interests or whatever else the government wants to do. Go back to Hugh Morgan in 1983 and you will see where this agenda first reared its fairly ugly head.

This Prime Minister has in a decade overturned the values of the welfare state—the notion that governments distribute the common wealth for the common good through public health, public education or welfare assistance programs—and has instead implemented a policy agenda which maximises private and individual wealth accumulation at the expense of the common good. He champions tax cuts which make the rich richer and which see no money remaining for increased pensions, public dentistry, public health, public education, environmental protection or environmental water flows. He has
overseen a radical reduction in government activities through the freeing of labour markets and the sale of public assets to private corporations. He champions deregulation, privatisation, the domination of market forces and the end of trade union power. It is all one agenda. This is not isolated. This is not a response to one report. This is a ruthlessly perpetrated agenda with a window of opportunity in mind in the last few weeks of this appalling government.

The Prime Minister has been backed by the conservative think tanks, which recognised that you had to inject ideas into public discussion, package them, send the DVDs to the media and echo your views through historians like Geoffrey Blainey and Keith Windschuttle. Their budgets all came from the business community. There was a large amount of money to campaign against land rights and union power. Those people talked about equal rights for all Australians and not special rights for some—meaning Indigenous people or the disadvantaged—but they wanted their own sectional rights protected. But they are not rights; they are subsidies, incentives and gifts. We see to this day that the rich get richer through sectional interest targeted assistance at the expense of people who really need it.

They attack the ABC for bias. The Prime Minister took up the cudgels by attacking intellectuals and those who formed the policy rationale for the welfare state. With his ministers he has co-opted the national symbols, citing Gallipoli to justify the Iraq war, and is trying to excuse members of the armed forces, saying they were letting off steam when dressed in Ku Klux Klan regalia. Never forget that that organisation is a white supremacist organisation based on fundamentalist Christianity from the Deep South of the USA—where fundamentalist Christianity still promotes a literal reading of the Bible and the bigotry that has come to encompass that agenda. It should not be forgotten that while this government was in office the Dalai Lama was not welcomed into this parliament by the Prime Minister. Instead, they brought out from America a TV evangelical, Cindy Jacobs, who said that she channels God and that God hates Victoria because of its anti-vilification laws that make vilifying Muslims a crime. People in this parliament, elected members, sat there and listened to it. It was not reported in the media that that is the sort of thing that is hosted under the auspices of the family values that this government supposedly holds and perpetrates. It is in this light that we should look at this government’s legislation.

What has clearly been shown by one of the authors of the Little children are sacred report, Pat Anderson, is that not a single action that the Commonwealth has taken so far corresponds with a single recommendation. There is no relationship between their emergency powers and what is in that report. She says:

We did want to bring it to the government’s attention, but not in the way it has been responded to by the federal government.

We wrote the recommendations in such a way that they appeared so reasonable that you would feel any government would be absolutely unreasonable not to begin implementing what they said.

She went on to say:

They behaved as though we all have done nothing and we don’t know anything and we have all been sitting on our hands.

We have heard that here tonight from people who have taken so little interest in this issue over so long that they have failed to recognise the huge efforts being made in Indigenous communities to address the problems that they face. The first recommendation of the report referred to:

... the critical importance of governments committing to genuine consultation with Aboriginal
people in designing initiatives for Aboriginal communities, whether these be in remote, regional or urban settings. This is a classic case of people telling Aboriginal communities what is good for them, not consulting Aboriginal communities or working in partnership with them.

Whenever you look at any analysis of what the government is doing you see this disgraceful use of the issue of child abuse—which, I might add, is rampant in the white community. If you go to the court lists in country New South Wales, Victoria, Queensland, Tasmania or anywhere else, you will find that child abuse is high up as an issue in that community. So too will you find that alcohol related violence, death by negligent driving and so on are just as rampant in the white community as in the Northern Territory. We support using the surplus, the wealth of this country, to assist those in need. We have argued it, and we voted against the tax cuts so that that money could be allocated over a long period of time, with a long commitment—not a quick six-month intervention designed purely for political purposes and to advance the agenda of sectional interests in this country which want to take back Aboriginal land.

I want to note that I heard today from Senator Brandis an absolute rant about the fact that Australian literature is not being taught in schools. If Australian literature is not being taught in schools it is because for years of conservative government, under Menzies and subsequently, English literature was promoted in Australian schools. It was the people who Senator Brandis despises, the intellectuals, who argued strongly for the incorporation of Indigenous culture, language and poetry into Australian school curricula. Have a look at who is teaching the stolen generation, who is providing students with access to those reports. It is the supposedly valueless public schools. Those public schools have strong values.

I would like to conclude by saying that I have not given up on the aspirations of Oodgeroo Noonuccal, who said:

Look up, my people,
The dawn is breaking,
The world is waking,
To a new bright day,
When none defame us,
Nor colour shame us,
Nor sneer dismay.

To our father’s fathers
The pain, the sorrow;
To our children’s children
The glad tomorrow.

I want to give heart to Indigenous people and tell them that there are people in this parliament who will stand with them and will speak the truth about the agenda that has been perpetrated in Australia under the Howard government to dispossess and demoralise Indigenous people.

An incident having occurred in the gallery—

The ACTING DEPUTY PRESIDENT (Senator Hutchins)—I remind people in the gallery about it being disorderly to make comment and also to put up signs. I remind the security attendants that they should take note of that as people come in.

Senator KIRK (South Australia) (9.41 pm)—I rise today to speak on the government’s legislative package, the Social Security and Other Legislation Amendment (Welfare Payment Reform) Bill 2007 and related bills, to combat child abuse in Northern Territory Aboriginal communities. In late June, when the government announced its intention to introduce a package of legislation to protect Indigenous children in the Northern Territory, the Leader of the Opposition, Mr Kevin Rudd, was quick to offer Labor’s in-
principle bipartisan support for such measures. We said at the time, and we maintain, that the test for whether the government’s package of laws should be passed should depend on whether they will improve the safety and security of Indigenous children.

Despite the gesture of goodwill on the part of the opposition, the government, I am sad to say, has not responded in kind. Last week the shadow minister for Indigenous affairs and reconciliation, Jenny Macklin, was given a copy of the five bills the day before they were introduced into the House of Representatives. In fact, the House of Representatives began debating these bills last week before some members had even had a chance to look at them. When the bills were introduced into the Senate last week they were fairly quickly referred to the Senate Standing Committee on Legal and Constitutional Affairs, of which I am a member. The committee was set aside just one day of hearings, last Friday, in order to hear submissions from witnesses. The timetable for reporting was such that we were to report the following working day—namely, yesterday, Monday. We had one day to consider 500 pages of legislation. I would like to take the opportunity to commend the witnesses who appeared before the committee last Friday and congratulate them on the submissions and comments they made on this legislative package when they had only a few days to digest and understand a very complex range of legislative measures.

The government has shown its contempt for this parliament in the manner in which it has sought to introduce this package of bills and in its insistence that the legislation be passed through both houses within a week of its introduction. Child sexual abuse is a very significant problem in Indigenous communities, but the seriousness of this problem, as we have heard emphasised here in people’s speeches, does not justify the manner in which this government has sought to ram these bills through the parliament without giving members, senators, the public and, in particular, the Indigenous communities of the Northern Territory adequate time for scrutiny of the legislation and to allow feedback about its potential impact on Indigenous communities.

In doing this, the government has ignored the No. 1 recommendation of the *Little children are sacred* report—a report that I will speak about in detail in a moment. This was the report which, of course, sparked the unprecedented intervention that the bills will authorise. The No. 1 recommendation of the *Little children are sacred* report was that any action must be taken in genuine consultation with Indigenous people. Dealing with this legislation in the manner in which the government has is not the way to gain the support and the trust of Indigenous communities, nor does it allow for a proper assessment of whether the measures are likely to make a positive contribution to addressing the problem of child sexual abuse in Indigenous communities.

Before I discuss in detail the measures contained in the legislation, I would like to make some comments about the report that spurred the government to action; namely, the *Little children are sacred* report of the Northern Territory Board of Inquiry into the Protection of Aboriginal children from Sexual Abuse, which was co-chaired by Rex Wild QC and Pat Anderson. I would like to take this opportunity to congratulate Rex Wild and Pat Anderson and the board of inquiry for their 317-page report. This report was the result of a nine-month inquiry. It is thorough and well considered, and its recommendations should have been given—indeed, still should be given—serious consideration. The inquiry was wide-ranging. It covered 35,000 kilometres by air and motor vehicle, with 45 community visits and more
than 260 meetings conducted. The inquiry found evidence of child sexual abuse in all of the communities that it visited. It confirmed that sexual abuse of Aboriginal children in the Northern Territory is common, widespread and grossly underreported.

The inquiry also nominated reasons for the high incidence of this appalling form of abuse in Indigenous communities. The report’s authors say:

However, we quickly became aware—as all the inquiries before us and the experts in the field already knew—that the incidence of child sexual abuse, whether in Aboriginal or so-called mainstream communities, is often directly related to other breakdowns in society. Put simply, the cumulative effects of poor health, alcohol, drug abuse, gambling, pornography, unemployment, poor education and housing and general disempowerment lead inexorably to family and other violence and then on to sexual abuse of men and women and, finally, of children.

The title of the report was carefully chosen. It reflects the fact that, in traditional Aboriginal culture, little children are seen as sacred—child abuse is not tolerated. The overwhelming majority of Aboriginal mothers and grandmothers and indeed fathers and grandfathers—like the overwhelming majority of non-Aboriginal parents and grandparents—want to protect children from abuse. We know that child abuse happens everywhere in Australia. We also know that the number of child abuse notifications and substantiations right across Australia are rising significantly. There has been a 40 per cent increase in the past five years in the number of children removed from their family homes by authorities.

In my capacity as convenor of the cross-parliamentary group, Parliamentarians Against Child Abuse, I have spoken to child protection specialists about all aspects of child abuse and how it should be tackled. What the experts have been saying for years—and what the Little children are sacred report makes clear—is that there is a strong correlation between rates of child abuse within a community and the level of social dysfunction within that community. Preventing child abuse before it happens requires that we strengthen the capacity of families and communities to protect and nurture children—and it is no different in Indigenous communities. On this score, there is a long way to go. Numerous reports over the past 30 years, and particularly over the past decade, have documented the problems of alcohol and other substance abuse, violence against women and children, problems of substandard housing and overcrowding, unemployment, poor health and poor education outcomes within Indigenous communities.

Governments across Australia—both Labor and Liberal—at the Commonwealth and the state levels have failed to address these problems for years. Despite commissioning report after report, successive governments have done little more than leave these reports on the shelves to gather dust. I agree with Ms Jenny Macklin, who said in the House of Representatives last week:

But to lament that action should have been taken sooner does not lessen the imperative to act now...

The Little children are sacred report contains 97 recommendations, and I would suggest that all senators and members take the opportunity to look closely at the report. I would like to say a lot more about the numerous recommendations made by the Little children are sacred report but, given the time, I will now move on and look more closely at the legislative measures that we have before us here today.

As I indicated at the outset, Labor has said that, in the interests of children and women in Indigenous communities in the Northern
Territory, it will support the government’s measures. A number of the measures in the government’s package seek to address the problems that are identified in the Little children are sacred report as contributing to child sexual abuse, particularly the measures related to alcohol restrictions. The Little children are sacred report found a strong association between alcohol misuse and the sexual abuse of children. The Little children are sacred report found a strong association between alcohol misuse and the sexual abuse of children. The bans on pornography were also identified in the Little children are sacred report as being necessary in order to prevent the widespread exposure of children to pornography.

In the time that remains to me today I would like to focus on a matter that was raised during the Senate Legal and Constitutional Affairs inquiry and has been the subject of a number of speakers’ comments here today—that is, the ‘compliance’, if that is how you want to describe it, of this legislation with the Racial Discrimination Act. As I said, a number of witnesses before the Senate inquiry and some who made written submissions raised the question as to whether the legislation is contrary to the Racial Discrimination Act because it discriminates on the basis of race. However, the bills provide that the Racial Discrimination Act will be suspended in its operation for the purposes of the legislation. For example, section 132(2) of the Northern Territory National Emergency Response Bill 2007 provides that the provisions of the act and any acts done under it are excluded from the operation of part II of the RDA.

The Law Council of Australia, in its submission to us, was extremely critical of this aspect of the legislation. The Law Council said:

The Law Council considers the inclusion in legislation proposed to be enacted by the Australian Parliament in 2007 of a provision specifically excluding the operation of the RDA to be utterly unacceptable. Such an extraordinary development places Australia in direct and unashamed contravention of its obligations under relevant international instruments, most relevantly the United Nations Charter and the International Convention on the Elimination of All Forms of Racial Discrimination (“CERD”).

In Labor’s view, this exemption from the act is inappropriate and, what is more, is unnecessary if the provisions of the bill are special measures for the purposes of the Racial Discrimination Act. It is for this reason that Labor opposes the inclusion of that provision in this bill.

I will turn now to the special measures. The general prohibition against racial discrimination in the Racial Discrimination Act is accompanied by a provision that recognises that special measures can be legitimate and consistent with the RDA where they are implemented to promote the position of members of a particular race when that race is disadvantaged. Special measures are quite often referred to as positive discrimination measures or affirmative action. Accepted special measures have been policies or actions by organisations or governments which recognise that the past or present disadvantage suffered by certain groups based on their race has affected their access to equality of opportunity and basic human rights.

The bills before us today declare that the measures in their legislation are, for the purposes of the RDA, special measures. I mention, for example, section 132 (1) of the
Northern Territory Emergency Response Bill. The central issue here is whether, in fact, the measures meet the definition of ‘special measures’. The way that the bills are drafted indicates that it is not intended that there be any judicial scrutiny of the question as to whether or not these measures qualify as a special measure for the purposes of the RDA. In fact, the matter appears to be preempted with the declaration that they are special measures—in other words, they are deemed to be so. It appears that, as a consequence, whether or not these laws are in fact special measures for the purposes of the Racial Discrimination Act is irrelevant. This is reinforced by subsection (2) which seeks to exclude part II of the RDA.

But I still think it is important to consider whether these matters meet the requirements of a ‘special measure’. In making this assessment courts have looked at both the benefits of a measure and any costs or disadvantage borne by the beneficiaries of the measure. If there is, in fact, no benefit conferred by the legislation then the measures will be regarded as inconsistent with the character of a special measure as recognised by the Racial Discrimination Act and the International Convention on the Elimination of All Forms of Racial Discrimination.

In the present case there are difficult issues of fact which arise, and close scrutiny of the arrangement and its impact is necessary. For example, in this present context the rights of children and the rights of adult individuals who will be subject to these measures may differ—indeed, they may well conflict. For this reason there are complex issues in relation to consent to special measures. The government has assured Labor that these laws are intended to be special measures because they are designed to protect especially vulnerable 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.

In its submission to the Senate committee inquiry last week, the Human Rights and Equal Opportunity Commission emphasised that, while it is appropriate to consider the effect of a legislative package as a whole when determining whether or not a measure is a special measure, you still need to look at the parts of the legislation in order to determine whether or not those parts are appropriate and adapted to the stated legislative purpose, which in this case is child protection. There remain serious questions as to whether or not a number of the measures, particularly the compulsory acquisition of property in circumstances where the lease has not been requested from the land owners, and also the changes to the permit system, can be taken to be special measures in the manner that I have described.

One of the essential features of a special measure is that it is done in consultation and, generally, with the consent of the people who are subject to it. As HREOC said in its submission:

Measures taken with neither consultation nor consent cannot meaningfully be said to be for the ‘advancement’ of a group of people, as is required by the definition of special measures.

The commission went on to say:

To take any other approach contemplates a paternalism that considers the views of a group as to their wellbeing irrelevant.

I have said here today that the absence of consultation with Indigenous communities about these measures is a fundamental flaw in this process. It could even be that it is fatal to their categorisation as a special measure. HREOC emphasised this in its submission to the Senate inquiry. They made clear that there should have been comprehensive consultation beforehand and significant input
from the communities concerned, and this clearly has not happened.

It is interesting to compare what has gone on in the past week in relation to this legislation with the introduction of the Native Title Act in 1993, in which Indigenous leaders were actively involved in the negotiations surrounding its introduction. That contributed significantly to the finding that the measures under that act are special measures.

Debate interrupted.

ADJOURNMENT

The ACTING DEPUTY PRESIDENT (Senator Hutchins)—Order! It being 10.00 pm, I propose the question:

That the Senate do now adjourn.

Hospitals

Senator BARNETT (Tasmania) (10.00 pm)—Tonight I want to comment on the Tasmanian Labor government’s administration and specifically to say that, in my view, it is a frightening dress rehearsal of how a Rudd Labor government would operate if it wins this year’s election. The Tasmanian Labor government is embarking on a 10-year nearly $1 billion replacement of the Royal Hobart Hospital, which may or may not be a grandiose waste of money, while it wants to close down two very small hospitals by comparison at Ouse and Rosebery, despite their isolation. It has also recently announced a $5 million upgrade for the George Town Hospital redevelopment. In May the state Labor government announced as part of their primary health plan for Tasmania the closure from 20 September this year of sub-acute beds at the Rosebery District Hospital. Few other details were announced. The state government also announced that the hospital at Ouse would close with in-patient and aged care beds being shifted to New Norfolk, leaving the former hospital and aged care home with respite beds, a day centre, on-call facilities and a room for GP visits. The aged care beds are being removed at Ouse by truck and the rooms locked. The first bed was removed on 9 July—separating residents from their families.

I want to put on the record the Tasmanian budget figures which makes it clear that Rosebery District Hospital has a deficit of some $241,786 or just 17.14 per cent of the latest budget. Compare that with the St Helens Hospital where the deficit is 28 per cent of this financial year’s budget or with the Flinders Island multi-purpose centre which has a cost overrun of almost 43 per cent. Yet in Rosebery we have a company, whose name is Zinifex, employing many hundreds of Tasmanians that pays approximately $18 million in payroll tax and royalties to the state government. Yet the government cannot find $240,000-odd to allow the hospital at Rosebery to continue. Likewise, what are the facts with respect to the Ouse District Hospital? The Ouse hospital rates as the second-best performing district hospital and aged care facility in Tasmania with a deficit this last financial year of $106,766 or just 7.12 per cent of the 2007-08 budget. The truth is that the Rosebery and Ouse hospitals provide vital health services for their region and do not do too badly economically. But this state government is treating them with disrespect and an arrogance the like of which has not been seen before. People in remote communities do not deserve to be treated like last frontier pioneer settlers. This is the 21st century, and their taxes should have the same currency as the taxes paid by the residents of Hobart.

So, who is next on the state government hit list? While the state Minister for Health may deny any plans for further regional hospital rationalisation, it is apparent that there will be future cuts and closures, given that Ouse and Rosebery are among the top performing regional hospitals in Tasmania. Who
will be next? I recently went with the Tasmanian Liberal Senate team from Sorell down to the Tasman Peninsula where I visited the Tasman Multi-Purpose Health Centre, and then later in the day I visited, with Ben Quin, the federal Liberal candidate for the Lyons electorate, the multipurpose health centre at Oatlands. I have also received anonymous calls from the Beaconsfield multipurpose centre expressing extreme concern about the fears they have with regard to future funding from the state government. Will it be the Flinders Island, King Island, Deloraine, St Helens, Beaconsfield or the Midlands multipurpose centre? Will it be New Norfolk, Campbell Town, Smithton or even St Marys? All of those have reason to be concerned. I know that the people at Oatlands and some of these other district hospitals are scared witless because they do not know who is next under the state Labor government’s administration of health services in our state of Tasmania.

Is all this necessary, especially given the $45 million a year windfall the state will enjoy after the Prime Minister’s announcement of the Mersey hospital intervention at Latrobe near Devonport? Freed-up state health funds should be diverted to keeping Ouse and Rosebery hospitals fully functional. That should be a priority. What about the angst and trauma among the elderly residents and their families specifically at Ouse? It is so unnecessary. I attended a rally firstly at Rosebery on 19 July together with the federal Liberal candidate for Lyons, Ben Quin, and the state Lyons MP, Rene Hidding, the former leader. That rally at Rosebery was well attended with over 200 people rallying to the cause to say, ‘Save our hospital.’ Workers from the Zinifex mine came out to join the rally and say, ‘We are with you.’ In fact, we had hard-core unionists at that Rosebery rally who said that Labor was dead politically on the west coast of Tasmania if state Labor downgraded the hospital.

Senator George Campbell interjecting—

Senator BARNETT—The clock is ticking because on 20 September that hospital will be downgraded—Senator George Campbell, make no mistake about that. Let us look at what happened at the Ouse public rally on 31 July that I again attended with Ben Quin, the federal Liberal candidate for the Lyons electorate, who is standing up for these isolated communities. Where is federal Labor; where is state Labor? They have a contrary view, a contrary objective.

At that meeting was the Tasmanian opposition leader, Will Hodgman, the state opposition health spokesman, Brett Whiteley, and the opposition legal spokesman, Michael Hodgman—no Labor MP, state or federal, to be seen. They did not have the guts to come and face the community and say, ‘Yes. We want to downgrade your health services right here.’ I did a letterbox drop to support those efforts at Ouse and Rosebery, and they were both supported by Ben Quin, the federal Liberal candidate. Who did we meet at Ouse? Who came to this public meeting? We had Mrs Weeding; she is 94 years old. She is a resident of the Ouse aged-care facilities. She has been married for 75 years. She was born and bred in that community and now she is being kicked out with her husband from that aged-care facility in Ouse. It stinks. It is shameful.

Senator Ellison interjecting—

Senator Kemp interjecting—

Senator BARNETT—That is right. Senator Ellison and Senator Kemp. It is a shameful display. It is a shameful disrespect to these people who have been married for 75 years. I met Mrs Weeding and looked her in the eye. She has got guts and determination, but she was very remorseful at the decisions of the state Labor government; it is very sad
indeed. Mrs Bannister was also there from the aged-care facility at Ouse to show support and camaraderie for the local people. A busload of people drove down from Rosebery to support this event. The mayor of the west coast drove down through the fog, snow and ice to support the people of Ouse. Rosebery and Ouse have shown camaraderie. These communities have rallied and have joined together to say, ‘We will fight this state Labor government decision.’ I congratulate Will Hodgman for standing up that night. At that Ouse meeting he publicly confirmed that the state Liberal government in the future will restore funding and services for those two hospitals, and this was received with acclaim by the audience.

There is plenty of money in the state budget coffers for these health facilities. They have got an extra $220 million over the last five years to run their hospitals. They have got rivers of GST gold flowing into Tasmania. It comes in thick and fast, with this year $80 million extra in windfall gains and $100 million on average into the future. There is money, but what is the priority? Who is next?

I want to pay a tribute in particular to the Ouse committee: Ann Jones, Charlotte Pitt, Sue Booth, Tash Farrow, Andrew Downie, Michael Ball, mayor Deidre Flint, Ross Mace, Tracey Turale, Colleen Smith and Dr Swartz. In Rosebery are: Paul O’Brien—a fantastic effort, Paul; Richard Spurr—thank you; Margaret and Ivan Compton, Margaret Smith, Beverly Moyle, Geoffrey Eastwood—thank you, Geoffrey, for your work and feedback, and we are sorry about the way your mother has been treated so disgracefully by this state government in her concerns at the Rosebery hospital; Anne Drake; Cris Winskall; Kerry Hay; and Chris Cannell; and there are many others. They have shown complete support for their local communities and dismay at this state government’s actions. West coast mayor Darryl Gerrity, thank you for leadership. You have displayed great determination to stop the brazen arrogance and the dereliction of duty of this state Labor government. (Time expired)

Aviation: Cabin Air Quality

Senator O’BRIEN (Tasmania) (10.10 pm)—Earlier today the Senate gave passage to a bill which provides for the Civil Aviation Safety Authority to administer a new drug and alcohol testing regime for the aviation industry. CASA appears committed to discharging its new safety responsibilities with respect to drugs and alcohol. But the regulator appears not to understand that it is not just the consumption of drugs and alcohol by safety sensitive personnel that imperils aviation safety. The introduction of toxic fumes into the cabin environment presents a clear and present danger for everyone on board an aircraft.

This fact was accepted by the Senate Rural and Regional Affairs and Transport Committee in its report into air safety and cabin air quality tabled on 20 October 2000. The committee put it in these terms:

... chemicals introduced into an aircraft cabin can be an important factor in an aircraft’s safe and comfortable operation. Excessive levels of chemical contamination can affect two aspects of aircraft operations: the operational environment and the working and travelling environment; a fact apparent to airline operators, to aircrew and to every airline passenger.

I participated in that inquiry and seven years later remain deeply concerned about the government’s continuing indifference to the issues raised in the report.

In its June 2002 response, the government said it takes ‘very seriously’ issues relating to cabin air safety and quality. Unfortunately, this professed concern has not been backed by dedicated action. The government took 20
months to respond to the Senate report. When it did so, it undertook to do little more than monitor overseas developments. Its justification was that ‘The issue of cabin air quality is clearly a global issue’. While that is undoubtedly true, then and now cabin air quality is also an issue for Australian aviation. Almost seven years after the conclusion of the Senate inquiry, CASA continues to monitor international studies. Just last month, the minister advised me in answer to question 2269 that CASA will consider any international progress on this issue, including any implications for developing equivalent Australian standards. I note in passing that question 2269 took 12 months to answer—an indication, perhaps, of the utter lack of seriousness with which CASA and the government treat concerns about cabin air quality. It is indicative that when I asked the CASA CEO, Mr Bruce Byron, in May 2006 about a key feature of the government’s response to the committee report, he said he had never heard of it.

In June 2002 the government promised to establish a reference group comprising government agencies, key industry representatives and a passenger/consumer representative. This reference group, coordinated by CASA, was supposed to follow the progress and analyse the outcomes of international research on cabin air quality issues. The reference group was supposed to work cooperatively with other countries and major regulatory and research bodies to develop a harmonised view of the cabin air quality environment. This is what the reference group was supposed to do, but when asked about the group’s work in May last year, Mr Byron said, ‘I am not aware of anything that has been done in my time at CASA, but we will need to check that for you.’ When Mr Byron checked, the answer was illuminating. The reference group first met on 21 October 2002. It last met on 21 May 2003. It will not convene again until new international standards are developed.

On the question of new standards, Australia is not even onboard the plane, let alone in the cockpit. We are bystanders on an issue that is critical to the safety of Australian aviation. As to cabin air quality on a BAe146 aircraft, CASA has advised the Senate Standing Committee on Rural and Regional Affairs and Transport that its issuing of an airworthiness directive has ‘largely eliminated’ air problems. That position is put notwithstanding the fact that incident reports are rising, not declining. It is hard to imagine a more contemptuous treatment of a serious aviation safety issue. Hard, that is, until you contemplate the making of commercial agreements that have kept facts about risks to cabin air quality secret.

Last July I asked the government about its knowledge of payments made under an agreement between British Aerospace and Ansett Airlines and EastWest Airlines in connection with design flaws in the BAe146 aircraft—flaws which resulted in contamination of cabin air by oil and other fumes. In reply, the minister told me that he was aware of a question about these alleged payments being asked in the House of Lords but disavowed knowledge of any agreement. The minister also refused my request to investigate the existence of any such agreement.

Subsequent to the asking of question 2269, and receipt of its answer, I have become aware of documents that suggest that money did indeed change hands in return for silence on aircraft defects producing toxic fumes. The first document is titled ‘Agreement’ and is dated 3 September 1993. The parties to this purported agreement are British Aerospace Regional Aircraft Ltd, EastWest Airlines and Ansett Transport Industries. It notes that BAe warranted that the aircraft it supplied would be free from de-
fects due to defective workmanship or defective design. It says:

Ansett and EWA have made certain written claims against BAe alleging defective design of the Aircraft resulting in the production of obnoxious oil and other (the “cabin environment problem”) fumes affecting the passenger cabins of some or all of the Aircraft.

Following certain discussions and negotiations the parties hereto have agreed to settle such claims upon and subject to the terms and conditions hereinafter contained.

BAe hereby agrees with Ansett and with EWA that it shall pay to EWA the sum of Australian $750,000 ... Ansett and EWA hereby jointly and severally agree that the said sum of A$750,000 shall be paid by BAe to EWA as liquidated damages in full and final settlement of any and all claims which Ansett or EWA may have against BAe either now or in the future in respect of oil or other fumes adversely affecting the cabin environment ...

This document then says that the parties agree to split proceeds from any joint settlement reached with the manufacturers of the auxiliary power units. The document concludes with a confidentiality clause.

I am aware of another purported agreement between EastWest Airlines, Ansett and Allied Signal, a manufacturer of auxiliary power units. That document reveals:

Soon after delivery of aircraft it became apparent that the bleed air system in the aircraft periodically circulated an unpleasant smell throughout the cabin.

After detailed and protracted investigations, it was determined that a source of the smell was oil leaking from Allied Signal APUs which entered the bleed air system through the air conditioning packs.

The document shows that in return for a parts and labour credit of $US1,235,000, EastWest and Ansett agreed to settle and terminate all disputes, differences and claims between them. It concludes with another confidentiality agreement.

I am gravely concerned that crew and passengers of BAe146 aircraft have been exposed to dangerous fumes produced by engine defects. I am concerned that knowledge of these defects has been kept secret on commercial grounds. I am gravely concerned that the existence and content of these agreements have been deliberately withheld from a Senate inquiry. In particular, I am gravely concerned that, on 29 November 1999, Ansett executive Captain Trevor Jensen advised the Chair of the Senate Standing Committee on Rural and Regional Affairs and Transport that Ansett did not initiate any legal proceedings against BAe, notwithstanding the reference to ‘certain written claims’ by Ansett in one of the documents to which I have referred. These matters are of the utmost seriousness.

I call on the Civil Aviation Safety Authority to investigate the existence of these or any other agreements between aircraft operators and aircraft or component manufacturers relating to known defects, and I call on the government to reveal whether information about defects has been withheld from the regulator, the courts or the parliament. Finally, I call on the Rural and Regional Affairs and Transport Committee to consider whether one or more witnesses before its inquiry into cabin air quality may have given false or misleading evidence. I seek leave to table the documents from which I have been quoting.

Leave granted.

**Private Health Insurance**

*Senator FIELDING* (Victoria—Leader of the Family First Party) (10.20 pm)—NIB Health Funds is set to become the first private health insurer in the country to list on the Australian Stock Exchange. It is the first of the traditional mutual or not-for-profit
health funds to choose the share market over the needs of its members. Economists believe this move will permanently change the private health insurance industry, with other private health funds expected to follow the share market trend. But Family First believes this trend was triggered by the federal government when last year it voted to sell off Medibank Private. Family First believes selling off Medibank Private is selling out Australian families.

I warned during a speech in the Senate last December that the government’s decision would open the way for other health funds to opt for the profit-driven model. I quoted NIB CEO’s admission that the Medibank sale would cause a ‘tsunami’ of change in the industry and result in ‘fewer and larger players’. Now, less than 12 months down the track, we are beginning to see that change. Despite NIB’s sweetener of free shares to some policyholders and promises that premiums would not rise, its listing on the stock market means only one thing for the thousands of families who have put their faith in private health insurance: profits will now come before families. Private health insurance is another huge cost to many Australian families. More than one in two adults has made the financial sacrifice to take out insurance, with the highest take-up rates among couples with children.

Families with private health insurance are depending on the guarantee that they will have access to quality hospitals at affordable prices. This has been put in danger by health insurers opting for a business model that puts profits before members. As not-for-profit companies, Medibank Private’s and NIB’s tax-free status helped keep the price of premiums low, as has competition within the industry and the simple fact that these companies had no pressure to make profits. They were there to serve their members, not their shareholders. But policyholders will soon be at the mercy of the stock market. Demutualisation means that Australian families can no longer trust private health funds to put their needs first. Medibank Private’s and NIB’s focus will now be coming up with money they never had to find before to satisfy the Australian Taxation Office and shareholders. They will each need to earn 30 per cent more just to cover the loss of their tax-exempt status. Then they will need to make profits above and beyond that to provide a return to shareholders.

Family First believes this will, without a doubt, lead to higher premiums and reduced services for Australian families. NIB’s enticement of free shares to policyholders is merely a sweetener. It will be counteracted by rising premiums later on. NIB management say that they ‘remain confident’ the move will not push up the price of premiums, but even a financial assessment commissioned by the NIB states clearly that ‘premium rates might be affected’ as a result of demutualisation.

The National Roads and Motorists Association, or NRMA, tried a similar trick when it was demutualised in 2000, but free shares could not compensate for skyrocketing premiums. By 2003, NRMA members with basic care road service were faced with a 23 per cent rise in their bills, jumping by $12.50 to $67.50. Premium care customers faced a 33 per cent increase, with premiums rising to $140.

It is a shame that NIB has chosen to put profits first. But Family First’s greatest disappointment is in the government for setting this trend by moving to list Medibank Private on the stock market. Who will benefit from the sale of Medibank Private? Not the families who hold health insurance policies. It is the government that will benefit by flogging off another asset. Investors may benefit. Those who have some extra cash to buy the
shares might make a profit, but everyday Australian families will miss out on the spoils and instead be faced with higher costs and reduced benefits.

Family First believes it is the government’s job to put the needs of families before profits. The government encourages families to take up private health insurance by penalising them if they do not. Then they take advantage of them once they have their membership. The government turned its back on families by putting forward the Medibank Private Sale Bill 2006 to sell Australia’s largest health insurer to make Medibank a for-profit company listed on the share market. The government had the option of making Medibank Private a mutual, which would have lessened the impact of the sale. This would have allowed Medibank to remain a not-for-profit company, keeping its focus on the needs of members rather than on the needs of shareholders. This profit-driven sell-off is yet another example of the government’s so-called ‘family friendly’ policies being nothing more than market friendly.

Family First has a fundamental disagreement with the government over the aims of Medibank Private. The objectives of Medibank should be to provide a service to its members at the best possible price, not to make as much profit as it can. As health insurance has become an essential service to many Australian families, there is a legitimate role for government to provide these services to satisfy members rather than profits. If the government is serious when it claims to care about Australian families, it should ditch its plans to sell Medibank Private.

Family first believes the government should retain ownership of Medibank Private for the public good, to ensure affordable health insurance and quality services for Australian families. Family First therefore calls on the government to scrap the sale of Medibank Private and help reverse the trend of private health funds around the country choosing profits over families.

**Iraq**

Senator KEMP (Victoria) (10.26 pm)—Just over two weeks ago I attended a rally held by the Assyrian Chaldean Syriac community that was protesting against the treatment of Christians in Iraq. At the meeting was the Victorian shadow minister for planning, Matthew Guy, who also spoke in an eloquent fashion about the problems this community was facing. There were some hundreds of community members in attendance. They gathered in the Treasury Gardens in Melbourne to bring to public attention the suffering of their Christian friends and family members. Speakers at the rally drew attention to examples of persecution of members of their community in Iraq. They also presented me with a letter for the Prime Minister expressing their concerns. This letter has of course been delivered.

Last week my colleague Senator Fifield dealt at some length with the difficulties and trials of these communities in Iraq. All of us deplore the intolerance shown by extremist groups. Almost every day we read with horror of the killings and the bombings of Sunnis and Shiites by extremist terrorist groups acting in the name of Islam. Less well known, I believe, is the plight of the Christian community in Iraq. It seems to me to receive very little media coverage. While only three per cent of the population of Iraq are Christian, some 40 per cent of those who flee Iraq are members of the Christian faith.

The reason for this flight of Iraqi Christians is clear. Reports indicate that Christians are being forced to convert or be killed. Threat letters are sent to their homes demanding Christians abandon their property; otherwise, the letters threaten, they face
death. Criminal groups also target Christians in order to exploit their perceived wealth. Islamic law prohibits the payment of interest, so many of the businesses established in Iraq that require loans are run by Christians. The wealth of these Christians has led to further kidnappings for ransom and threats in return for payments.

Women are under pressure to wear the hijab and not to wear Western-style clothing. Certain government departments are pushing to make the hijab a requirement for work. Women have reported threatening flyers in their neighbourhoods. According to the Iraqi Minister for Higher Education there were some 200 documented incidents of targeted assassinations and abductions of academic professionals between 2003 and March 2007. These incidents appear to have occurred along sectarian lines or because of the allegedly secular views and teachings of these academics. Men and women with Christian names have taken to concealing them. Despite all of this, amazingly, 15 new evangelical Christian congregations have reportedly been established in Baghdad since April 2003. There were previously only two evangelical churches, the maximum allowed under Saddam Hussein’s regime.

The Assyrian Chaldean Syriac community make what I believe is the valid point that there seems to be very little media interest in the suffering in their community. Before my meeting with this community, I, like many people, had very little awareness of the extent of these persecutions. In a letter to the Prime Minister the community said:

We ask our fellow free nations around the world to take notice that their Christian brothers and sisters are being killed by extremists in Iraq. These killings are not random. The Assyrian Chaldean Syriac Christians in Iraq are being targeted because of their race and religion. They are being forced to renounce their faith or else die if [they refuse] to do so.

There is no doubt in our minds that a persecution and violation of human rights has now escalated into a process of ‘ethnic cleansing’.

The letter to the Prime Minister goes on:

Based on the current estimates the majority of the Christian population of Iraq has been forced to flee their country for fear of their lives and now live in neighbouring countries.

The letter goes on further to say:

Today, our families and friends still residing in Iraq are facing fear, persecution and rape on a daily basis. The Islamic terrorists knock on the doors of the Christians demanding to pay the Jizya, a ‘protection tax’ which goes to support the insurgents financially who undermine the peace keeping efforts of the Coalition and Iraqi forces. If the victims refuse to pay the tax, they are told to either convert to Islam, or leave their properties within 24 hours or else be killed.

The Islamic extremists and fundamentalist groups do not consider the Assyrian Chaldean Syriac population as Iraqi citizens; as well as inciting hatred and violence against them. This is despite [the fact that] we have lived there for generation upon generation. We need the support of the international community to help make a stand and cling to what is ours.

That was an extract of what the community wrote to the Prime Minister. The community of course anxiously awaits the government’s response.

I am pleased to report that during the recent visit by the Minister for Foreign Affairs, Mr Downer, to Iraq he specifically took up with Prime Minister Maliki the plight of the Christian community in Iraq. Mr Downer emphasised to him our serious concern over this issue in the context of a broader discussion on the urgent need for progress on reconciliation and population security for all religious and ethnic groups in Iraq. I understand Mr Downer also raised the human rights of Iraqi Christians with Iraqi Foreign Minister Zebari during his May visit to Australia. In addition to these high-level exchanges, I am advised that Australian offi-
cials have raised these and other human rights concerns with the government of Iraq. I am further advised that the department will continue to monitor events closely and to meet with Iraqi representatives and with representatives of Iraqi Christian groups.

It is depressing indeed that we are now seeing that so little has been learnt from the catastrophes of the 20th century, which saw, amongst other things, the slaughter of six million Jews. Despite the Holocaust and catastrophes like this we are continuing to see religious persecution and intolerance. One of the great achievements of the movement towards individual freedoms and rights protection has been the recognition, reflected in numerous national and international laws and conventions, of the right of people to practise their religion. Let us remember that there are many examples where Muslim, Christian and other communities are working together to advance tolerance and friendship. Nonetheless, there are examples which suggest that religious intolerance may be on the rise.

The recent annual report of the US Commission on International Religious Freedom reveals some very worrying trends. Among other things, it deals with the day-to-day experiences of Christians in predominantly Muslim countries. In Saudi Arabia, for example, all forms of public religious expression apart from the government’s interpretation of Sunni Islam are banned. In Iran, non-Muslims cannot engage in public religious expression and persuasion among Muslims. There are many other examples that one can quote. The situation in the Middle East has become so difficult that Pope Benedict XVI, in a message delivered last Christmas to Catholics living in the Middle East, drew our attention to the difficulties. He said:

Undoubtedly minorities find it difficult to survive in the midst of dangerous geopolitical situations, cultural conflicts, economic and strategic interests... In fact, many Christians eventually give in to the temptation to emigrate. Often the damage done is practically irreparable.

The Pope continued:

In the present situation Christians are called on to be courageous and steadfast in the power of the Spirit of Christ, knowing that they can count on the closeness of their brothers and sisters in the faith scattered throughout the world.

In Australia, the organisation Tears of the Oppressed has drawn our attention to many examples of intolerance. It is surprising, of course, that the examples receive so little press, and not just from the mainstream media. I regret to say that in my researches I have found that peak human rights bodies often have little to say on this matter. Let me repeat what Pope Benedict XVI said in his Christmas address, that there seems to be comfort offered by the ‘closeness’ of Christian ‘brothers and sisters in the faith scattered throughout the world’. I hope this is the case, but I am surprised that we do not hear from some of our churches about the suffering Christians around the world. These problems of persecution are unlikely to be resolved by being ignored. I hope we will see more activity on this front from the media, churches and human rights groups.

Workplace Relations

Senator WORTLEY (South Australia) (10.36 pm)—The government is always trying to tell us how much better off workers are under Work Choices, but information coming straight from workplaces across the country is telling a very different story. We find example after example of pay being cut and conditions eroded, of unfair dismissals without antidote, of fear and intimidation pervading the mood in factories, offices, shops, hospitality establishments and care facilities. The men and women at the centre of these anecdotes are the human faces of these extreme industrial relations laws. They are the faces, the people the Howard government does not want us to meet.
Now we find in a study initially commissioned by the government’s Human Rights and Equal Opportunity Commission and followed through by the National Foundation for Australian Women, the Women’s Electoral Lobby Australia, the Young Women’s Christian Association Australia, and the states, that women in particular are hurting under the crushing weight of these laws. It is no surprise that women—already often disadvantaged and discriminated against at work in terms of pay and conditions—are even worse off with Work Choices.

Work Choices is a misnomer. Choice is exactly what workers under this legislation do not have. Many have had no choice but to accept moving from full-time to part-time employment, or part-time to full-time employment, whether they liked it or not. There were no options. There was no choice but to give up public holiday loading, penalty rates, sick leave or redundancy remuneration; no choice but to sign a workplace agreement that cut their rates of pay or their hours of work; no choice but to swallow being sacked without fair cause. The Women and Work Choices: impacts on the low pay sector report conducted by 12 leading academics categorically concludes that women are getting a rough deal under the federal government’s IR laws. It says that legislative change is needed if we are to work towards a more level playing field.

The report records interviews with more than 120 low-paid women from across Australia in industries such as aged and child care, hospitality, clerical, cleaning and retail, the sectors shown by prior research to be most at risk of poor wages and conditions. Many have lost $100 a week in earnings since the introduction of Work Choices. In its executive summary background the report authors say:

A number of studies now suggest that Work Choices is having a range of negative effects on the pay and conditions of Australian workers. Women and vulnerable workers have been especially affected. For example, in 2006 median earnings for female non-managerial employees on AWAs were 18.7 per cent less than those of women on collective agreements. A pattern of worse outcomes for those on Australian Workplace Agreements in smaller companies is especially pronounced for women. Women in lesser skilled jobs ... are particularly disadvantaged.

In 2006 those on AWAs were paid 26 per cent less than similar women on collective agreements and 20 per cent less than the average of women on award pay.

But statistics paint only part of the picture. The people whose lives and loved ones are scarred by a loss of livelihood, thanks to these laws, make heartrending reading. There are shocking stories from all regions of Australia but those from my home state of South Australia strike a particularly resonant chord. The report gives these people, who have been bullied, harassed, cheated and exploited, a voice, a chance to be respectfully heard.

Michelle, 58, was a sewing instructor for a small, profitable retail outlet for almost seven years on conditions matching an award. When she refused to change her employment arrangement to an employer-imposed self-employed contract, which made work costs her responsibility, gave no income security and reduced her conditions for doing the same work, she was dismissed. She no longer has a remedy for dismissal. The proposed contract or dismissal enabled her employer to avoid long service leave obligations.

A sole parent of two primary school-aged children, Shannon, was a 43-year-old hospitality worker at an establishment employing fewer than 101 people, when she was sacked over the phone. What did she do? She refused to start a shift just three and-a-half hours after a 13-hour, overnight shift on the
job. Shannon, who had shifted her country location to get the work, had no remedy for unfair dismissal.

Following a change of franchise at a workplace of fewer than 101 staff and the introduction of Work Choices, 24-year-old pharmacy assistant Frances had her pay rate cut without any consultation. She tried to negotiate a better deal but was told that if she did not like it she could leave. She was afraid of being dismissed. Frances found she really had no choice. Lilly, a sales manager was treated less favourably on return from maternity leave and was eventually made redundant. She was informed that due to Work Choices she was only entitled to two rather than six weeks redundancy pay.

The experiences of Michelle, Shannon, Lilly and Frances and the other 117 people interviewed for this report are far too familiar and I have many more examples recorded in my office back in Adelaide. I will conclude with sobering words from Labor’s industrial relations spokesperson, Julia Gillard. She said:

From leaked information earlier, we know that of the Australians who have signed Australian Workplace Agreements, 44 per cent of them lost all of the conditions Mr Howard told them would be protected by law. Overtime gone, penalty rates gone, public holiday pay gone. The Government has never opened up the files so that there can be a systematic study and there’s a reason for that—they don’t want Australians to know the truth because of how grim the truth is.

The Minister for Employment and Workplace Relations has refused to release data on his Australian workplace agreements, leaving qualitative studies as the only option for academics and researchers. The government has refused to listen to low-paid working women who are suffering under their extreme and unfair workplace laws.

Payday Loans

Senator BERNARDI (South Australia) (10.44 pm) — Australia’s consumer credit reliance is an issue of growing concern. The proliferation of credit cards, mortgage brokers and easy credit plans represent the majority of products which facilitate the nation’s consumer reliance on credit. The current mindset of the consumer reflects the never-ending advertising of credit in all its forms. From payment plans for TVs to rewards programs on credit cards, the methodology is the same: buy now, pay later. This in itself is cause for concern. However, tonight I want to talk about a grubbier lending practice—that of payday and short-term loans.

These modern-day loan sharks prey on low-income earners, who are especially vulnerable to this dodgy industry. Since arriving in Australia in 1998, payday lenders have captured a part of the market largely abandoned by the mainstream suppliers of credit. A typical payday loan will be a cash loan for an amount of around $200 or $250 with approximately $300 to be paid back a week or two later. Demand for these loans is high with recent estimates indicating the industry across Australia to be worth $200 million per annum with an estimated 12,800 payday loans transacted each month Australia wide.

Payday lenders, alongside other fringe credit providers, pawnbrokers and bill facilitators, can appear to be the only option for low-income borrowers. The major problem with payday loans is that the loan structure and legislative environment in which they operate can trap borrowers in debt. Every loan offers the opportunity for the borrower to roll over their debt. This is a common practice that sees the term of the loan extended at a significant additional expense to the borrower. Of course, as the loan is rolled over, the cost of the credit mounts. As the rollover costs mount, the loan is rolled over...
again and again while the total debt snowballs. Research indicates that most payday loans are rolled over between eight and 12 times.

Let me give you a couple of examples of how it works. In July 1999, a couple borrowed $50 from a payday lender. After rolling over the loan every fortnight, by May 2000, which was 11 months later, they owed the lender $980. This amounted to an effective annual percentage rate of 487 per cent. In South Australia recently, someone took a short-term loan of $10,000. It ultimately cost that man $1.6 million in repayments over the course of four years. This example illustrates what commonly happens when a payday loan is rolled over or a short-term loan is forced to be repaid. The most vulnerable in our community can become indebted for large amounts—and it gets worse.

At lower loan amounts, when a borrower defaults on a payment the lender debits the amount plus a fee from their bank account. Under this practice, the lender can have first access to the borrower’s income. The result can be deferment of other payment obligations such as essential utilities and groceries bills. In the event—and it is a rare event—that a payday lender does request security over the borrower’s property, if the borrower defaults on payment, essential household goods can be collected to ensure reimbursement. Deprivation of essential household items such as refrigerators, air conditioning units and heaters can cause obvious problems. The problems are commensurately greater as the amounts owed increase.

The payday lender’s method of debt recovery for significant amounts can place the borrower in very difficult circumstances. There are media reports of payday lenders using bikie gang members to recover defaulted loans. They do this through threats of violence, intimidation, often against not only the borrower but the borrower’s family members. Indeed, a number of these payday and short-term loan companies are owned and operated by bikie gang members or their affiliates, convicted drug dealers and other ne’er-do-wells in our society.

There needs to be concerted action taken by all levels of government to stem the proliferation of payday lending. The consumer credit code enacted in 1996 applies equally to every state and territory. The only exception to the uniformity of the code is a provision which allows regulations of maximum interest rates on a loan to be at the discretion of the individual state or territory government. Amendments to the code in 2001 and 2003 sought to bring payday lenders under the code and provide stricter regulations of the industry. Though this was a step in the right direction, more needs to be done to protect vulnerable consumers—for example, some states have an interest rate ceiling on loans and some do not. An interest rate ceiling is effectively a cap on the maximum rate of interest payable on the loan. Currently, New South Wales and the ACT have a rate ceiling of around 48 per cent including all fees. Victoria has the same rate but theirs does not include fees and charges, so it is very easy to dress up a loan with additional fees and charges which effectively increase the interest rate. South Australia, my home state, has no interest rate ceiling under its regulations. Therefore consumers in New South Wales are better protected than those in Victoria, who in turn are better protected than those in South Australia or Queensland. There are also disparities between how much lenders can charge for credit in the various states.

There is an urgent need for uniform regulation of the payday lending industry. Perhaps the simplest reform could be to mandate disclosure of all fees, interest and charges in terms that any consumer can understand—
that is, an annualised percentage rate. Consumers will be better able to compare the real cost of their short-term loans and all types of credit within this industry and against more mainstream credit providers. Another option for amending the code is to require lenders to include in contracts and precontractual disclosure statements a schedule setting out the total cost of rolling over a loan. This schedule should set out a maximum fee of interest charges for the loan amount demanded, which is rolled over for one term, then for three, six and 12 months.

Another trend that I will briefly talk about could, if rectified, lessen the negative effects of payday lending, which is brought about by the absence of mainstream credit for low-income borrowers. The absence of mainstream credit will continue to ensure there is demand for alternative fringe sources of credit whether it is from payday lenders or other lenders operating outside the law. Until the mainstream providers have returned to the market, payday lenders and such will continue to fill that gap. While ensuring adequate disclosure of information to consumers is an important step in reducing the dangers, alternative means of credit for low-income borrowers are sorely needed.

Presently, there are some commercial and community partnership credit programs that provide an equitable loan product. These are very good products. These partnerships are important for the low-income community, offering advice and loans at an equitable cost for borrowers. These loans certainly are a step in the right direction. The problem is that these types of loans are relatively few and far between and rely on government subsidies to offset risk. Typically, they also target a specific need, such as setting up a small business or buying essential household items such as whitegoods. Two that come to mind are the no interest loan scheme of the Good Shepherd and the National Australia Bank, the Step UP Loan; and the progress loans program of the ANZ and the Brotherhood of St Laurence.

Despite the expansion of the community and corporate partnership programs, there remains demand for credit, which is met by current payday lenders. This largely unregulated and, quite frankly, shady part of the lending market will never disappear. But we can improve practices in it. The current legislative scheme does not adequately address the problems that can be caused by payday loans. Aggrieved borrowers are seldom in a position to pursue action against unconscionable lenders, and disclosure requirements are inadequate to ensure proper disclosure of fees and percentage rates. Equally, there is inequality in consumer protection, with it depending on which state you reside in. More effective reform proposals include requiring greater and more proper disclosure of fees and annual percentage rates to protect consumers against unconscionable lenders who prey on the most vulnerable among us.

**Ms Holly Deane-Johns**

**Retirement: Graham Edwards**

Senator WEBBER (Western Australia) (10.53 pm)—Tonight I rise to speak briefly on two different issues, both of which involve my home state of Western Australia. Firstly, I rise to congratulate the state government—more particularly, the state Minister for Corrective Services—for finally reaching an agreement with the federal government to allow the transfer of convicted heroin trafficker Holly Deane-Johns from a prison in Thailand back home to Australia. Prisoner transfer arrangements have up until now been supported by both sides of politics and have been conducted in a bipartisan and non-confrontational way. And indeed that is the way it should remain. If we believe in the rehabilitation capacity of our own corrective services institutions and the rehabilitative
support that is provided by educational institutions in Australia and by being near family and others, then prisoner transfers are something that should always be supported.

I was therefore somewhat dismayed that, when Ms Deane-Johns’s transfer was originally proposed by the government, the Minister for Corrective Services in Western Australia, Margaret Quirk, decided not to agree to the transfer on the basis that, ‘We are not running a dating service.’ I am pleased that at long last and after numerous representations from the state member for Perth, John Hyde, the member for Collie-Wellington, Mick Murray, and the member for Mindarie, John Quigley, Ms Quirk has come to reconsider her initial approach. I am pleased that she has realised that Ms Deane-Johns’s capacity to recover from her addiction and address her health issues depends on being in Australia and that to have a chance at some form of rehabilitation and recovery and to start a normal life she needs to be in Australia and not left to rot in a jail in Thailand. I have one issue with Ms Quirk’s media release that announced the transfer. She said in that release:

Under the Administrative Arrangement between the Governor-General and the Governor of the State of Western Australia, the WA government will meet the cost of Ms Deane-Johns’ transfer to Australia and the ongoing cost of her incarceration in a WA prison. No costs will be met by the Federal Government despite Ms Deane-Johns being classified as a Federal prisoner.

While I accept that at face value—and that is the way it always is with prisoner transfers—that point is a bit cute by half in that anyone who has worked in the corrective services sector would know that the Commonwealth government, no matter what its political persuasion, makes an annual grant to every state and territory corrective service agency, allowing such facilitation and allowing for the incarceration of federal prisoners. The Western Australian government is no exception: it gets an annual allowance. It is a bit cute by half for Ms Quirk to try to score political points after finally making a decent, human and compassionate decision. It would be better if we returned to treating prisoner transfers as we always had until that intervention: in a non-partisan, non-political way, with the best interests of the individual and our community at the centre of our decisions.

I would now like to turn to something that is a lot more pleasant. I want to place on record this evening that I had the honour of going over to the House of Representatives to listen to the final contribution to the federal parliament by my friend and colleague Graham Edwards, the member for Cowan. Graham has served his community and his party with great integrity and diligence over an extended period. It was indeed an honour to be there. Graham commenced his political life as a local government councillor at the City of Stirling. He then went into state parliament in the legislative council and served as a minister in a Labor government. Then, after retiring from state politics, he could not help but take on the challenge of winning Cowan back for Labor. He has been a member of the federal parliament since 1998.

Graham’s service to the Labor Party and to the community of the northern suburbs has been above and beyond anything that I could begin to express here. His commitment to the issues that he passionately believes in is something to behold. Graham and I do not always agree on a lot of issues, but the parliament is a much better place for people such as Graham choosing to take up a political life. I am sure that we will miss him enormously. He brought a unique perspective, particularly because he is the only veteran in the entire federal parliament. As someone who is supporting Peter Tinley’s campaign in Stirling, I am hopeful that we will get another veteran over in the House of
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Representatives come the federal election. Graham brought a unique perspective to this parliament and his contribution is one that not only those on this side but all the parliament will miss.

Australian Labor Party

Senator JOYCE (Queensland) (10.59 pm)—I rise tonight to talk about a range of things, and one is the incredible transformation of the Labor Left over the last few years. I am not of the Labor Left—I am a conservative—but I find it absolutely amazing what the Labor Left have currently decided they agree with. We know that they now believe in the new terrorism laws. It is amazing that the Labor Left has decided that this is part of their new policy platform. I imagine there are a lot of people in the Labor Left who wake up and wonder what party they are in. They are about to agree to the repeal of the Racial Discrimination Act. I used to believe that was a tenet of the Labor Left—that it was one of the fundamental things they stood by. But they are about to vote for its repeal. In their quest to attain their goal they are about to put aside and compromise themselves on one of the most fundamental things that a lot of people out there believe the Labor Party believe in.

They also now believe in more uranium mines. That is a big turn-up for the books for the Labor Left. It is absolutely fascinating that they are now starting to believe in uranium mining. I understand what they are going through because, in some instances, I have had to cross the floor to support my belief structure. The Labor Left has been completely and utterly worked underground. They are now the absolute doormats of the Labor Right. They are making an absolute debacle and they are completely compromising all the people who formerly believed in them. These people are going to go out and find another home and I imagine that it will be, unfortunately, over there with the Greens. They do not even say it at the door as they go through in the morning—there is not even a ‘boo’ out of them. It is not an issue anymore. I was talking the other night at the GetUp conference and the thing that got the biggest laugh was the comment that if Mr Rudd gets any closer to Mr Howard, he is going to have to get permission off Jeannette. It is beyond scope. My advice to Mr Howard is not to encourage Mr Rudd. When he starts making approaches to you, do not encourage him. Otherwise I can see it coming when Mr Rudd is going to invite Mr Howard out to dinner. I can see that coming a mile away. When you get one those of unwelcome advances, you should try to throw some cold water on it, keep it down and keep it under cover.

Anyhow, with the Labor Party trying to deal with that, they have come up with this brilliant new housing policy! This is the most confusing, concocted policy that has ever come into this place. I will start with one of their documents, and this is worth reading. This is from New directions for affordable housing, by the Australian Labor Party. It says:

Government policies, including economic management, aimed at keeping downward pressure on interest rates can play a significant role in alleviating Australia’s housing affordability problems.

That statement is an endorsement on the coalition’s position on economic management. Their own document endorses what we are doing. So the question to the Australian people is: why would you go for second best when you can get the real thing? Why would you go for the cardboard cut-out when you can get the real deal? It is quite a good document. I had to check it a couple of times
to see if we didn’t put it out. But apparently
the Labor Party put it out.

There are a few other things in it. There
are the smiling dials of Kevin Rudd, Tanya
Plibersek and Wayne Swan. Federal Labor’s
national rental affordability scheme will of-
fer institutional investors annual tax incen-
tives and financial support for big business
every year. And for how long? For 10 years.
For 10 years they are going to be pouring
money into institutional investors with tax
incentives and financial support. Who gets
that? Big business does. Who does not get it?
The individual—mum and dad do not get it,
but big business does. Their belief is quite
simple and here we have a clear policy dif-
ferential. The Labor Party believes that you
should end up in a public housing scheme
renting a house—the carbuncle of housing
projects. The conservative parties believe
that you should own a house. That is the dif-
ference. We believe you should own it; they
believe you should rent it. And to keep big
business and their union mates onside they
believe that you should rent it with a pre-
mium going back to the banks and the super-
annuation funds or whoever manages to
tickle their wallet before the next federal
election. This is an amazing turnaround.

We also have another document which
says, ‘Federal Labor to invest $500 million
in housing plan saving for homebuyers.’ The
only problem is that one of the things that
they ask for is a reduction in stamp duty. I
thought that was Labor Party state policy. I
thought that stamp duty was run by the state
Labor Party, but apparently not. Kevin Rudd
believes in cooperative federalism and he is
so strong on cooperative federalism that he
has asked Mr Beattie to stop council amal-
gamations—but Mr Beattie has told him to
go jump in the lake. That is where coopera-
tive federalism is with the Labor Party. It is
quite obvious that, if there were any sem-
blance of truth in this, the first thing that
would happen within the Labor Party—
because they are part of the same party—
would be they would reduce stamp duty. But
that is just not going to happen. The docu-
ment says:

Australians should not be forced to pay extra
for their new homes due to unnecessary planning
delays and red tape and increasing infrastructure
burdens. Federal Labor’s Housing Affordability
Fund will target areas ... where the lack of infra-
structure acts as a barrier to the release or develop-
ment of land.

Once more, at a state Labor level, who is
responsible for that? It is amazing that we now
have a clear differentiation of policy. We on the conservative
side believe that you should own your own
home. It is the most fundamental instrument
of protection of your wealth. The Labor
Party believe that you should rent, and rent
for life. Not only do they believe you should rent for life; they are going to subsidise the
big banks, the big superannuation funds, to
make sure you do. They are going to cut a
deal with them to give them a tax incentive
and a financial incentive so that you can rent
for life, so that the mum or dad driving home
tonight through peak hour traffic knows that
what the Labor Party has in mind for them is
a public housing project where they rent. I
think that would be the complete opposite of
what most Australians want.

Australians want the security of owning
their own house. They want to have an in-
vestment in their nation, to be part of the
growth of their nation, to have that security
so that when they retire or something goes
wrong in their life, such as divorce or what-
ever, there is a fundamental, stringent asset
there which they can rely on to leverage themselves into their next position in life, whether that is in a retirement village or it is settling the accounts on an unfortunate family break-up. You cannot do that when all your money in your life has gone into the rental bin, and that is the Labor Party policy—putting money into the rental bin.

The only benefactors of this are major banks, union-sponsored superannuation funds and certain property developers. I ask the Labor Left: where were you in this debate? What happened? What has happened to the Labor Left? When are the Labor Left going to stand up and have another voice in this nation? Or is it the case that they are out for lunch? Is it the case that they are now no longer relevant? Is it the case that the Labor Right are now supreme—that they have completely run over the top of you? (Time expired)

**Battle of Fromelles**

**Senator MARK BISHOP** (Western Australia) (11.09 pm)—Tonight I would like to speak on the discovery of World War I mass graves at Fromelles in northern France. I have addressed this subject on a number of occasions in the past, arising from representations made to me by enthusiasts who believed from their research that a large number of Australian soldiers from the 5th Division of the AIF whose bodies were never recovered after the Battle of Fromelles on 19 July 1916 were buried by the German army in mass graves just outside the village. The investigation, commissioned by the Army, has now confirmed that such graves do indeed exist.

For those not familiar with this story, let me briefly recount some detail. The 5th Division, along with British divisions, on 18 July 1916 were sent across no-man’s-land to invade the German lines as part of what has been called by historians a feint—that is, an attack intended to discourage the Germans from moving troops south to the Somme, where that battle was raging. This foolhardy and botched attack resulted in the worst casualty outcome in history for Australian forces. Almost 2,000 were killed in 12 hours and 5½ thousand in total were killed or wounded.

Many of the dead were left in no-man’s-land until after the war. Then, some remains were discovered and buried in a mass grave at what is now VC Corner. That is just down the road from the village, near the former German line. Not all were accounted for, however, including those who died in the German trenches or, as POWs, having been captured. Apart from Red Cross records confirming the burial of about 169 by the German army, nothing else has been known about their fate, until now.

Following questions I asked at Senate estimates of the Chief of Army, a special group of advisers was convened and an assessment was made: first, that the mass graves did indeed exist and, second, that the bodies remained in situ, notwithstanding recovery exhumations which ceased in about 1923. I am grateful for the Chief of Army’s initiative. Following preliminary research in German archives, the events of the days following the Battle of Fromelles have now been confirmed. The most important outcome, however, is that the expert group from the Glasgow University Archaeological Research Division, commissioned by the Army, have reported confirming the existence of the graves. From this report there is no doubt now about what happened. The German records, unsurprisingly, are meticulous in their detail, as were the instructions from the commanding officer about where the burial should be made, and how and by whom it was to be done. The only riddle yet to be answered is whether the bodies of up to 400
British and Australian soldiers remain there undisturbed.

There is geological information confirming the site of the mass graves. Now, there is also dramatic evidence of an Australian presence, with the discovery by metal detection of two medallions. These could only have fallen from Australian uniforms. As the report reveals, at no other stage would Australian soldiers have been at that site, at the edge of an empty pit where preparation for burial would have been carried out. The first medallion is heart shaped. It is embossed with the ANZAC motif and is understood to have been what was termed a ‘sweetheart badge’, given by a loved one as a keepsake.

The second medallion is a horseshoe shape. That is understood to have been presented by the Shire of Alberton in Victoria to local men who volunteered. The only man who enlisted at Alberton and died that fateful night, and whose name appears as one of the 169 missing, has been identified as possibly being Private Henry Victor Willis of the 31st Battalion.

This is a wonderful story of persistence in research and pressure to get something done of such a valuable, commemorative nature. Preparations are being made to investigate the site at Pheasant Wood more thoroughly next summer. But with these results from the current exploratory excavation, it must be satisfying for families to know what happened to their great uncles—as they were in most cases. What is equally important, however, is that the discovery of the German records in Munich has revealed so much more information. There are suggestions that even more information may be available. In fact, it is a wonder that this research was not undertaken long ago. And, further, it is a question of what more ought to be done. Clearly, not all the missing Australians were buried at Pheasant Wood. I am advised that it is expected the majority will be British. The like-lihood is that other mass burial sites may exist, to which the German records may also lead us.

This raises the question as to how active governments ought to be in grave-searching from battles fought so long ago. The general policy has been that exhumations and recoveries are only undertaken where skeletal remains are revealed by farmers’ ploughs or other excavations. The discovery of another four Australians outside Ypres in Belgium last year, when a gas trench was dug, is a case in point. In this case, however, it is not a case where burial of a few was hasty in the heat of battle. This is a documented case of mass burial without any evidence of exhumation and reburial, as was the practice after the war. I believe in these circumstances we are obliged to investigate until the circumstances are confirmed or dismissed with authority.

Finally, I congratulate those people from the Department of Defence and everyone else who has contributed to this discovery. That includes the Chief of Army and the Minister for Veterans’ Affairs, without whose support this would not have progressed so swiftly in more recent times. I would like to recommend to the minister that the report of the Glasgow group’s research at Pheasant Wood be made available publicly. I know from many representations made to me in the past, including from family members from the Hunter Valley in New South Wales, from Western Australia and from South Australia, where many of those possibly buried at Pheasant Wood enlisted, that this is a family matter of huge significance.

**Drought**

Senator NASH (New South Wales) (11.17 pm)—I rise tonight to make a few comments about drought and the economy, but before I do I would like to take the opportunity to acknowledge that this is your
last evening here in the chamber, Mr President, during adjournment. I would like to place on record that it has been an honour and a privilege to have come into this place during your time as President and that you will be very much missed.

I recognise, as many do, that the drought is still having an enormous impact in regional Australia. While we have seen some rain in quite a number of areas and there is a bit of green around, it has not yet rained any dollars into the banks for farmers. I think it is very important that we recognise that is the situation and we do not lose sight of the number of very difficult years that farmers have had—and it is not only the farmers but also those businesses in rural communities that are suffering the flow-on effects and will do for quite some time to come.

The government has, of course, been assisting as much as we possibly can—with around $1.8 billion in assistance already. Up to about $2 million a day that has gone in drought assistance to local communities, farmers and businesses. Of course, we are only able to do that because of the strong economic management of this government. Certainly one of the best ways to enable farmers to cope with drought is to provide them with a strong economic environment—and that of course means interest rates. Farmers around this country battle terribly during drought, and the pressure they have to face when confronted with high interest rates is extraordinary. As if it is not bad enough having to cope with a lack of rain! It is just not fair on those farmers if they have to cope with high interest rates like those we saw under Labor in the past. Under Labor we saw interest rates of over 20 per cent.

Interestingly, there have been a number of years when we have had dry times in this nation. In 1982, when we were under Labor, the overdraft rate was 15.8 per cent. At that time it was sort of a short, sharp drought but in 1991 we went into quite a long period of dry times. In 1991 the interest rate was 14.3 per cent. Compare that to the last five years of drought that we have had leading up to 2007, where the interest rate has been between eight per cent and nine per cent. That means that farmers, as difficult as it is, can manage to get through these times. We are talking five, six and seven per cent less than we had under Labor during similar dry conditions. That is what this government has delivered.

While we are on that, let us have a look at the government’s economic record compared to that of Labor. Some say that they do not want to listen to what the economy was like under Labor, but it is a little bit like buying a car. If I were thinking about changing my car, I would be absolutely stupid to touch one until I had completely checked out the manual to see what that car’s service record was like. That is what we need to do here. We need to look at how the car the opposition has run will go in the future. It is very interesting to look at what happened under Labor. I know some people think, ‘It was a long time ago; does it really matter?’ Yes, it does matter. Under Labor, interest rates got to over 20 per cent, the unemployment rate got to 10.9 per cent—which meant that a million people were out of work—the teenage unemployment rate got to 34.5 per cent, the long-term unemployment rate was over 30 per cent higher in 1996 than it is now and the inflation rate got to 11.1 per cent. People might not want to look at what happened under Labor, but they are the facts. They are the facts that people need to be aware of.

Interestingly, the Leader of the Opposition says that he is an economic conservative. I could say a thousand times that I am a six-foot, dark-haired bloke but, no matter how many times I say it, it is not going to make me a six-foot, dark-haired bloke. We need to
look at the Leader of the Opposition’s actions, not his words. While this government was building a strong economy—and that is recognised by people right around this country—the Leader of the Opposition was voting against the very measures that this government put in place to make that happen. I do not understand how he can be an economic conservative and vote against the things that make this economy work when that economically conservative focus is there.

The Treasurer said about the Leader of the Opposition recently in the House:
He says that he now supports an independent Reserve Bank with an inflation target. Labor opposed it. Labor said that it was illegal. Labor promised to sue me for putting it in place. They now say that they are in favour of balanced budgets, but they voted against balanced budgets and said it would take the economy into recession. They now say they are in favour of reducing government debt, but they did everything they could to stop us wiping out $96 billion of Commonwealth debt. They will now have you believe they are in favour of the Future Fund, but they did nothing to set it up and they have promised to raid it.

So it strikes me that it is pretty simple and pretty obvious that when the Leader of the Opposition says he is an economic conservative it is just rubbish. It is important to remember that it is because of Labor’s economic policy that we had a $96 billion debt. I might say that figure again in case you did not catch it: it was $96 billion. While that is a big figure there is a corresponding really big figure: the $8 billion a year of interest that had to be paid because of Labor’s debt. That $8 billion a year has now been freed up so that we can spend it in the best interest of people right around this country and it does not just go to pay of interest on a debt that Labor racked up.

I do not see, as a result of all of this, how the Leader of the Opposition can be an economic conservative. It is interesting to see that the Leader of the Opposition thinks, ‘Mm, people around Australia think the government has been managing the economy very well.’

Senator Joyce—He thinks right!

Senator NASH—Indeed he does think right. I will accept the interjection from my colleague Senator Joyce. The Leader of the Opposition thinks: ‘How will we get around this? Gosh, let’s pretend to be the government and have their economic policy, because obviously the people out there like it!’ But from everything I have just said you can see that it is an absolute furphy. He is not an economic conservative and he should come out and be truthful with the people of Australia.

Interestingly, because of Labor’s economic policy we have seen, under them, budgets in deficit. Under us there have been budgets in surplus. You do not have to be a rocket scientist to figure out which one of those is best for the country. I can remember budget days under Labor when we would be waiting for the budget to come out and wondering what would be so terrible in it this time. We would be wondering, ‘What’s going to be cut? Where’s the tax going to go this time?’ Now, because of this government’s economic management, we have people saying, ‘What’s in it for me? What am I going to get?’ You cannot compare the two governments.

I have referred to Labor’s economic past because it impacts on the future. I do not care how many times people say: ‘Gee, it was 11 years ago when they were in government. That’s too long ago; we shouldn’t go back and look at it.’ Rubbish! It is their track record. We do history and we look at how people and parties perform, and we do
not disregard it, especially in the light of there being no substantive policy whatsoever coming from the ALP on how they would take the nation forward. This government’s economic platform is built on rock. The ALP’s economic platform is built on sand. The people of Australia should have a secure future. Unlike the opposition, the foundations of this government are built on rock, and that is what the people of Australia deserve.

Defence Management Review

Senator FAULKNER (New South Wales) (11.27 pm)—I seek leave to speak for up to 20 minutes.

Leave granted.

Senator FAULKNER—The release of the report on the Defence Management Review is just one more example of how sneaky the Howard government can be. Many Australians would have been unaware of the report. It was released late on Maundy Thursday, 5 April 2007, to minimise media scrutiny and became lost in the Easter festivities that followed. Minister Nelson initiated the review after a series of bungles, the last of which involved the minister’s handling—or perhaps I should say mishandling—of the death of Private Kovco and Dr Nelson’s reckless public utterances about that tragic incident.

Initiating the review was a disingenuous way of shifting blame onto his department. Dr Nelson washed his hands of his own mistakes and initiated a review into the efficiency and effectiveness of the senior levels of defence headquarters. The review was conducted by an independent team headed by Miss Elizabeth Proust, a senior manager and administrator with wide experience in the private and public sectors.

The review team made 53 significant recommendations. The Department of Defence accepted 50 recommendations, part-accepted two, and rejected one. The report’s 53 recommendations attempt to respond to serious process problems, but I want to focus on one in particular—the relationship between the minister and his department. The report said:

Defence has two ministers and a parliamentary secretary ... all pointed to opportunities for Defence to improve its support for their activities as ministers ...

The perception of unresponsiveness has led to tension in the ministerial-departmental relationship ... we recommend that Defence undertake more extensive induction for the minister and advisers ...

This was a bold recommendation, arguably well outside Ms Proust’s terms of reference. That Ms Proust decided to make this recommendation points to how dysfunctional the ministerial-departmental relationship has been and how important it is to fix it.

I was mindful of this when I read Geoffrey Barker’s interview with Dr Nelson in the Australian Financial Review on 16 May this year. The minister gloated over how he ignored departmental advice and announced the purchase of 24 Super Hornet fighters at a cost of $6.6 billion. The minister had convinced the National Security Committee of Cabinet of the need for the purchase in November last year. How that decision was taken—the decision making processes behind the expenditure of such a huge amount of public money—is of crucial importance. Evidence provided during Senate estimates hearings in February this year confirmed that there had been no specific Defence recommendation to the minister on Super Hornets. So without doubt both the CDF and then Secretary to the Department of Defence, Mr Ric Smith, must have been stunned by the minister’s actions at the NSC meeting.

There is much we do not know about what happened at that strange meeting, but it was clearly a remarkable—possibly unique—occasion. The NSC decided to buy a new
fighter without advice from Defence or the RAAF. I have been told by very reliable sources that neither the secretary nor CDF even knew the issue was on the agenda; let alone what the minister was going to propose. Just imagine their surprise when the Super Hornets were discussed, and imagine their disbelief as they witnessed the defence minister briefing the NSC with a presentation on the Super Hornets, the details of which they had not seen. It must have been demeaning for CDF and the secretary to sit through the briefing knowing full well that the minister had failed to involve or consult them. The minister simply ignored both his principal military adviser, the CDF, and his departmental secretary responsible for a $22 billion defence budget.

The minister was seeking a decision to authorise massive expenditure on the purchase of Super Hornets. Apparently the minister believed there was an air capability gap between the retirement of the F111s and the expected introduction into service of the Joint Strike Fighter. But there had been no detailed departmental planning to purchase an interim jet such as the Super Hornets. Apparently the minister believed there was an air capability gap between the retirement of the F111s and the expected introduction into service of the Joint Strike Fighter. But there had been no detailed departmental planning to purchase an interim jet such as the Super Hornets. Just think of the issues about the Super Hornets that the CDF and secretary confronted during that briefing: where did the minister’s briefing material come from? What planning to support such a purchase had been done? What was the cost? Where was the money coming from? Would it come from the current investment capability plan? Would other projects be delayed as a result of this decision? If so, for how long? What impact would the purchase have on the force structure and future operations? Would the government supplement the defence budget for the purchase? Would the 24 Super Hornets reduce the number of Joint Strike Fighters, currently understood to be 100? When would the new aircraft be available?

Let me ask another critical question: is it a fact that the minister, Dr Nelson, decided on the purchase of Super Hornets based only on discussions with Boeing? Only Boeing—or perhaps the US Navy—could have provided the detail for the briefing. Only Boeing makes the Super Hornets. Was our defence minister buying factory direct? I would expect that the CDF and secretary would have wanted proper comparative assessments made against any new opposing aircraft operating in our region over the next five to 10 years. Were such assessments carried out? Perhaps the assessments were done by others—possibly again by the US Navy—but definitely not by our Defence staff.

I do not believe that after that meeting of the NSC there could be a decent relationship between Defence headquarters and the minister: no trust, no confidence, no personal openness—only anger and embarrassment. A major article in the Age newspaper on 9 July entitled ‘The Hornet’s nest’ said this:

There is much speculation about just where Nelson got the information for his cabinet presentation. Although his department had information on the Super Hornet, it had not conducted a detailed analysis of the implications of buying it because Australia’s air chiefs had said it was not required.

Rumours persist that Boeing was invited to make a presentation in the cabinet meeting. While others claim to have been told that Nelson used material, possibly a slide show, supplied by Boeing to convince colleagues. Asked to confirm or deny the speculation, a Defence spokesman said “cabinet briefs and discussions are confidential”. At some stage perhaps more will become known about what occurred at that infamous National Security Committee of Cabinet meeting, but the bottom line is that a $6.6 billion decision had been made without considered input from the CDF and the Secretary of the Department of Defence or their staff and advisers, and such critical national
security matters cannot and must not be dealt with in such a cavalier way. It is a critical decision which impacts the future capability of the ADF and Australia’s national security. It is a critical decision about air combat which, according to the government’s white paper *Defence 2000*, is ‘the most important single capability for Australia’. The white paper emphasises the need to have in place the capability to:

... control our air approaches to ensure that we can operate effectively against any hostile forces approaching Australia.

Surely comparative assessments should have been done before the Super Hornet was selected, but I have been informed that they were not.

There has always been an uneasy relationship between Howard government ministers and their departments. I recall statements back in 1996 that the new Howard government would call on various sources for advice—industry, business, academia and ministers’ personal officers. It was loosely called ‘contestability’ but it represented a lack of trust in the Public Service. But there was absolutely no contestability in the Super Hornet decision. I remind the Senate that on 1 November 2006 the Chief of Air Force informed the Foreign Affairs, Defence and Trade Committee during supplementary estimates that there was no capability gap and no reason to purchase an interim jet. About two weeks after Chief of Air Force’s statement to estimates, the minister briefed the NSC, and the Super Hornet decision was taken. However, I ask: is it true that the minister was briefed by Boeing on the Super Hornets in September 2006? I also ask if, as a result of that briefing, the minister requested additional information for his briefing of the National Security Committee of Cabinet in November 2006.

... control our air approaches to ensure that we can operate effectively against any hostile forces approaching Australia.

At no stage were CDF and the Secretary involved in these critical events. At no time were detailed comparative risk assessments undertaken by Defence capability staff. I believe we are entitled to expect proper and thorough assessments to be carried out when such a strategically significant purchase is made and to be assured that the Super Hornets will be able, in the words of the 2000 white paper, to:

In response to Ms Proust’s recommendation, Defence has agreed to introduce workshops and induction plans for incoming ministers and new advisers as well as for senior departmental staff. In the words of Defence, its objective is to ‘strengthen relationships with our ministers and parliamentary secretaries and their personal staff by better understanding their role and expectations of us’. As an objective it is admirable, but it can only be satisfied if the minister and his office reciprocate in kind.

Dr Nelson’s behaviour over the Super Hornets has fractured any semblance of a working relationship between him and Defence. Minister Nelson is the fifth Minister for Defence since the Howard government came to office in 1996. We have seen five defence ministers in eleven years, and their record is very ordinary indeed. None of those ministers had a good working relationship with the Department of Defence. Mr McLachlan was the minister responsible for
the disastrous Sea Sprites project. Mr Moore orchestrated the poisonous sacking of the former Secretary of the Department of Defence, Mr Paul Barratt—a matter which ended up in the courts. Mr Reith is infamous for the children overboard ignominy, and who could forget former Senator Hill’s lethal relationship with the then Secretary of the Department of Defence, Dr Allan Hawke? And now we have Minister Nelson, who made a decision on the $6.6 billion Super Hornets without any meaningful discussion with his principal military advisers—indeed, it seems without any discussion with them at all—and without proper regional comparative assessments being undertaken by the department. Dr Nelson contemptuously dispensed with all the wisdom and experience of the Air Force and made a decision before a comprehensive risk evaluation had been undertaken. In my view, it was very reckless behaviour to rely just on the information from the salesmen from Boeing.

Can this sort of approach be fixed by workshops? Of course not. Regardless of how often workshops are run or what their content is, workshops cannot sort out such a highly dysfunctional relationship. Minister Nelson does not have the management and leadership skills that Defence needs. He does not trust his department. He does not even bring his key military advisers into his confidence. He simply does not get it—and Australia’s Defence Force and our national security interests are far too important to remain in his hands.

**President**

**Senator BRANDIS** (Queensland—Minister for the Arts and Sport) (11.45 pm)—Mr President, it occurs to me that this is the last occasion upon which you will preside over the Senate; when the Senate adjourns in a few minutes time it will be the last time we will see you in the chair. I want this evening on behalf of the government, but on my own behalf more particularly, to use this occasion to make a few acknowledgements of the service you have given this institution over a long and distinguished career. There is occasion for valedictory statements later in the week but I think the time limit for those valedictory statements will be such that not all of those who would wish to pay tribute to your public service will have the opportunity to do so, so let me take my opportunity to do that now.

Sir, you have been a great senator and a great President. Before you came into this place in 1987, you had already distinguished yourself in public service for many years as the Warden of Clarence, and at the level of municipal government I know that you made a very significant contribution to the people of Tasmania. You were elected to this place in 1987 and you have served for just over 20 years. For five of those years, almost to the day, you have been President of the Senate, and, before that, for a period of time you were the government whip. I have known you in both capacities. When I first came into the Senate in 2000, you were the government whip.

I will never forget, Sir, the first conversation we ever had when you were good enough to ring me to congratulate me upon being chosen by the Queensland parliament to fill the Senate position vacated by your friend former Senator Warwick Parer. You said to me words to the effect of, ‘George, the thing about the Senate is that we’re not like the House of Representatives; we believe in collegiality and we believe in teamwork. You’ll find when you get down to Canberra that the Senate is different. We government senators leave our differences behind us at state borders, and we work as a team and we’re all friends.’ I think that spirit, with a couple of exceptions—but very few exceptions—has prevailed in the Senate.
among the government senators in the years that I have been here. If I may say so, Sir, you are the person—not the only person but more so than anyone else—who has encouraged, inspired and nurtured that spirit among government senators very much to the benefit of the government, very much to the benefit of the Senate and very much to the benefit of the people of Australia.

As President, Sir, if I may say so, I think you have been exemplary. You have been fair, you have been firm and you have respected this institution and the individual members of it, and that respect has been appropriately, as it should have been, reciprocated. There is an old saying about politics, Mr President, that you can have respect or you can have popularity but you cannot have both. But your career has given the lie to that saying, because you have been both respected and liked—if I may say so, loved—by members of this chamber, and the affection that you have engendered has been in no wise at all in derogation from the respect in which you are held and the way in which you have conducted your office. So may I thank you from the bottom of my heart for what you have done. You have been an exemplary servant of the people of Australia and, to me, a wonderful mentor and a cherished friend. I cannot tell you how much I will miss you.

President

Senator PARRY (Tasmania) (11.50 pm)—I can only but echo the words of Senator George Brandis in everything he said. I am not going to detain the Senate, because, as you appreciate, Mr President, sitting there, and I sitting in this seat, the seat you once occupied, this is—dare I use the terminology?—‘the graveyard shift’ of the Senate. The public of Australia do not realise the hours we spend here in debate and the length of time we spend in the chamber, and normally it is the President of the day who presides until the Senate adjourns each evening, which has been you for the last five years.

Senator Brandis also mentioned the telephone call, but I am not going to use the language that was used in a telephone call and the way you reminded me that I had been elected to the Senate, but it is a moment that we will share together for a long time. I too have a lot of personal memories and I am very thankful for your mentorship and your guidance. You have certainly placed me on the straight and narrow from time to time, and I thank you for that. The Parliament of Australia will be indebted to you for what you have done and the service you have given. One-quarter of your life in the Senate has been in the chair of the President, and that is no small feat. I think we understand and comprehend that that length of time, with the burden of office that you have shared, combined with the whip’s duties before that, is indeed a great service to this chamber. So, with that, Mr President, without detaining the Senate any further, could I just say from a Tasmanian to a Tasmanian: congratulations and well done; I will deeply miss you not being in the chair from this moment on.

President

Senator GEORGE CAMPBELL (New South Wales) (11.52 pm)—Mr President, I wish to make a few brief comments in respect of your imminent retirement from the chair of the Senate. It is probably the last late evening you will ever spend in this place, and, as we all do, you are probably thinking, ‘Thank God for that!’ I do not want to take a lot of the Senate’s time. Other people will have things to say about your performance in this chamber. I have been here probably half the length of time you have, and I do not think I have ever had a cross word with you, Mr President, throughout that period of time. I think the measure of the contribution you
have made to the Senate is probably not in what you have done in this chamber but in what you have done outside this chamber in the role of whip, which we know can be a very demanding job; in the role of President; in the role of consultation; and in the role of helping people set up structures—in doing a lot of the things outside this chamber that probably raise the esteem of our politicians much more than the things we do in the chamber, which tend to actually lower the esteem of politicians in the long term. I think you should walk away from this place proud of what you have achieved as an individual, proud of what you have done for the community of Tasmania and proud that your name will live on as someone who has actually contributed to the development of our society and community through the political system. I want to take this opportunity to wish you and Jill well for the future. I know you have set yourself up pretty well. If I ever get down that way, I will bring my clubs with me and we will see if you can still hit a ball straight.

The PRESIDENT—I thank everybody for those kind comments.

Senate adjourned at 11.54 pm

DOCUMENTS

Tabling

The following documents were tabled by the Clerk:


Defence Act—Determinations under section 58B—

2007/49—Location and higher duties allowances and Operation Outreach—amendment.

2007/50—Deployment allowance and additional risk insurance—amendment.

2007/51—Retention allowance schemes—amendments.

2007/52—Navy completion bonuses—amendment.

Parliamentary Entitlements Act—


Product Rulings—


PR 2007/74.
QUESTIONS ON NOTICE

The following answers to questions were circulated:

Customs: Court Case
(Question No. 3374)

Senator Bob Brown asked the Minister for Justice and Customs, upon notice, on 19 June 2007:

With reference to the answer to question on notice no. 2953 (Senate Hansard, 21 March 2007, p.169) in relation to the finding of the Federal Court of Australia (FCA) in Eberle vs Chief Executive Officer of Customs [2004] FCA 989: (a) has the Government assessed or considered assessing the financial loss to Mr Eberle, beyond the costs awarded, of the error made by the Australian Customs Service; and (b) if not, will the Minister do so in order to make good the loss; if not, why not.

Senator Johnston—The answer to the honourable senator’s question is as follows:

(a) The Federal Court ordered that Customs pay Mr Eberle’s costs at an amount agreed between the parties. The court also said that ‘the parties should reach agreement on whether any further consequential relief should be awarded, bearing in mind that the matter before me is an appeal from a decision of the AAT, rather than proceedings for judicial review.’ The outcome of the Federal Court’s decision was that Mr Eberle received the Customs duty he had paid under protest, and paid the duty liable under the fall-back method of valuation.

(b) The court’s jurisdiction on review of an AAT decision does not extend to damages. I am advised that the applicant has not made any further application for legal relief beyond the duty refunded.

Defence: Travel Entitlements
(Question No. 3401)

Senator Allison asked the Minister representing the Special Minister of State, upon notice, on 2 July 2007:

In regard to international and domestic travel arrangements, does the Minister of Defence or his personal, ministerial or parliamentary staff ever travel domestically or internationally by business class; if so: (a) under what circumstances; and (b) does the department have specific guidelines in place in respect of these circumstances.

Senator Minchin—The Special Minister of State has provided the following answer to the honourable senator’s question:

Yes.

(a) In accordance with Remuneration Tribunal Determination 2006/18, a Minister is entitled to business class travel within Australia on scheduled commercial services, when travelling on Parliamentary, electorate or official business but not including party business (other than meetings of a parliamentary political party, or of its executive, or of its committees, and attendance at the national conference of a political party of which he or she is a member).

These rules exactly mirror the entitlements provided to the Leader of the Australian Democrats for her domestic travel arrangements.

Ministers may travel overseas at first class on official business in accordance with an official itinerary as approved by the Prime Minister.
The Leader of the Australian Democrats may also travel overseas at first class, using her Overseas Study Entitlement, the exception being that she is not required to seek prior approval from anyone for any aspect of her journey.

The class of travel for individual staff is set out in Determination 2007/29 under the Member of Parliament (Staff) Act 1984.

(b) Yes.