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SITTING DAYS—2007

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RADIO BROADCASTS

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Network radio stations, in the areas identified.

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- **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. Alan Baird Ferguson
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
## Members of the Senate

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<th>State or Territory</th>
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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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<td>Prime Minister</td>
<td>The Hon. John Winston Howard MP</td>
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<td>Deputy Prime Minister</td>
<td>The Hon. Mark Anthony James Vaile MP</td>
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<tr>
<td>Treasurer</td>
<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</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,</td>
<td>Senator the Hon. Nicholas Hugh Minchin</td>
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<td>Leader of the Government in the Senate and</td>
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<td>Vice-President of the Executive Council</td>
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<tr>
<td>Minister for Agriculture, Fisheries and</td>
<td>The Hon. Peter John McGauran MP</td>
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<td>Forestry and Deputy Leader of the House</td>
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<td>The Hon. Kevin James Andrews MP</td>
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<td>Minister for Education, Science and Training</td>
<td>The Hon. Julie Isabel Bishop MP</td>
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<td>and Minister Assisting the Prime Minister for</td>
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<tr>
<td>Women’s Issues</td>
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<td>Minister for Families, Community Services and</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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<td>Minister for Communications, Information Technology and the Arts and Deputy Leader of the Government in the Senate</td>
<td>Senator the Hon. Helen Lloyd Coonan</td>
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<td>The Hon. Malcolm Bligh Turnbull MP</td>
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<tr>
<td>Minister for Human Services</td>
<td>Senator the Hon. Christopher Martin Ellison</td>
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*(The above ministers constitute the cabinet)*
HOWARD MINISTRY—continued

Minister for Fisheries, Forestry and Conservation and Manager of Government Business in the Senate
Senator the Hon. Eric Abetz

Minister for Small Business and Tourism
The Hon. Frances Esther Bailey MP

Minister for Local Government, Territories and Roads
The Hon. James Eric Lloyd MP

Minister for Revenue and Assistant Treasurer
The Hon. Peter Craig Dutton MP

Minister for Workforce Participation
The Hon. Dr Sharman Nancy Stone MP

Minister for Veterans’ Affairs and Minister Assisting the Minister for Defence
The Hon. Bruce Frederick Billson MP

Special Minister of State
The Hon. Gary Roy Nairn MP

Minister for Ageing
The Hon. Christopher Maurice Pyne MP

Minister for Vocational and Further Education
The Hon. Andrew John Robb MP

Minister for the Arts and Sport
Senator the Hon. George Henry Brandis SC

Minister for Community Services
Senator the Hon. Nigel Gregory Scullion

Minister for Justice and Customs
Senator the Hon. David Albert Lloyd Johnston

Assistant Minister for Immigration and Citizenship
The Hon. Teresa Gambaro MP

Assistant Minister for the Environment and Water Resources
The Hon. John Kenneth Cobb MP

Parliamentary Secretary to the Prime Minister
The Hon. Anthony David Hawthorn Smith MP

Parliamentary Secretary to the Minister for Transport and Regional Services
The Hon. De-Anne Margaret Kelly MP

Parliamentary Secretary to the Treasurer
The Hon. Christopher John Pearce MP

Parliamentary Secretary to the Minister for Finance and Administration
Senator the Hon. Richard Mansell Colbeck

Parliamentary Secretary to the Minister for Industry, Tourism and Resources
The Hon. Robert Charles Baldwin MP

Parliamentary Secretary to the Minister for Foreign Affairs
The Hon. Gregory Andrew Hunt MP

Parliamentary Secretary to the Minister for Agriculture, Fisheries and Forestry
The Hon. Sussan Penelope Ley MP

Parliamentary Secretary to the Minister for Education, Science and Training
The Hon. Patrick Francis Farmer MP

Parliamentary Secretary to the Minister for Defence
The Hon. Peter John Lindsay MP

Parliamentary Secretary to the Minister for Health and Ageing
Senator the Hon. Brett John Mason
**SHADOW MINISTRY**

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<td>Julia Eileen Gillard MP</td>
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<td>Senator Christopher Vaughan Evans</td>
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<td>Deputy Leader of the Opposition in the Senate and Shadow Minister for Communications and Information Technology</td>
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<td>Anthony Norman Albanese MP</td>
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<td>The Hon. Archibald Ronald Bevis MP</td>
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<td>Shadow Assistant Treasurer and Shadow Minister for Revenue and Competition Policy</td>
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<td>Shadow Minister for Service Economy, Small Business and Independent Contractors</td>
<td>Craig Anthony Emerson MP</td>
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<td>Shadow Minister for Multicultural Affairs, Shadow Minister for Urban Development and Shadow Minister for Consumer Affairs</td>
<td>Laurence Donald Thomas Ferguson MP</td>
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Senator Kerry Williams Kelso O’Brien

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Senator the Hon. Nicholas John Sherry

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Stephen Francis Smith MP

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Shadow Minister for Finance  
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Senator Penelope Ying Yen Wong

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Anthony Michael Byrne MP

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The Hon. Graham John Edwards MP

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Kirsten Fiona Livermore MP

Shadow Parliamentary Secretary to the Leader of the Opposition  
John Paul Murphy MP

Shadow Parliamentary Secretary for Industrial Relations  
Brendan Patrick John O’Connor MP

Shadow Parliamentary Secretary for Industry and Innovation  
Bernard Fernando Ripoll MP

Shadow Parliamentary Secretary for Northern Australia and Indigenous Affairs  
The Hon. Warren Edward Snowdon MP

Shadow Parliamentary Secretary to the Leader of the Opposition (Social and Community Affairs)  
Senator Ursula Mary Stephens
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Wednesday, 15 August 2007

The PRESIDENT (Senator the Hon. Alan Ferguson) took the chair at 9.30 am and read prayers.

BUSINESS

Rearrangement

Senator ABETZ (Tasmania—Minister for Fisheries, Forestry and Conservation) (9.31 am)—I move:

That, immediately after Senator Cormann’s first speech on Wednesday, 15 August 2007, valedictory statements may be made relating to Senator Calvert.

Question agreed to.

NATIONAL HEALTH AMENDMENT (PHARMACEUTICAL BENEFITS) BILL 2007

OFFSHORE PETROLEUM AMENDMENT (MISCELLANEOUS MEASURES) BILL 2007

First Reading

Senator ABETZ (Tasmania—Minister for Fisheries, Forestry and Conservation) (9.31 am)—At the request of Senator Mason and Senator Minchin I move:

That the following bills be introduced:

A Bill for an Act to amend the National Health Act 1953 in relation to the Pharmaceutical Benefits Scheme, and for other purposes.

A Bill for an Act to amend the Offshore Petroleum Act 2006, and for other purposes.

Question agreed to.

Senator ABETZ (Tasmania—Minister for Fisheries, Forestry and Conservation) (9.31 am)—I move:

That these bills be now read a first time.

Question agreed to.

Bills read a first time.

Second Reading

Senator ABETZ (Tasmania—Minister for Fisheries, Forestry and Conservation) (9.32 am)—I move:

That these bills be now read a second time.

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

Leave granted.

The speeches read as follows—

NATIONAL HEALTH AMENDMENT (PHARMACEUTICAL BENEFITS) BILL 2007

The National Health Amendment (Pharmaceutical Benefits) Bill 2007 contains amendments for two different purposes.

Schedule 1 of the Bill proposes changes to the Health Insurance Act 1973 and the National Health Act 1953 to implement a 2007 Budget measure. The amendments extend prescribing under the Pharmaceutical Benefits Scheme (PBS) to include optometrists as PBS prescribers, which will allow optometrists to prescribe some eye medicines as pharmaceutical benefits.

The PBS has been providing affordable access to high quality medicines for all Australians for over fifty years. By subsidising the cost of PBS medicines and limiting the amount that people pay for prescriptions at the point of sale, it delivers benefits directly and immediately for the medicines people need—when and where they need them—through local pharmacies and hospitals in the community. In addition, the PBS Safety Net protects individuals and families who require a large number of medicines from high cumulative costs. The PBS serves Australians well and is regarded as one of the best systems of its kind in the world.

Under the current PBS legislation, the prescribing of PBS medicines is limited to medical practitioners and dental practitioners. Under state and territory laws, optometrists can be accredited to prescribe certain eye medicines. However, as an optometrist’s prescription cannot be used under the PBS, the cost of the prescription to the patient is the full dispensed price. If the patient is referred by the optometrist to a medical practitioner to obtain a PBS prescription, this can result in inconvenience and cost to the patient, a possible
delay in treatment, and additional costs to government under Medicare.

The Bill amends the Health Insurance Act 1973 and the National Health Act 1953 to provide for:

- suitably qualified optometrists to be approved as authorised optometrists able to prescribe medicines as pharmaceutical benefits;
- optometrists to be regulated as PBS prescribers in a similar way to doctors and dentists;
- the PBS medicines for prescribing by optometrists to be specified in a separate list; and
- entitlements associated with pharmaceutical benefits, including subsidies and PBS Safety Net benefits, to apply for PBS prescriptions written by optometrists.

Optometrists who are accredited to prescribe under state or territory legislation will be able to apply to Medicare Australia for approval to prescribe pharmaceutical benefits as an authorised optometrist.

Applications will be required to satisfy certain criteria to ensure that optometrists are suitably qualified. Approvals will be subject to conditions, as determined by the Minister for Health and Ageing by legislative instrument. Optometrists will need to establish that they have the necessary professional registration and prescribing accreditation under state or territory requirements prior to approval to prescribe PBS medicines.

An approval as an authorised optometrist will be able to be suspended or revoked in the event that the optometrist no longer meets the criteria for approval, breaches a condition of approval or engages in inappropriate practice. Reconsideration and review processes will apply for decisions to reject an application for approval, or suspend or revoke an approval. Optometrists will be subject to the same arrangements under the Professional Services Review Scheme regarding conduct and appropriate practice as those that apply to other practitioners who prescribe pharmaceutical benefits.

The Bill introduces a new term, PBS prescriber, to describe collectively medical practitioners, participating dental practitioners and authorised optometrists as practitioners authorised to prescribe under the PBS. PBS prescriber is used in amendments where it is intended that the same provisions will apply to authorised optometrists as for medical practitioners and participating dental practitioners. For PBS prescriptions, this includes the circumstances in which a person is entitled to have a prescription supplied as a pharmaceutical benefit, the patient payment amounts to be taken into account for the purposes of the PBS Safety Net, and the recording of Medicare card information.

The medicines for prescribing by authorised optometrists will be determined by the Minister for Health and Ageing taking into account the advice of the Pharmaceutical Benefits Advisory Committee. The list of medicines is expected to include a limited range of eye drops and eye ointments and will be specified by legislative instrument separately from other PBS medicines.

PBS prescriptions written by authorised optometrists will be able to be dispensed by community pharmacies and hospitals which supply PBS medicines.

The changes proposed for optometrist prescribing under the PBS also apply to the Repatriation Pharmaceutical Benefits Scheme.

Commencement of these amendments is in two stages. Provisions relating to approval of optometrists as PBS prescribers commence on Royal Assent to allow application and approval processes to proceed before 1 January 2008. Provisions relating to the writing of prescriptions by authorised optometrists, dispensing, payment of subsidies and application of Safety Net entitlements as pharmaceutical benefits commence on 1 January 2008. Amendments to regulations will also be required to give effect to the new prescribing arrangements.

Subsidies for optometrist prescriptions will make better use of optometrist services, reduce delays in access to eye treatments, reduce costs to consumers and support continuity of therapy for chronic eye conditions. The benefits are expected to be particularly significant for concession card holders and people in rural and regional areas.
PBS prescribing by optometrists may help to free up GP and specialist medical resources for other uses. As a result of consultations with the ophthalmologist profession, the Government has decided to allow PBS prescribing based around the range of drugs permitted by the most restrictive State, and consistent with the advice of the Pharmaceutical Benefits Advisory Committee.

This component of the Bill demonstrates the Government’s commitment to having a PBS which reflects developments in professional practice. The new arrangements are sensible and practical, and build on well-established PBS procedures. There are safeguards to ensure that optometrists are adequately qualified prior to approval and that appropriate practice standards are maintained.

Schedule 2 of the Bill proposes minor amendments to the National Health Act 1953 to clarify the meaning of section 90, for granting approval to pharmacists to supply pharmaceutical benefits. Pharmacists are approved under the Act for the purpose of supplying pharmaceutical benefits to their local community. It is important that the public can obtain pharmaceutical benefits at the pharmacy of their choice and there are an appropriate number of pharmacies to meet community need.

The Act currently uses the term “at or from” premises in relation to the supply of pharmaceutical benefits by approved pharmacists. This means, if an approved pharmacist is conducting a mail order business, there is no need for the pharmacist to have a shop-front pharmacy supplying to their local community.

The proposed amendments provide that an approved pharmacist must supply pharmaceutical benefits “at” their pharmacy — that is, to have a shop-front for people to physically attend the pharmacy. In addition, an approved pharmacist may also choose to supply pharmaceutical benefits “from” their pharmacy to people who do not physically attend the pharmacy, for example, to nursing home residents or to a person by mail order.

The Act also uses the term “on demand” to describe how pharmaceutical benefits are supplied. This term does not adequately describe the intent that a pharmacy should be open reasonable hours for the purpose of supplying pharmaceutical benefits to their local community.

The proposed amendments also provide that a pharmacy must be accessible to the public during reasonable times. Reasonable times, generally means providing pharmaceutical benefits during normal business hours. What is considered reasonable times may vary according to the particular circumstances, for example, in a heavily populated urban area it would be expected that a pharmacy open for at least standard business hours, each working week. However, in a small rural town where a pharmacy may be serviced by a pharmacist from another town, something less than standard business hours may be acceptable.

For consistency, the proposed amendments also provide that the Secretary may cancel an approval if the approved pharmacist is not supplying pharmaceutical benefits “at” the pharmacy, or if the premises are not accessible at reasonable times by the public for the purpose of receiving pharmaceutical benefits.

OFFSHORE PETROLEUM AMENDMENT (MISCELLANEOUS MEASURES) BILL 2007

Senators would be aware that the Offshore Petroleum Act 2006 received Royal Assent on 29 March 2006. The Offshore Petroleum Act was a rewrite of the Petroleum (Submerged Lands) Act 1967, which has been the primary legislation for the administration of Australia’s offshore petroleum resources for 40 years. The Offshore Petroleum Act is a more user-friendly enactment that will reduce compliance costs for governments and the industry.

This Amendment Bill has three elements. Firstly to clarify provisions to ensure they operate the way that was intended, to make some technical corrections and a minor policy change. Secondly, a policy change repealing section 327 which gives the Minister certain emergency powers in the Bass Strait. Finally, to convert geodetic data references of the area descriptions in the Act from Australian Geodetic Datum to the current the Geodetic Datum of Australia.
Mr President, I would now like to take Senators through some of the key measures contained in the Bill.

The Bill ensures that the duration of certain production licences remains unchanged. While it was the intention that production licences due for their first renewal be renewed for 21 years, the effect of amendments made in 1998 to the Petroleum (Submerged Lands) Act is that licensees on their first renewal are entitled to licences of an indefinite duration. This error has been corrected in the Offshore Petroleum Act. These amendments ensure that the licensees, who renewed their production licences for the first time since 1998 but before the Offshore Petroleum Act comes into force, will have the indefinite term licences they are entitled to.

The Bill also clarifies the definition of ‘coastal waters’. The Offshore Constitutional Settlement provides that the States and the Northern Territory have control over the ‘coastal waters’ adjacent to their land territory. These coastal waters are 3 nautical miles from a ‘baseline’; this is essentially the low water mark of the coast. These amendments ensure that the baseline that the ‘coastal waters’ are measured from is the correct 3 nautical mile baseline.

The Bill also proposes a minor policy change and repeals section 327 which allows the Minister to exercise his emergency powers in the Area to be Avoided, offshore Victoria in the Gippsland Basin. The Minister has never exercised these powers. The section is proposed to be repealed because a more comprehensive and broader security regime has been implemented under Maritime Transport and Offshore Facilities Security Act 2003.

The amendments to the datum are part of the Government’s Australia Spatial Data Infrastructure Program. Amendments made to the Petroleum (Submerged Lands) Act in 2001, paved the way for the move to the Geocentric Data of Australia, known as GDA94. GDA94 is essentially a response to increased use of the Global Positioning System for surveying, navigation and similar purposes. It is important to note that there will be no shift in the position in any petroleum title area as a result of the changes.

The Bill incorporates the conversion of all of the points describing the ‘offshore areas’ in Schedules 1 and the ‘area to be avoided’ in Schedule 2.

I commend the Bill to the honourable Senators and present the explanatory memorandum.

Ordered that further consideration of the second reading of these bills be adjourned to the first sitting day of the next period of sittings, in accordance with standing order 111.

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

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

In Committee

Consideration resumed from 14 August.

NORTHERN TERRITORY NATIONAL EMERGENCY RESPONSE BILL 2007

The CHAIRMAN—The committee is considering the Northern Territory National Emergency Response Bill 2007 and opposition amendment (1) on sheet 5352, moved by Senator Evans. The question is that the amendment be agreed to.
Senator SIEWERT (Western Australia) (9.33 am)—I seek some guidance. Yesterday I sought permission from the other parties to table a document. Unfortunately the document did not arrive in time for me to table it prior to the debate commencing yesterday. It was caught up in the docks at the front of Parliament House. I seek leave to table the document.

Leave granted.

Senator SIEWERT—These are 12,947 letters to the Senate, asking the Senate not to rubber-stamp and assent to these bills through the GetUp! process. I seek leave to table the letters.

The CHAIRMAN—I think that is what we just did, isn’t it?

Senator SIEWERT—I am going through the proper process. I table the documents. I am holding in my hand a small fraction of them. There is actually a box in the Table Office, as I understand it.

The Greens will be supporting the Labor amendment; however, we do prefer the amendment that I understand the Democrats will be moving shortly because that amendment calls for a much more comprehensive review. As people know, the Greens do not support this legislation; however, if it is to go ahead we believe it is absolutely essential that we review the provisions in the legislation. We do not believe that the government has adequately demonstrated the connection between the acquisition of rights, titles and interest in land and child abuse. We agree that there should be review mechanisms in this legislation; however, we much prefer the Democrats amendment, which we will be supporting. It calls for a much more comprehensive and independent review, and it requires that something be done with the review. The ALP amendment has limitations because although it requires the review to be done—the minister must cause it to be done after the first anniversary—it does not say much beyond that about what is to be done with the review once it is done. The Democrats amendment calls for a much more comprehensive review. It is to be done independently and requires a copy of the report to be tabled in each house of parliament. We believe that is a much more transparent and accountable process than simply causing a review to be done. We will be supporting the ALP amendment but we do prefer the Democrats amendment.

Question negatived.

Senator BARTLETT (Queensland) (9.37 am)—I move Democrats amendment (1) on revised sheet 5340:

(1) Clause 6, page 9 (after line 27), at the end of the clause, add:

(3) The Minister must cause an independent and comprehensive annual review of this Act, the Families, Community Services and Indigenous Affairs and Other Legislation Amendment (Northern Territory National Emergency Response and Other Measures) Act 2007; and the Social Security and Other Legislation Amendment (Welfare Payment Reform) Act 2007 to:

(a) gauge their impact on Indigenous communities; and

(b) ensure that the Act’s outcomes are consistent with the recommendations of the Report of the Northern Territory Board of Inquiry into the Protection of Aboriginal Children from Sexual Abuse 2007.

(4) The person or organisation undertaking the review must give the Minister a written report of the review.

(5) The Minister must cause a copy of the report to be tabled in each House of Parliament within 15 sitting days of receiving it.
(6) These annual reviews are to continue until the end of the 5 year sunset clause, with the first review due to report 12 months after this Act is passed. As Senator Siewert just very kindly outlined, in my view, the Democrats amendment is a more comprehensive mechanism for trying to ensure adequate review. It should be noted that the government members of the Senate committee recognised the need for a review but, for reasons best known to them, did not see any need to recommend that this be incorporated in the legislation. I appreciate that it gives maximum flexibility to the government to do some sort of review at a time and of a type of their choosing, and make it as public or not as they choose. That is the point of why these things are put in legislation, so that we are not leaving it solely up to government to pick timing and a type of review that suits them. We need to ensure that there are clear criteria in advance in the legislation that everybody knows are coming down and that there is some degree of requirement for compliance. As always needs to be said, before the minister or government takes offence and gives hand on heart commitments that reviews will be done et cetera, we have to consider the prospect of not just how the act might be utilised now, but how it might be enacted and utilised down the track. That includes a future government and obviously no commitment the minister gives here today can bind any future government or, I would suggest, even this government once the election is out of the way.

The amendment that I move on behalf of the Democrats requires an independent and comprehensive annual review of this act to gauge its impact on Indigenous communities and ensure that the act’s outcomes are consistent with the recommendations of the report of the Northern Territory board of inquiry into the protection of Aboriginal children from sexual abuse. It also requires the report of the review to be in writing and to be tabled in each house of parliament. That is not particularly out of the ordinary. As we all know, many acts have a requirement that various reviews and reports be provided to the minister and tabled within 15 sitting days of the minister receiving them. It is a fairly standard amendment in lots of ways requiring that an independent and comprehensive annual review be undertaken. It goes a bit further than some cases but, again, it is not totally unprecedented. What is unprecedented, of course—as has been widely acknowledged by all sides—are some of the powers that have been put in place in this act. They are unprecedented and extreme, and people on either side want to put cases forward about whether they are justified. This amendment does not go to that but makes sure we properly and independently review how the act is operating after a year, particularly in regard to its impact on Indigenous communities, which is what this legislation is meant to be about.

I note that when this amendment was designed it also had, as I said, the requirement for the review to assess whether the act’s outcomes are consistent with the recommendations of the report of the Northern Territory board of inquiry, which is better known as the Little children are sacred report. When I put together this amendment, I did not realise that the government’s attitude now, as detailed by the minister last night, was so dismissive of the Little children are sacred report. Perhaps the minister’s response might be that they do not intend this legislation to be consistent with the recommendations of the Little children are sacred report because they think the recommendations, basically, are ‘not worth a great deal’, to paraphrase the minister from last night. If that is a real problem for the government and if they do not want to have any review to refer to the recommendations of the Little children are sa-
cred report, then the Democrats could, reluctantly, agree to have that part of the amendment removed and simply have the review gauge the impact on Indigenous communities, because that is the core issue.

Whilst I do not share the government’s dismissal of the Little children are sacred report, I do not hold it up as tablets brought down from the mountain or any form of holy writ. It is a good report but it does not address every single issue and, quite deliberately, had recommendations that it believed would be promptly implemented by consensus and cooperation. I do not in any way dispute that there is more beyond what is in that report that could be done, and I do not suggest that everybody has to sign up to every single sentence within it. It obviously has been used as the catalyst for the issues and the legislation that we are debating here today, and it is still regularly referred to by the government as justification even though they seem simultaneously prepared to trash it, or at least trash its recommendations, when appropriate.

The core issue, though, is not to have a dispute about the Little children are sacred report; we can do that separately. The core issue and aim of the amendment is to ensure an independent and comprehensive annual review of this act and related acts because, let us not forget, these powers are extreme. They are unprecedented in many respects and we need to gauge their impact on the people that we all say we want to help, which is Indigenous communities, families and children in particular. The Democrats believe there is a need for a requirement in the act that a review occur every 12 months and that it will be independent and comprehensive, will consider the impact on Indigenous communities and will be tabled in this parliament. The government may wish to give commitments that that will happen anyway, and I hope they do give that commitment, but, as I said before, they are not in a position to guarantee that that commitment will be followed through if it is not in legislation. I believe that even the spirit of the recommendations of the majority members of the Senate committee report recognised the need for review. This amendment goes to ensuring that review does occur and that it occurs properly, comprehensively publicly.

Senator SCULLION (Northern Territory—Minister for Community Services) (9.44 am)—I will respond to that briefly, Mr Chairman. Again, I want to put on the record that there is no part of the Little children are sacred report that I intend to diminish. It was a shocking report and the evidence and the process of bringing out the evidence in those communities is to be applauded. It is the recommendations that we feel fall well short of what we read in the report and there is a clear difference.

We believe that these amendments—both the previous Labor amendment and this amendment—are unnecessary. What we have done is to ensure that we have picked up the recommendation of the Legal and Constitutional Affairs Committee report, which recommended a review in two years. And I understand that is the only difference—we both agree there should be a review. For those who believe the review should be in 12 months, we do not support that. Principally, because there are a number of issues in the Legal and Constitutional Affairs Committee report that we have picked up on and agreed to submit to, as I said yesterday, we will be making any strategic and operational plans public within six months, and any longer term plans within 12 months, and we will report publicly any changes or revisions to those plans. We have also agreed that we will provide a review in two years, but we have reserved our position on exactly what the framework of reporting will be. Whether or not we will use the Overcoming Indigenous
Disadvantage framework is a decision we are yet to make, along with considering other frameworks. Obviously, it is very important to benchmark how we are going in the progression of this intervention. We believe the two-year process is a sufficient process within the revision, particularly if you take into consideration our acceptance of the other recommendations of the Legal and Constitutional Affairs Committee report.

Senator BARTLETT (Queensland) (9.46 am)—I must admit that I do not agree that two years is sufficient when you have powers this extreme. We are all being told that this is an emergency that requires urgent action, and that is the justification for all of this being bulldozed through. To then say that we do not have to look at its consequences and its implementation until after two years is stretching it a bit. But, from the Democrats’ point of view, one could even concede to a two-year review—although I think it is far less than adequate—if it were actually put in the act as a legal requirement, along with the requirement that it be independent, comprehensive and that it be tabled in the parliament. The minister cannot give the guarantee that that is going to happen because he does not know who is going to be in government in two years—or who the minister will be, or any of those things. Even amending this by making it a review after two years, and each year after that, would at least give us some certainty that this would happen. Beyond requiring it to be independent and comprehensive, this does not constrain this government or a future government in how they would go about doing it or in the framing of that review, beyond assessing its impact on Indigenous communities, and it is hard to believe any review could do otherwise, given the focus of all these laws. So you really do have to wonder what the government’s objection is to just putting it in the law, even if we reluctantly go with two years instead of one year, which the Democrats would be prepared to do in the continuing spirit of trying to be cooperative and trying to find at least some common ground here and demonstrate some shared intent to deliver positive improvements. Putting this in the act simply means that people can be more confident. I really cannot understand the government’s refusal to allow that to happen even if we agree to make it two years rather than one. So I certainly at least make that offer on the public record. It is not, in my view, the best situation, but it is far better than nothing or the general but unenforceable commitment that the minister has given.

Senator SIEWERT (Western Australia) (9.48 am)—Likewise, I can see no reason why a review of the nature that we have been talking about is not built into this act. I think it is very reasonable. Given the extreme, extraordinary powers that the government has given itself, I think it is absolutely essential that it be reviewed. I do not actually endorse the concept of two years. I think it is essential that we do it within one year, given that these are extraordinary powers that we are talking about. I reiterate: the government has not demonstrated any link between taking over people’s land, these extraordinary powers, and child abuse. Therefore, it is essential that it be reviewed within 12 months. Giving the minister and the government these sorts of powers, the Greens believe, is unnecessary. They claim it is necessary. They should not be afraid to demonstrate in the act that they are prepared to review, to demonstrate that they are actually having an impact and that these powers are required. I do not believe that these Henry VIII clauses are a democratic approach to government in this country.

The government are taking onto themselves extraordinary powers that they have not demonstrated are needed to enable them to deal with child abuse in the Northern Ter-
They have left it until one minute to midnight to actually do anything about it, after 11 years of neglect, and now they are not even prepared to submit their own legislation to a review to see whether the extraordinary powers they are taking onto themselves are actually having an impact. There is no excuse for the government not to be putting this into legislation to require that to happen. Quite frankly, I do not believe, and I believe many Australians do not believe, that they will in fact review this publicly, in either 12 months or even the two years that the government are talking about. We do not believe that they will do that. We need to hold the government accountable, and the only way we can do that properly is through the legislative process. Why is the government scared of putting this requirement for a review into the legislation?

Senator CHRIS EVANS (Western Australia—Leader of the Opposition in the Senate) (9.51 am)—I indicate on behalf of the Labor opposition that we will be supporting the Democrat amendment. It goes further than ours, and I perhaps would have dealt with it in a slightly different way, but the essence of the amendment is to require the government to account for progress and success or failure in the emergency intervention. It seems to me that that is not unreasonable. Quite frankly, the only reason the government are not agreeing to it is that they have the numbers. They say it is basically a reasonable proposition but they are not going to put it in the bill. They say, ‘Trust us.’ The point is that people do not necessarily trust the government. They look at the history of government intervention in Indigenous affairs and see it is not a very good track record. So is it unreasonable to insist that the government remain accountable?

One of the reasons given for this intervention is the failure of the Northern Territory government, in the view of the federal government. They say that the Northern Territory government has failed to deliver for Indigenous people, that it has failed to act. Well let’s have the federal government assessed under the same criteria they apply to the Northern Territory. Let’s have you measured on your performance. Let’s see if you meet your performance indicators in terms of this intervention. What are you afraid of? This is important stuff. You urge us to deal with this as a matter of urgency, and we agree. You ask for support; we give it. We ask that you accept a reasonable amendment that requires accountability. But, no, you say you are consulting; you say you are listening, but no-one’s view is ever taken into account. You are always right; you are always so clear. You pay lip-service to the committee’s report but you will not give any substance to it. You will not take the step that gives effect to the message that your own senators gave you. You say, ‘Trust us; we’ll do something about it.’

Quite frankly, that is not good enough. There are extraordinary powers in this legislation. We saw the Scrutiny of Bills Committee’s Alert Digest yesterday and the report which expressed serious concerns about how much power is passed from the parliament to the minister. A whole range of concerns have been raised by others about the extent of those powers. We on the Labor side accept that there is a need to give the minister certain powers to enable him to achieve the objectives of this urgent intervention, but they are not to be unfettered and the minister has to be accountable. This amendment is a mechanism for making the minister accountable.

I have to say that, on either side, the track record of government intervention in Indigenous affairs is not great. My experience of the COAG trials, your last go, the quiet revolution which you were all telling me two years ago was the answer and which has now
proven to be an abject failure, is very fresh in my mind, as are a range of failures before that by this government and failures by governments before this one, including Labor governments. So I think it is perfectly reasonable for the parliament to say: ‘Hang on. If we’re going have such extraordinary powers, if we’re going to make such a major intervention into people’s lives we ought to have a very rigorous system for checking accountability and performance measurement.’ For the government to reject this amendment is outrageous because it asks only that there be a proper assessment of the measures.

As I say, I think the proposed amendment is an important measure that ought to be supported. It does not in any way undermine the government’s capacities; it just seeks to hold it to account. And I think it is a positive amendment both to the bill and to the general approach.

If the coalition are going down a big government response path, a very interventionist response path, then I think they who have always spoken about the limitations of big government intervention and the need for government to get out of the lives of people, who are taking a measure that is so at odds with their normal approach, for good reasons in terms of the serious reports of sexual abuse of Indigenous children and the amount of domestic and other violence in the communities, should themselves be anxious for reassurance that there will be proper accountability and assessment of the success or otherwise of the measures. I think this is a very reasonable amendment. I would urge the government to reconsider. They say they will have a review, so why not give application to that? Why not allow the legislation to make that clear?

Senator SCULLION (Northern Territory—Minister for Community Services) (9.56 am)—I would like to respond briefly to the assertion that we have not listened to our ministerial colleagues. I draw the attention of the Senate to recommendation 3 of the Senate Legal and Constitutional Affairs Committee’s inquiry on this very matter. It says:

The committee recommends that the operation of the measures implemented by the bills be subject to a review two years after their commencement, particularly to ascertain the impact of the measures on the welfare of Indigenous children in the Northern Territory. A report on this review should be tabled in parliament.

We have accepted the review. We have said that it should be two years, and in two years time a report on the review will be tabled in parliament.

Senator CHRIS EVANS (Western Australia—Leader of the Opposition in the Senate) (9.57 am)—I indicate, then, to the minister that, in the spirit of goodwill and to give effect to his stated intention, if he were to move an amendment to reflect that in this amendment before the chamber, Labor will support it. If the minister seeks to amend it by changing the annual review to two years, we will vote for it. Let’s give some effect to the government’s stated intentions. If you are happy with that approach, Minister, amend the Democrats amendment, change the 12 months to two years, and we will vote for it.

Senator SCULLION (Northern Territory—Minister for Community Services) (9.57 am)—Perhaps we should reflect on the COAG arrangements that the Leader of the Opposition in the Senate mentioned before. There was a series of reviews with regard to that suite of arrangements, and Senator Bartlett indicated that he understood well the need for flexibility in these arrangements. But we have been clear that there will be provided publicly to this parliament, both at a six-month and at a 12-month interval, de-
tailed provision of the plans and the strategic direction of the intervention. We believe that the flexibility of the review needs to be maintained and we do not believe that it is necessary to provide for that in the legislation.

Senator BARTLETT (Queensland) (9.58 am)—I think this really raises the question: what has the government got to hide? As I have said a number of times, whatever the commitment and however genuine the minister might be now, he cannot commit nor guarantee that a future government will follow through on those things. Whilst it is pleasing that the government will table plans, this is about reviewing the operation of the laws we are putting in place here. That is very specific to the operation of these laws. We all know that there is a lot to do with the so-called intervention that is already occurring and does not need these laws to occur. So I take the opportunity to make the point that that is precisely why the suggestion that these laws have to be passed today to protect a child from harm tomorrow is simply false.

We certainly do not want to hold up the laws unnecessarily—the Democrats’ position and record throughout this debate have demonstrated that—but we also want to make sure that, as much as is possible, the laws are framed in a way that will maximise their chances of being effective. That process is not only about what we pass through this chamber but about ensuring that there is proper scrutiny of the consequences. It is one thing to do everything possible to try to get laws right when we are passing them—unfortunately, though, we are not doing everything possible; in fact, the government is putting as many hurdles as possible in the way of our doing everything as well as we can—but, after we have passed the laws, the next stage is to review them, however good a job we tried to make of it. The Democrats offered the Labor Party—reluctantly but nonetheless on a better-than-nothing basis—a two-year review, to be put into the legislation. Given that is what the government has said it is committed to, the refusal to have it put in legislation simply begs the question: what is it that it has to hide?

This Democrat amendment provides enormous flexibility as to how that review would occur. All that it requires is an independent and comprehensive review of the act that gauges the impact on Indigenous communities and requires that the report be tabled in the parliament. There is a lot of wiggle room in that; it does not nail the government down very much at all. There is plenty of flexibility, and it is ludicrous to suggest that putting it into law as a requirement for a future government is somehow constraining the flexibility of any review. It raises the only other alternative: there is something there that the government thinks it might want to hide, and therefore it would want to have total control over the reviews so it can get the outcome it wants. It is the usual story of not having a review or an inquiry unless you know the answer in advance. That is the sort of thing we try to avoid here in the Senate when we put in requirements for reviews. Reviews should genuinely be informative and not just another predetermined snow job. And that is the only conclusion people can make—other than there being total intransigence of the government to any proposal that does not come from the government itself, which is also quite possible. Frankly, that is just as big a concern.

I will not keep repeating the remarks I made last night but I would re-emphasise that it is a grave mistake for the government to be totally intransigent to amendments to this bill—to refuse to accept any ideas just because they want to show that they are running the show, that they are in control and that nobody else has any role to play, that everyone else should just shut up and sit on
the sidelines and get out of the way, including Indigenous communities themselves. That is the message that has been sent out by the government throughout this process. The attitude they are displaying in this debate reinforces that message. The key problem about that is not that it is irritating—whether I get irritated by it is irrelevant, frankly—but that it seriously compromises the opportunity for the government’s actions to be effective. It is simple reality and simple common sense that anybody who is the subject of significant government intervention into their lives is far less likely to be welcoming of that intervention, and the intervention is far less likely to be successful in the longer term, if the attitude and message that those people are getting from the government is: ‘We know what is best for you. Get out of the way.’ That is just human nature.

It is also a simple reality that we can find any amount of evidence we like to demonstrate that that is what has happened. It is extraordinary, even given the emergency situation and the importance of this issue, that a government that makes even a pretence of having any shred of liberalism in its philosophy could adopt such an attitude. It is such a monumental, interventionist, control economy, paternalistic, nanny state attitude of: ‘We know what’s best for you. Just shut up and take it.’ That is the attitude. I would have thought that this government, given at least one strand of its philosophical origins, would recognise that that sort of approach is not only anathema to liberalism but also anathema to effective activities, effective public policy, effective legislation and effective intervention.

The attitude being displayed even to this very simple amendment and the very generous offers by the Democrats and the Labor Party to water it down so that we at least get some guarantees in legislation simply highlights the real problem here. And unfortunately that real problem highlights the real risk that this government’s blinkered approach—its intransigence, its refusal to listen to anybody or to work with anybody—will make it far more likely, sadly, that all of the government’s activities and actions, however well intentioned, will not have a positive effect. That is the real tragedy. It is not about this amendment being successful but about the total effect of the government’s actions being less likely to be effective because of the completely blinkered attitude the government is displaying.

Senator SIEWERT (Western Australia) (10.05 am)—The government use the word ‘flexible’. To me, and I suspect to the broader community, ‘flexible’ means they will be flexible with the timelines; flexible about whether the review is independent, so that the government can decide who does the review; flexible about who is consulted—because we already understand the government’s definition of ‘consultation’ from the discussion last night; flexible about when the report is released; flexible about the benchmarks; flexible about whether the government will tell anybody they are doing it; flexible about what the government will look at; and flexible about what they will tell us, especially after they have done it. The government, in other words, want total control over how this legislation is reviewed. It is okay for the minister to shake his head, but that is what we interpret them to mean by ‘flexible’.

If the government were genuine about having a publicly available review, they would put it in the act. Not having it in the act guarantees that the government will call all the shots. They will decide when they want to do it—and, if the time line leaks a bit, they will say: ‘That’s okay because we do not have to meet any legislative requirement. We can decide who is going to do it; it does not have to be independent. We can
decide what the terms of reference are. It does not have to be accountable to parliament, because it is not in the act. We can decide whether we are going to publicly release it, and we can decide who we are going to consult.’

As I said, we know what their definition of consultation is. It is: ‘We will tell people after the fact. We will go around and talk to people and we will make a decision. We then will not ask them about whether that decision is right or whether that decision is what they want.’ That is what the government did with this legislation: they went around and talked to people about general issues and got hold of and used as an excuse the Little children are sacred report to implement a whole lot of actions that were not recommended in the report.

By the way, the recommendation in the report does not say this is an emergency situation; it says it is of ‘urgent national significance’, which is entirely different to ‘emergency response’—the government decided that. They then did not go and consult with anybody about the plan they came up with, because they think they know best. Now they are telling people what they are doing, which is very different to consulting. Is that the definition of consultation they are going to have when they carry out the review?

The Australian public is cynical about this. This needs to be in the legislation. If the government were genuine about a review, they would put it in the legislation so that they could be seen to be doing the right thing. They are not. They want flexibility, which means they want total control. They want flexibility about the terms of reference, about how it will be done, when it will be done and about what they will tell the community. That is not good enough. Put it in the act.

Question put:
That the amendment (Senator Bartlett’s) be agreed to.

The committee divided. [10.13 am]
(The Temporary Chairman—Senator JAL Macdonald)

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<th>AYES</th>
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AYES
Allison, L.F.  Bartlett, A.J.J.
Bishop, T.M.  Brown, B.J.
Campbell, G.  Carr, K.J.
Conroy, S.M.  Crossin, P.M.
Evans, C.V.  Faulkner, J.P.
Fielding, S.  Forshaw, M.G.
Hogg, J.J.  Hurley, A.
Hutchins, S.P.  Kirk, L.
Lundy, K.A.  Marshall, G.
McEwen, A.  McLucas, J.E.
Milne, C.  Moore, C.
Murray, A.J.M.  Nettle, K.
O’Brien, K.W.K.  Polley, H.
Ray, R.F.  Siewert, R.
Stephens, U.  Sterle, G.
Stott Despoja, N.  Webber, R.
Wortley, D.  

NOES
Abetz, E.  Adams, J.
Barnett, G.  Bernardi, C.
Birmingham, S.  Boswell, R.L.D.
Boyce, S.  Brands, G.H.
Calvert, P.H.  Chapman, H.G.P.
Colbeck, R.  Coonan, H.L.
Cormann, M.H.P.  Eggleston, A.
Ferguson, A.B.  Fieravanti-Wells, C.
Fifield, M.P.  Fisher, M.J.
Heffernan, W.  Johnston, D.
Joyce, B.  Kemp, C.R.
Lightfoot, P.R.  Macdonald, I.
Macdonald, J.A.L.  Mason, B.J.
McGauran, J.J.J.  Nash, F.
Parry, S.  Patterson, K.C.
Payne, M.A.  Ronaldson, M.
Scullion, N.G.  Trood, R.B.
Watson, J.O.W.
Thursday, 15 August 2007

SENATE

PAIRS
Brown, C.L. Ellison, C.M.
Ludwig, J.W. Troeth, J.M.
Sherry, N.J. Humphries, G.
Wong, P. Minchin, N.H.

* denotes teller

Question negatived.

Senator CHRIS EVANS (Western Australia—Leader of the Opposition in the Senate) (10.16 am)—by leave—I move opposition amendments (2) to (6) and (9) and (10):

(2) Clause 37, page 33 (line 21), omit “might”, substitute “must”.

(3) Clause 49, page 42 (line 13), omit “might”, substitute “must”.

(4) Clause 60, page 49 (lines 17 to 21), omit subclause 60(2), substitute:

(2) If the operation of this Part, or an act referred to in paragraphs (1)(b) or (c), would result in an acquisition of property, the Commonwealth is liable to pay compensation in ‘just terms’ to the person.

(5) Clause 60, page 49 (lines 25 and 26), omit “such reasonable amount of compensation as the court determines”, substitute “compensation on ‘just terms’”.

(6) Clause 61, page 50 (lines 1 to 14), omit the clause, substitute:

61 Amounts paid or payable

For the purposes of section 60, in determining just compensation that is payable in relation to land, the Court must take account of:

(a) any amounts of rent paid or payable in relation to the land under section 62; and

(b) any amounts of compensation paid or payable by the Commonwealth under the Special Purposes Leases Act or the Crown Lands Act in relation to the land; and

(c) any improvements to the land that are funded by the Commonwealth (whether before or after a lease is granted to, or all rights, titles or interests are vested in, the Commonwealth), including the construction of, or improvements to, any buildings or infrastructure on the land.

(9) Clause 134, page 94 (lines 13 to 17), omit subclause 134(2), substitute:

(2) If the operation of this Act (other than Part 4) would result in an acquisition of property, the Commonwealth is liable to pay compensation on ‘just terms’ to the person.

(10) Clause 134, page 94 (lines 21 and 22), omit “such reasonable amount of compensation as the court determines”, substitute: “compensation on ‘just terms’”.

These amendments go to the discussion we were having last night about the question of ‘just terms’ compensation. I will not go over all the ground we covered last night. Unfortunately, in our general discussion we ranged far and wide. This is a very important debate in terms of the bills. Both Senator Brown and I and a few others made contributions, and the minister responded. But, effectively, the argument comes down to the fact that in these bills the government does not provide for ‘just terms’ compensation. The government seeks to use an alternative term which causes concern among certainly senators and, I think, among Indigenous people that there is some attempt to water down what is seen as a constitutional right to ‘just terms’ compensation, although there is an argument about whether it applies in the Northern Territory et cetera. But I think it is broadly accepted, both by High Court interpretation and in the community, that people whose property rights are impacted by a government decision are entitled to ‘just terms’ compensation.

I think some people on the government side have difficulty coping with the fact that Indigenous people have property rights. The reality is that they do, and those property
rights are going to be impacted by these measures. Labor is supporting that on the basis that the government has made a case that it is necessary to take control of the land and the property rights in order to facilitate the emergency improvements in housing and infrastructure, which will provide part of a response to addressing poverty and the conditions that allow child abuse and violence to occur. So we are supporting the intervention and the lease arrangements which interfere with those property rights.

But, in doing so, we are concerned to ensure that the rights of Indigenous people to ‘just terms’ compensation are not undermined. We think it is a fundamental principle of Australian society that the Commonwealth government should pay ‘just terms’ compensation for the acquisition of property from anyone. The fact that you are Indigenous should not deny you access to ‘just terms’ compensation. The government has run the argument that somehow the ‘reasonable compensation’ term they seek to use is interchangeable with ‘just terms’ compensation, but they do not want to use it. Why don’t they want to use it? The answer yesterday was that the draftsman prefers the new term. As a senator, I prefer the old term. I had much more confidence and reassurance in the phrase ‘just terms’ compensation because of the way it has been interpreted over the years because of the broader understanding of it. I am strengthened in that concern by the submission from the Law Council of Australia. I have to weigh up, on one hand, the opinion of the Law Council of Australia, submitted to the parliament, and the minister’s assurance, on the other, that his draftsman has a different view, but that advice has not been tabled.

In paragraph 60 of their submission, the Law Council of Australia makes the point: The Law Council notes that the legislation appears to shield the Commonwealth from its obligation to compensate the relevant Land Trust or pay rent, in circumstances where a lease is issued under section 31.

So they are asserting their concern that the Commonwealth is seeking to shield itself from its obligations. They also say that they think the legislation has been drafted to ‘pay as little direct compensation as possible’ but to ‘ensure the validity of the legislation’ in the event of a challenge. So the Law Council is expressing serious concern that the Commonwealth is attempting by its phraseology and the structure of the bill to prevent the full ‘just terms’ compensation rights being afforded to those affected by the takeover of their property.

Labor fundamentally thinks that is not right. We do not think that the parliament should take such a measure. The government’s explanation for its position quite frankly is unconvincing. We think that if the government is genuine about affording those peoples affected by interference in their property rights proper compensation then it ought to accept that the terms of ‘just terms’ compensation ought to apply rather than their alternative, which is a reasonable amount of compensation. I am assured there is a Federal Court decision et cetera that uses those terms, but, on the advice I have received, on the advice Senator Brown has received and on the advice of the Law Council, we still have concerns that that is not right and that ‘just terms’ compensation would be a much more satisfactory signal that we are not trying to undermine people’s property rights.

It is important that, even if the government have a preference for a different set of words, they also think about the perceptions. In my view, unless there is a very strong legal argument that somehow providing ‘just terms’ compensation undermines the integrity of the bill, then we ought to go with that rather than the alternative. A whole range of
Indigenous groups and others interested in these issues have been concerned that this represents some sort of attempt to undermine proper compensation for the actions taken by the government under the powers granted by these bills.

If we are to breed confidence in the community that we are taking these actions on the basis of the desire to provide protection to Aboriginal children, not because of some other agenda in relation to land rights or the property rights of Indigenous people, then we ought to give them as much reassurance as possible. By passing these amendments, we think we will provide that reassurance and clarity, endorse a measure which will be much better understood and ensure that what the government says it wants to do is reflected in the legislation.

Senator SIEWERT (Western Australia) (10.24 am)—The Greens had a substantive discussion last night but we would like to go over it again and talk about a few extra points—that is, we believe it is quite clear that the government’s intention is to water down the concept of ‘just terms’. Why use a second term if they think they are interchangeable? ‘Just terms’ is a term used in the Constitution and it has a specific meaning. While to date there has not been a lot of case history in relation to the use of ‘just terms’ on Aboriginal land, we understand that ‘just terms’ would require compensation acknowledging the relationship of Aboriginal people to the land, not just in terms of land value or infrastructure values. That is a commonly understood meaning of ‘just terms’ as it relates to Aboriginal land.

‘Reasonable compensation’ is not a constitutional term and is much less specific in meaning. While you could potentially go to court as the government has been saying to argue that an amount of compensation is reasonable, you do not have the constitutional guarantee of the breadth of the term ‘just terms’. There is a difference between ‘just terms’ and ‘reasonable’. If the law is to use two different terms in the same piece of legislation—and even more so in the same section or subsection—then there is a presumption that they have a different meaning; otherwise, why are there two different terms? We believe there is no question on the basic principles of statutory construction that they would be seen by a court to have different meanings and that, given ‘just terms’ is the constitutional guarantee, ‘reasonable compensation’ would be read as requiring less than ‘just terms’.

If the government is genuine in intending that the two terms have the same meaning, then to avoid any confusion amend it to read ‘just terms’. If you do not want to amend it, it is quite clear that you have an intention to be confusing and for there to be two different meanings for ‘just terms’ and ‘reasonable compensation’. If nothing else and you are genuine in saying they are interchangeable but you want people to be able to go to court, it will reduce court time if you are very specific in your meaning. It is quite clear the government is intending to be confusing and for there to be a difference between the two terms.

If they are genuine, they would agree to amend it to remove the confusion about this particular bit of this highly complex and confusing legislation. I see no reason why the government is not prepared to clarify this point. It was raised in the committee. Unfortunately, they did not go far enough as to make a recommendation but it was raised as a point of confusion in the committee. The Law Council was very clear on it. All the advice that we have received on it is very clear: this is confusing and there are two different meanings. Resolve the confusion by amending the act; otherwise, the only inter-
pretation that the community can make is that there is an intention for two different meanings, for there to be confusion and to force Aboriginal people into court to get compensation.

Senator SCULLION (Northern Territory—Minister for Community Services) (10.28 am)—I note with some disappointment that we have two assertions in this place. One is that we do not seek to delay the passing of this legislation, yet we seem to be going over the same ground we went over last night. But I will respond again. I think we all need a bit of a reminder about what is going on here. The reason we are acquiring this land is that we have already tried to put infrastructure into these communities, and those attempts were delayed by about 14 to 16 months from even commencing. We know that if those delays occur with this intervention the intended outcomes are simply not possible. We are intending to provide new houses, infrastructure to those houses and street lighting—the level of amenity every other Australian takes for granted. That is what we are attempting to do; this is what this is about.

Even for someone with a very low level of knowledge of the law such as myself, particularly with regard to some of Senator Evans’s comments, the acquisition of property under the Constitution must be on ‘just terms’. Any bills that we bring into this place will not remove or diminish that aspect of the Constitution. I did not want to go into any further details but, perhaps for comfort, I mentioned the Customs Act last night and luckily it has been confirmed today that I was in fact correct. There are a number of acts, including the Commonwealth Service Delivery Act, which deal with compensation on ‘just terms’. It is exactly the same issue and exactly the same legislation. It is simply the convention that this wording is used. As I indicated last night, there was a Federal Court case to confirm that that convention was in fact correct. There are a number of other pieces of legislation—the Australian Hearing Services Reform Act, the Telecommunications Act and the Australian National Railways Commission Act—that refer to that exact wording. As I said, it is our simple intention to acquire the property. We have said, in this place, that the Constitution requires that, and we wish to acquire it on ‘just terms’. It is for a five-year period so that we can improve the infrastructure in that place. It will then automatically return to the landowners. We are not actually acquiring ownership of the land. The underlying native title remains. We have taken great care to ensure that that is the case. The wording of this is consistent with the wording of any legislation that provides for reflecting upon the Constitution, which says that any compulsory acquisition will be compensated on ‘just terms’, and this legislation reflects just that.

Senator CHRIS EVANS (Western Australia—Leader of the Opposition in the Senate) (10.30 am)—I remain, with all due respect to the minister, unsatisfied by his response. But it leads me to the other aspect of our amendments which I moved together, by leave—amendment (4)—which seeks to make it clear that the Commonwealth is liable to pay compensation on ‘just terms’.

Clause 60 of the bill, paragraph 2, says:

"However, if the operation of this Part, or an act referred to in paragraph (1)(b) or (c), would result in an acquisition of property to which paragraph 51(xxxi) of the Constitution applies from a person otherwise than on ‘just terms’, the Commonwealth is liable to pay a reasonable amount of compensation to the person."

Putting away the ‘reasonable amount of compensation’ argument for the moment, there are two hurdles here. The second hurdle is that it says ‘only if that part of the Constitution applies’ which leaves open the question of whether it applies. I understand
that this is driven by an argument that has been raging about whether the section of the Constitution about ‘just terms’ compensation actually applies in the territories as well as the states and I am equally as qualified as Senator Scullion to offer a legal opinion on this, so we will operate on the same level. I made the mistake of marrying a lawyer, so I have not won an argument like this for many years. But what is clear even to me is that there is a second hurdle. The Commonwealth leaves open the possibility that the ‘just terms’ guarantee in the Constitution may not apply. You have to pass the two hurdles, and our amendment seeks to make clear that the Commonwealth is liable to pay compensation. I do not understand why the Commonwealth seeks to leave that open unless it is part of some attempt to provide an opportunity to escape its responsibilities. Perhaps the minister could explain why it is that the second hurdle is placed in the way of someone seeking compensation and why the proviso that that section of the Constitution, paragraph 51, needs to apply. Does the Commonwealth think that it does not? If so, why not and what is the effect of putting that second hurdle in the way?

**Senator SCULLION** (Northern Territory—Minister for Community Services) (10.33 am)—In circumstances of an agreement about the amount of compensation that would be paid, it is very important to know that if you get to a particular point at which somebody asserts that it is this much and the Commonwealth says, ‘We do not agree with that,’ then there must be a process that is independent from government for the resolution of that particular issue. Quite clearly, in almost every case in law, the trigger is that if you cannot agree then you will go to the judicial system, which is separate from both the plaintiff and the Commonwealth in those matters. The judicial system will then decide. It is simply a trigger that says, ‘At this point where there can’t be an agreement, a court will decide the amount.’ That is what it says clearly in the legislation and I would say that the legislation would be extremely lacking if it did not provide clarity around the circumstances where an agreement could not be reached between the parties.

**Senator CHRIS EVANS** (Western Australia—Leader of the Opposition in the Senate) (10.34 am)—I thank the minister for the answer but I do not think he answered my question. My question is: why are you requiring in this clause that it be ‘property to which paragraph 51(xxxi) of the Constitution applies from a person otherwise than on ‘just terms’”? Why don’t you just state that that requirement applies? What we are offering in the alternative is a requirement that the ‘just terms’, if you like, guarantee or provision of the Constitution will apply in these circumstances, but it seems to me that you are trying to wriggle out of that. That is the advice that the Law Council provide, and they are the concerns that have been raised. I know there is this legal debate about whether it applies, so, given that there is this legal argument—this defensible legal proposition that that section may not apply under section 51 of the Constitution—aren’t you saying that compensation will only apply if it is found that section 51 applies to the Northern Territory? Only then will you have an obligation for compensation. Why are you putting that barrier in? Why don’t you accept that paragraph 51 of the Constitution applies to Indigenous people in the Northern Territory?

**Senator SCULLION** (Northern Territory—Minister for Community Services) (10.36 am)—The Constitution applies to any action of the Commonwealth, wherever you may be in Australia and whatever your ethnicity. The Constitution requires that compensation is payable on ‘just terms’, and that is exactly what will apply.
Senator CHRIS EVANS (Western Australia—Leader of the Opposition in the Senate) (10.36 am)—I am not reassured. Again, I do not think that that answers the question, and that is an argument for Labor’s amendment, which makes it clear that the Commonwealth is liable to pay compensation on ‘just terms’ and omits this reference that draws into question whether or not section 51 of the Constitution applies. If the minister is so confident that it applies, and there is no doubt, why is he writing doubt into the bill? Why is he putting that hurdle into the bill? If it is clear, unquestionable and established then accept our amendment and take it out.

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

The committee divided. [10.41 am]
(The Chairman—Senator JJ Hogg)

AYES

Allison, L.F.
Bishop, T.M.
Campbell, G.
Conroy, S.M.
Evans, C.V.
Forshaw, M.G.
Hurley, A.
Kirk, L.
Marshall, G.
McLucas, J.E.
Moore, C.
Nettle, K.
Polley, H.
Sherry, N.J.
Stephens, U.
Stott Despoja, N.
Wortley, D.

Bartlett, A.J.J.
Brown, B.J.
Carr, K.J.
Crossin, P.M.
Fielding, S.
Hogg, J.J.
Hutchins, S.P.
Ludwig, J.W.
McEwen, A.
Milne, C.
Murray, A.J.M.
O’Brien, K.W.K.
Ray, R.F.
Siewert, R.
Sterle, G.
Webber, R.

33
35
2

NOES

Abetz, E.
Barnett, G.
Birmingham, S.
Boyce, S.
Calvert, P.H.
Colbeck, R.
Cormann, M.H.P.
Ellison, C.M.
Fierravanti-Wells, C.
Fisher, M.J.
Johnston, D.
Lightfoot, P.R.
Macdonald, J.A.L.
McGauran, J.J.J.
Parry, S.
Payne, M.A.
Scullion, N.G.
Watson, J.O.W.

Adams, J.
Bernardi, C.
Boswell, R.L.D.
Brandis, G.H.
Chapman, H.G.P.
Coonan, H.J.
Eggleston, A.
Ferguson, A.B.
Fifield, M.P.
Heffernan, W.
Kemp, C.R.
Macdonald, I.
Mason, B.J.
Nash, F.
Patterson, K.C.
Ronaldson, M.
Troid, R.B.

33
35
2

PAIRS

Brown, C.L.
Faulkner, J.P.
Lundy, K.A.
Wong, P.

Troeth, J.M.
Joyce, B.
Minchin, N.H.
Humphries, G.

* denotes teller

Question negatived.

The CHAIRMAN—The question now is that clause 134(1) stand as printed.

Question agreed to.

Senator BARTLETT (Queensland) (10.44 am)—The Australian Democrats oppose part 4, clauses 31 to 64 in the following terms:

(2) Part 4, clauses 31 to 64, page 28 (line 2) to page 51 (line 30), TO BE OPPOSED.

Part 4 is to do with the acquisition of rights, titles and interests in land. This is a pivotal part of this legislation but it is not a pivotal part of ensuring better protection for Aboriginal children. These land related measures have been called lots of things by a whole range of people, but from my point of view they are clearly ideologically driven and, frankly, quite clumsy. No evidence that was put forward or provided to the admittedly disgracefully brief inquiry by the Senate
Standing Committee on Legal and Constitutional Affairs into this legislation drew any linkage between the need for the government to acquire rights, titles and interests in land and the issue of addressing child protection.

If there was one single thing the government could do to demonstrate goodwill, to demonstrate its recognition of the need to reduce and remove apprehension and suspicion amongst many Aboriginal people about all that is happening at the moment in the Northern Territory, then removing this part of the legislation would be it. Everybody knows that land rights for Aboriginal people were hard fought and hard won, particularly in the Northern Territory. Everybody knows the initial implementation of the Aboriginal Land Rights (Northern Territory) Act 1976 was put in place by the Fraser government. It was one of their most significant legacies, which one would think the Liberal Party would be keen to claim and highlight. That legislation was backed on a cross-party basis at that time and retained cross-party support right through until very recent times.

That is not to say that land rights law is some iconic thing that should never be altered under any circumstances or that it operates perfectly in every respect, but to make amendments that remove people’s property rights in a capricious way and without consultation or any evidence to back up the assertions as to why this measure is needed to address issues such as child protection is bound to raise serious concerns across the board and particularly with Indigenous people.

As I have stated a number of times already, there is a very important responsibility on all of us not just to make this legislation as effective as possible but to do all we can in an ongoing way to maximise the chances of making a positive difference for Aboriginal children and families in the Territory and, ideally, more widely around the country. A key pathway for doing that is to recognise and embrace the common ground, the shared goals and those areas where there is widespread agreement and remove those parts that have no relevance to what is being proposed and the stated goal, such as this measure before us, and that increase suspicion and are a barrier to building trust and cooperation.

If there is one part of this whole package that is a barrier to that trust and cooperation, it is the government simply moving in and giving itself the right to acquire rights, titles and interests in land. That would be something of massive concern to anybody in the country. It is of particular concern to Indigenous people because they had their land taken away from them the first time around without any consent and by processes that were immensely traumatic and destructive. They won back those rights after enormous struggles. To have them just taken away again without a very strong reason, without strong consensus, without consultation, without consent and without any evidence that it is in any way related to justification of the government’s action is simply unacceptable. The Democrats simply cannot support this part of the legislation. For the reasons I have just outlined, we cannot support this legislation if it retains this measure.

All of us have spent a lot of time over the last six or seven weeks trying to hear the views of the Australian community and particularly the views of Indigenous Australians—and, more particularly, the views of Aboriginal people in the Northern Territory. I fully recognise Senator Scullion as one of only two people in this chamber who are from the Territory. No doubt he has far more engagement on a day-to-day basis with people in the Territory and, I would assume, with Aboriginal people in the Northern Territory. I do not see any point in getting into a
As I said at the start, these measures are clearly ideological. It is no secret that they barrel along with the ideological agenda of the minister with his 99-year leases and so on. I have said on the record that I am not 100 per cent opposed to any amendment to the land rights legislation, and I am not 100 per cent opposed under all circumstances to exploring forms of leases—99-year leases or anything else. What I am opposed to is imposing that on Aboriginal people and taking away their rights without their consent via legislation. This is a key principle. We have heard some members of the government, quite ironically, relying on international conventions to justify all they are doing—particularly the UN Convention on the Rights of the Child. I am pleased to hear the government focusing on the Convention on the Rights of the Child. I shall encourage them to look at it more frequently in all of their actions. But an overarching part of almost all international human rights conventions, whether it is the Convention on the Rights of the Child or the International Covenant on Civil and Political Rights—particularly when you are dealing with Indigenous peoples and particularly when you are dealing with issues that are removing their rights—is consent. There is no consent here. There has not even been an effort to gain consent.

The sad irony of what the government say they need these powers for, which is to move in and be able to build infrastructure and houses, is that there are no proposals for new houses in any of the funding that is attached to the appropriations for this legislation. Can you name any Aboriginal community in the Territory that, if the government said, ‘We are coming in, we are going to build a new house and we are going to build a new something else,’ would say, ‘No, go away’? Of course they would not. They have been asking for it for years. It is no surprise that so
many people think that there is some other agenda here.

These measures are clumsy and ideological. They are not necessary and they are not related to child protection. There has been no evidence put forward to draw any link between those two issues. All we have had, at best, are some general assertions that this is somehow holding back the development of infrastructure, with no evidence to demonstrate that the government’s proposal would fix that problem in any particular way or that that has been a problem. This is a crucial part of the legislation, and the Democrats call on the government to demonstrate some degree of willingness to work cooperatively with people at a community level, to endeavour to build essential forms of trust and to recognise the need to strengthen and empower people at community level. You do not empower people by taking away their rights, particularly in such a heavy-handed, unjustified and non-consultative way.

Senator CHRIS EVANS (Western Australia—Leader of the Opposition in the Senate) (10.56 am)—On behalf of the Labor opposition, we will be supporting the government’s clause and opposing the opposition from the Democrats to part 4. I understand some of Senator Bartlett’s concerns but I fundamentally reject his key argument. His key argument is that there is no connection between housing and child abuse. I think that that is just not right.

Senator Bartlett—I’m not saying that.

Senator CHRIS EVANS—That is the core of your argument, Senator Bartlett. In fact, the Little children are sacred report draws attention to that—it is the first tenet of it. In my view and Labor’s view, there is a direct relationship between the poverty in which Aboriginal communities exist and the problems of child abuse. Some people like to try to run an argument that there is some sort of cultural reason why there is child abuse in Aboriginal communities. I do not accept that. I do not think that all Aboriginal men are abusers of children. I think that the reputation of Aboriginal men has been terribly damaged by this whole debate. What we do know is that reporting of Indigenous child abuse has reached a level that requires action and acceptance that child abuse in many Aboriginal communities has reached almost epidemic proportions, so we need to act.

Some people say that more police would solve the problem. I do not think that is right. I think that you have to attack the underlying causes of the poverty and the lack of hope and the dysfunction in these communities. That sort of dysfunction occurs in other communities that experience poverty. It is not an Aboriginal issue; it is largely a function of poverty: lack of employment, lack of education opportunities, lack of hope, lack of housing, lack of access to health care et cetera. Those things are fundamentally at the root of these issues. All governments stand condemned for their failure to invest sufficiently in supporting communities with the basic infrastructure which most people regard as a right of citizenship. Labor do accept that there is a very strong linkage between housing and infrastructure and the dysfunction of the communities, which includes child abuse. We do accept that.

Senator Bartlett, your focus is more on the question of whether one needs to deal with leases to intervene, but, fundamentally, you have to accept that. And if you accept that then you accept that you need to take action. If you want to take action in an urgent manner, it seems to me that you need to provide the ability to deal with those issues quite quickly and in a decisive way. This causes the Labor Party great difficulty in respect of what that does to the rights of Indigenous people to their land. That is the hard bit for Labor. I concede that.
We have had a huge commitment to land rights over many years. We see the relationship of Indigenous people to land and their rights to that land as being at the core of their culture, at the core of the recognition of their dispossession and at the core of their way forward. We do not accept the conservative demand for people to be driven off their land and made to integrate in capital cities in Australia as the solution to Indigenous disadvantage. We defend the right of Indigenous people to access their land, to land rights and to native title rights. In these measures, we interfere with that relationship to the extent that the government seeks to take control of the leases. Labor will be moving an amendment, in conjunction with the Democrats, to ensure that the enjoyment of those native title rights and access to land for culture et cetera are not interfered with. The amendment will ensure that these measures do not prevent people practising culture and observing cultural practice that requires access to the land. This is a very important amendment, which I think Senator Bartlett will be moving shortly.

However, Labor accepts that there is some need to interfere with the leasing arrangements in order to facilitate measures aimed at addressing the chronic failure in housing and infrastructure in these communities. You will not deal with child abuse merely by providing education, more police and some of the other measures. They are all important but, in the end, you have to deal with the poverty. It is about 20 people living in one house and their children being unable to get to sleep at night because of the pressure from the number of people living there and because of the breakdown of the social norms. This is where I do agree with Noel Pearson: there are fundamental problems with alcohol and drugs that have actually broken down Aboriginal social norms. This is not Aboriginal behaviour; this is the effect of alcohol, drugs and the loss of the social norms in Indigenous communities. Many Indigenous communities function perfectly well and their children are safe because there are established social norms. The relationships and controls in the communities that are normalised allow people to live in peace, not to be fearful or subject to violence and child abuse. It is in those communities where the social norms have broken down that the problems exist. They also exist in European communities where alcohol and drugs are rife. We get more incidents of violence and child abuse in non-Aboriginal communities where the social norms are broken down.

The weakness in this package is the failure to deal with those things. They are much more difficult. Like all emergency interventions, you can go in and stabilise the situation but then you have to build for the future. You have to deal with the next stage. We are going through that in Iraq at the moment. Winning the war was easy; winning the peace is the hard bit. I am not sure that the government understands just how big a challenge this is going to be, and that is why I think the minister is guilty of simplistic solutions on occasions. These things will be much harder than I think he realises. Also, it gets back to Senator Bartlett’s point—which is a key one—that there has to be not only consultation but also Indigenous ownership of the solutions. Without Indigenous ownership these measures are not going to work. You have to build trust; you have to build ownership of the solutions.

While we support the emergency intervention and the stabilisation of communities, the way forward has to be owned by Indigenous people. I am not sure the government have got that. They have not got it in the past. I am not sure that they understand it now. All the international experience tells us—and Noel Pearson has written very convincingly on this stuff—that Indigenous people have to
own the way forward and that big government is not the solution to the problems in Indigenous communities. However, we can make a serious contribution to stabilising those communities by providing the conditions by which people have the opportunity to live without fear, without violence and without their children being subject to child abuse.

Senator Bartlett, we fall slightly to the other side of the line in terms of these measures because we think they are important. When I was talking to the doctor at Wadeye I was trying to understand what a future Labor government could do in terms of health initiatives to improve the health of the children at Wadeye, and he said: ‘Build better houses. Build more houses.’ I had expected that someone from the medical profession would run the argument of more doctors, more nurses and more medical facilities. People tend to focus on their area of expertise and their needs—and there is a need for all those things—but he actually said that housing was at the core. He said that if you have more houses there will be fewer people living in the houses and that if you have better quality houses, with better sanitation, a lot of the things that bedevil those communities will be overcome. That is the starting point. So Labor accepts that housing is at the core. The Anderson-Wild report entitled Little children are sacred also said those issues were central.

We have a very strong commitment to land rights. We are reassured that those rights will not be altered by the measures in this legislation because of the fact that the government has not gone down the 99-year lease path. We had serious concerns about that. The five-year leases do come to an end. That it is a temporary measure in that respect gives me some reassurance about the long-term Aboriginal interests in the land. The fact that the underlying title of the land remains in Aboriginal hands is one of the reasons we are able to support these measures. Senator Bartlett rightly points, as we have also done before, to the concerns and the cynicism in Indigenous communities about the land measures, particularly because of the agenda Minister Brough and the government have run over the years: opposition to native title and to land rights, the push on 99-year leases and the claim that private housing is the solution to all woes. I understand that Aboriginal people are worried that that is part of the agenda. This is why the review is important and why the failure to build trust with Indigenous communities and their leaders on these issues is a weakness.

Fundamentally, housing and infrastructure do have an impact on the way the community functions, as well as opportunities children have and risks they are exposed to. Housing and infrastructure are fundamental—they are building blocks. Police and social workers et cetera will do so much, but unless you change the conditions of poverty under which people live, those measures on their own will not be enough. I make the point and I agree with Senator Bartlett that, in the long term, that will not be enough either. You need to deal with the social norms—dealing with the grog and the drugs will be part of it, but that will not be a lasting solution. People will get access to those things down the track. You have to build social norms and you have to build Aboriginal ownership of solutions and the way forward. Although I understand Senator Bartlett’s concerns, we think this is fundamental to the approach.

Following this debate, I want to ask a couple of questions about investment in housing. I am concerned that there is a lot of money for administrators and for white officials to go into communities, and I want to be convinced that there is a lot of money on the ground going into housing. I know how
expensive repairs are in the Northern Territ-
yory, as they are in the north-west of WA, so I
have a number of questions I want to ask.

Fundamentally, we think the attack on
housing and infrastructure is critical to the
emergency response and we accept that there
is a proven need to intervene in the leasing
arrangements to facilitate that emergency
response. We do not think that it needs to be
there in the long term and we do think that
the government needs to justify ongoing ac-
tion in terms of the interest in the land. The
five-year sunset clause gives us comfort, but
we will also be holding the government to
account to make sure that interest in the land
is not maintained any longer than is neces-
sary to stabilise the situation and that we will
allow Indigenous communities to take back
control of their land as they build on the op-
portunities that, hopefully, will be available
for them to lead safer lives.

Senator BARTLETT (Queensland)
(11.09 am)—I want to correct a couple of
things straightaway that I do not want to let
stand. There are other points that I want to
raise, but I will let others speak. I totally re-
fute any suggestion that my position is based
on a view that there is no link between hous-
ing and child abuse. I have stated repeatedly
on the record in this place and outside that
that is one of the key reasons why there
needs to be serious extra investment in hous-
ing for Aboriginal and Torres Strait Islander
people, not just in the Territory but around
the country. That gap in the adequate provi-
sion of housing for Indigenous Australians is
a key reason and a key factor of why we
have so many other problems, whether it is
child abuse, health outcomes or other situa-
tions.

I was not arguing that there is no link be-
tween housing and child abuse. I was, and
am, arguing that there is no link between
providing that housing and having the meas-
ure contained in this legislation of the gov-
ernment taking over the land for five years.
At the end of his contribution, Senator Evans
asserted that there is a link. If there is a link,
I have not seen any evidence of it. There was
no evidence provided to the Senate commit-
tee inquiry that I saw. The evidence provided
to the inquiry from Professor Altman, who
has been working on these issues for dec-
dades, is of the opposite, if anything. There is
clear evidence that there is no link at all be-
tween the control of land and provision of
housing.

As we all know, there are many parts of
the Northern Territory where Aboriginal
people are not living on land that is subjected
to the Aboriginal Land Rights (Northern Ter-
ritory) Act, and there are many areas outside
of the Northern Territory, such as in northern
Western Australia, where obviously Aborigi-
nal people are not living on land part of the
Northern Territory land rights act. I have not
seen any evidence— in fact, I have seen evi-
dence to the contrary— that shows that there
is no better situation in the provision of
housing in those places than there is in
communities that come under the Northern
Territory land rights act. I did want to clarify
that issue once and for all. I do not like being
labelled as having suggested there is no link
between providing better housing and reduc-
ing the incidence of child abuse. I think there
quite clearly is; I just do not see any link be-
tween the government taking over control of
Aboriginal land for five years and providing
the housing.

Senator Evans referred to Noel Pearson
and his views about Aboriginal people need-
ing to take ownership. I do not see how you
can take ownership of things by having that
ownership taken away. You will not get own-
ership of solutions by taking away control
nor by taking away ownership of the land. It
was Noel Pearson who described the land
related measures of this legislation as
‘clumsy and ideological’. They are terms I agree with, which is why I am using them. As Indigenous people regularly remind me, there are many Indigenous people, other than Noel Pearson, who have views that we need to take into account. There are also many people in the Territory who say that Noel Pearson is not from the Territory and cannot speak for them. He is regularly held up by some in the media and the government as a key Indigenous leader who is giving the tick of approval to what the government is doing. So it is appropriate to point out that he is seen as giving a tick of approval to all this, yet he has called these land related measures clumsy and ideological. As recently as last Saturday Noel Pearson said:

It is absolutely imperative—

which is, I think, reasonably strong and clear terminology—

that the provisions relating to the holding of town leases and the subsequent disposition of leases not be within the sole and arbitrary power of the federal Government. Rather, this should be the province of an entity that is comprised of representatives of indigenous landowners.

I would love to hear from the minister whether or not they are taking heed of that call from Mr Pearson that this absolutely imperative measure be part of the government’s approach in regard to the holding of town leases, that it not be totally within the sole and arbitrary power of the federal government but there be some Indigenous representation from landowners involved in that. I cannot see it in this legislation and I would be pleased to hear from the government that they are taking those concerns into account.

Senator SIEWERT (Western Australia) (11.14 am)—The Greens will be supporting this motion. We will be moving a broader amendment that covers more than just part 4, but we do oppose part 4 so we will be supporting the Democrats motion as well. We do not accept the argument that there is a need to take away people’s land in order to deal with child abuse. I do not accept the argument that Labor put forward either. They seem to be supporting the government’s argument that you need to take away people’s land in order to provide housing and in order to deal with child abuse. I do, like Senator Bartlett just said, accept the argument that we absolutely need to provide safe, adequate housing to Aboriginal communities. We have been repeatedly on the record, both in this place and elsewhere, arguing that very strongly. We do not accept the argument that the government needs to take over townships and town leases in order to provide that housing.

We do not accept the argument that the government have to take on all these extraordinary powers. They are not just taking these leases and these townships in order to provide housing, it seems to us, because they are taking on all sorts of other powers under these laws, such as the minister’s capacity to terminate any rights, titles or other interests in the land at any time. The government can sublease or license their interest in the land. Last night we heard arguments being put forward that we need to open up these townships as well as get rid of the permit system et cetera to allow business and tourism to come in. It seems to me, therefore, that this will not be just about housing. This is about overriding communities’ control and decision making over their land in order to facilitate businesses and other entities building and operating in those townships.

Also during this debate over the last number of hours, particularly last night and this morning, the argument has been made that there has been lots of consultation and that the government have been trying to get this organised for 14 months. I am presuming that as part of that argument the government and the minister were referring to the discussions that have been held over the town
camps in Alice Springs. To me that argument absolutely underlines the ideological nature of the government’s approach: ‘We will do this our way, and that is it.’ The minister knows full well that there were ongoing negotiations there and the community did not accept the government’s argument that they had to hand over the leases. They had fought hard for control of those town leases, which they had finally won. They were not prepared to hand them over, but they were prepared to compromise. As little as three or four weeks ago, as I understand it, they came back with another proposal that did not require them to hand over their leases. They came up with a compromise position. But even then the government were not prepared to accept that. If the government are genuine about providing houses, the position that Tangentyere Council and the communities there were willing to put up would have facilitated houses being built, but it did not meet the government’s ideological agenda, which is absolute control. That is the point here. It is not just about providing houses; it is about taking minutiae control.

I have a number of questions that I would like clarified. I know that Senator Evans and Senator Bartlett have also said that they have a number of questions they would like clarified. The depth of these changes is of such an extent that the government can, as I alluded to earlier, exclude and refuse to allow people to live on or access the land—including, as I understand it, traditional owners. I want to know: will the government be excluding traditional owners from living on and accessing the land? People want a cast-iron guarantee about this. It is all right continuing to quote Noel Pearson—and I think Warren Mundine was thrown in last night—but other Aboriginal people, including the Combined Aboriginal Organisations of the Northern Territory, have said very clearly that they do not support these amendments. These are the people whose land we are talking about. They do not support these amendments. Of course they support government support and the injection of funding by government into housing. They have been crying out for housing for years—$2.3 billion has been asked for for years for investment in housing.

It is not right for the government to say that they need to take these extraordinary powers in order to provide housing. I am disappointed that the ALP have bought that argument when just last year they were opposing the government’s changes to the land rights act. I know it was slightly different, because that was about 99-year leases, but the concept was still the same. The government’s argument was that we need to have these leases because we need to provide private housing in order to deal with the housing crisis and promote economic development. There is not the evidence to suggest that that in fact happens when you provide private housing. There is not the evidence to suggest that in order to provide housing you have to provide private housing. There is not the evidence to suggest that you need these extraordinary powers in order to provide housing and infrastructure. And there certainly is not the evidence to suggest that you have to have the power to terminate any rights, titles or other interests in the land. This is an ideologically driven agenda that will not deliver outcomes on child abuse. It does take away people’s rights, access to and enjoyment of their land and their decision-making capacity in relation to their land. That is why the Greens are opposing this.

I do not want anybody for one minute to say that the Greens are opposing increased housing and proper infrastructure for Aboriginal communities. What we disagree with is the over-the-top manner in which the government are approaching this. They are using this as an excuse to push their ideological agenda. I would like the minister to answer
the question about traditional owners and then maybe we will get into some more detailed questions. I have some specific questions about town camps in particular that I would like to address through this ongoing debate.

Senator SCULLION (Northern Territory—Minister for Community Services) (11.21 am)—I will try to cover all the issues. There have been quite a number of questions. I commend Senator Evans on the majority of his submission. I think it very articulately deals with the reasons that the government will not be supporting the Democrats motion. We keep hearing from the Democrats and the Greens that there is no scientific or empirical evidence about the connection between child abuse and infrastructure. Perhaps we could look simply to safety. This is not only about houses. Particularly in Northern Australia, much of the entertainment happens in the evening because it is the coolest part of the day. Most of the communities, in fact the vast majority of the communities that I visit quite often, are characterised by having lots of kids outside playing, and there are no lights—there is no electricity—on the streets.

We know that in the current circumstances, or the circumstances before the intervention, particularly if you had domestic violence or substance abuse in the home, the kids would flee. They would go out and see each other and they would be outside of the home because that is the only place to be. But we know that when even outside of the home you do not have the basic safety of lighting it is very hard to observe inappropriate behaviour. So it is not just about houses; it is about simple normalisation.

For the benefit of Senator Siewert, I was not talking about the town camps. The 14 months of negotiation was in other places that we were attempting to put in infrastructure. The simple governance arrangements that are in place at the moment clearly inhibited us from doing that. Fourteen months of negotiations still could not get something done. Someone may be saying in some circumstances, and I am certainly familiar with this: ‘Yes, you can do that, but you’ve got to build me a house, although I’ve already got two and I really don’t fit the principle of most need.’ The people in most need are those who are staying in someone else’s house because they do not have a house themselves. If we are going to deal with this issue, we have to deal with it in a fair dinkum sense—dealing with the people who are most vulnerable and most in need, and the existing arrangements do not cater for that. What we are saying is that, as we did with the Public Works Committee, we know that there are aspects that we want to avoid—not because we are trying to avoid scrutiny but simply because they could be an impediment to the timing for rolling this intervention out.

We will be building homes and we will be building infrastructure. Senator Bartlett indicated that he could not see where the money for housing was in the appropriation bills attached to this legislation. I will repeat, as I did last night, that there is $1.6 billion in the budget for dealing with that issue. Whilst that is a generic sum for all of Australia, I believe that much of those funds would flow through the intervention to the Northern Territory.

It is interesting that it is said we are somehow tearing up rights. It needs to be understood that the Aboriginal Land Rights (Northern Territory) Act will continue to apply. Briefly, for the benefit of Senator Siewert, I will provide some more information, and hopefully we will not go through this again in another part of the debate. In terms of the continuation of rights of traditional owners to use or occupy land as they
always have done, the Commonwealth five-year leases are in fact subject to the traditional rights that Aboriginal people have to use and occupy land under section 71 of the Aboriginal land rights act. That is going to continue, because that aspect of the land rights act has not been removed at all. This means that Aboriginal people can continue to use and occupy the land subject to the lease, provided that it does not interfere with the use and enjoyment of the Commonwealth lease. Consistent with section 71, it is the government’s intention to allow Aboriginal people to continue to exercise their traditional rights where this is consistent with the emergency intervention.

On this notion that the Commonwealth would somehow change that, I do not understand why we would possibly wish to achieve that when it is our clear intention to assist these communities, to provide normalisation and to provide infrastructure that will clearly help people’s wellbeing, whether it relates to crowded houses or completely failed and retarded infrastructure. These are absolutely essential elements of the intervention. The current governance arrangements have proved to be almost impossible to deal with. We know that that is an impediment, and it is an impediment this legislation removes for a five-year period so we can go in and build infrastructure to help the lives and the wellbeing of these communities. The notion that we are there to do anything else is false.

Senator SIEWERT (Western Australia) (11.26 am)—I seek clarification of the point about traditional owners. I think at the end of your speech you said ‘as long as it doesn’t interfere’—I am sorry I do not have the exact words in front of me—‘with what the Commonwealth is doing’. My understanding is also that you can exclude people from those lands and that the people who can be excluded could include traditional owners. I am happy to be corrected, but that is my understanding and that is why I am seeking clarification—so that I do have a correct understanding. You can exclude people, that exclusion can include traditional owners, and their rights are subject to their not impinging on what the Commonwealth is trying to achieve.

Senator SCULLION (Northern Territory—Minister for Community Services) (11.27 am)—I understand that the short answer is that it must be consistent with the emergency intervention, and we need to remind ourselves that the reason we are having this intervention is to prevent child abuse. There may well be circumstances where an individual in the community is not consistent with the intervention, and it may well be that they are under investigation for these perpetra­tions—there could be a whole suite of issues. But the Commonwealth maintains, so that there is the capacity to ensure that the emergency intervention protects children and families, the right to potentially exclude somebody—perhaps even a traditional owner—in those particular circumstances. I cannot go to the exact nature of the circumstances—I imagine they would be broad—but it would be consistent with the emergency intervention.

Senator SIEWERT (Western Australia) (11.28 am)—Perhaps I could be excused for being a little bit cynical about this. I can appreciate why you may want to exclude somebody who has been found guilty of a crime and is a perpetrator, but my understanding is that it is not limited to somebody who has been found guilty of crime and that it could be extended to somebody who you just think is causing trouble in the community or who may oppose or have a different
opinion to what the government is saying. I think those powers are quite wide open in terms of the fact that, as I understand it, they are not limited to people who have been found guilty of child abuse.

Senator SCULLION (Northern Territory—Minister for Community Services) (11.29 am)—The lease is like any other lease. The lease provides the Commonwealth with the same capacity as with any other leased piece of land. As with any other piece of land the Commonwealth would lease, the Commonwealth reserves the right to exclude any person. That is just the way it is. Anybody who owns and provides land has the capacity to exclude people in one way or another. You are inferring that somehow we will go down the road of excluding them for reasons such as criminal behaviour or that we do not like them. The lease allows people, under common law, to exclude people and to exercise certain rights of the lease—just as they can in respect of any other piece of land in Australia. All I can do is to reiterate that the reason for acquiring the land is to provide infrastructure. That is the government’s clear intention. The nature of the acquisition of land is in accordance with the circumstances of any other lease of land that the Commonwealth would make anywhere in Australia.

Senator SIEWERT (Western Australia) (11.30 am)—Thank you for answering my question; you did provide the answer and you clarified the circumstances for me. You talk about the provision of infrastructure. Last night you referred to the issues around business and tourism. The government has the ability to provide subleases and to license their interest in the land, so is it the government’s intention to sublease to businesses in these areas that we are talking about?

Senator SCULLION (Northern Territory—Minister for Community Services) (11.31 am)—This is the nature of a lease. There is the capacity to say, ‘I would like to set up a power station here so we can provide infrastructure,’ which may be regarded as a sublease, although at some stage it could be then handed over to the control, for example, of the power company in the Northern Territory. These are just mechanical aspects of a lease under which the Commonwealth, on the basis of an emergency response, may see fit to sublet a part to ensure that, on the basis of the emergency response, some level of amenity could be provided.

Senator SIEWERT (Western Australia) (11.32 am)—The minister, I am sure, knows very well why I am asking these questions. There are many people who have been very careful about controlling the types of businesses that operate in their communities. I know there are issues around negotiation but, as far as the Greens are concerned, there is unequal capacity to negotiate in respect of traditional owners having an ongoing say in the areas we are talking about. I want to be very clear about whether, under these provisions, the government will allow other businesses onto the leases that the communities now control. That is what I want to know. If I am wrong, I will be really happy to be told that I am wrong, but I want to clarify it.

Senator SCULLION (Northern Territory—Minister for Community Services) (11.33 am)—No, you are not wrong—the Commonwealth does have the capacity to do that; however, I think you need to see it in the context of a five-year lease. Any lease or sublease within that process will expire at the end of the five-year lease period. With respect, I cannot see someone rushing in and setting up a business that is not in the interests of the community in the context of a five-year lease. All those leases will collapse at the end of five years.
Senator SIEWERT (Western Australia) (11.33 am)—That is interesting. I appreciate what you are trying to tell me but, in comments you made last night in reference to the debate we were having on permits, you were very clear that you wanted to open up these communities to businesses and to tourism. To me that sets alarm bells ringing, as I am sure it does in the communities, as to what the government is trying to achieve. It is opening up the permit system, and one of the reasons you gave last night was that it was for business and tourism. That can only mean that you want businesses and tourism to come into those areas. I am very deeply concerned that that may be in conflict with what the communities themselves want, and they have expressly said that in the past.

Senator SCULLION (Northern Territory—Minister for Community Services) (11.34 am)—I must confess that the government believe it is in the interests of the communities to develop business. It is in the interests of the communities to develop employment. We unashamedly support that, and all of the communities I go to unashamedly ask for more opportunities for business. As a clarification—and I know you are not being mischievous, Senator Siewert—my answer last night was directed to a question you asked of me with regard to the permit system. When I talk about businesses, I am talking about the sorts of businesses that spring from tourism—from people who simply drive in and drive out, thereby providing opportunities principally for people in the community. A range of opportunities exist. The vast majority of tourists to Australia want an experience that is an Indigenous Australian experience, and those experiences can only be had with Indigenous Australians—for example, a bushwalking or a fishing operator. Opportunities are acquired from tourists driving into the town, as happens in any other town on the east coast of Australia. I certainly was not alluding to businesses that might need some special lease arrangements. The Indigenous people already live in the communities. They have access to infrastructure in the communities for those sorts of things. I certainly was not making any connection between the leasing and the operation of businesses in the Indigenous communities. I stand by my first comment: we are absolutely behind opportunities for employment and the sense of wellbeing that it gives individuals in communities. Taking away the necessity for a permit system along the main road and in the township area will provide great opportunities for, and will increase the wellbeing of, Indigenous people living in the communities.

Senator CHRIS EVANS (Western Australia—Leader of the Opposition in the Senate) (11.36 am)—I have a couple of questions to ask the minister but before doing so can I indicate to Senator Bartlett that I might have phrased my contribution badly. I do not for a moment question his support for housing and investment in Indigenous communities, nor his interest in the area, but I suspect sometimes the Democrats are not looking at things in the context of the child abuse intervention. Some of these issues on their own perhaps do not stand up to individual assessment, but you have to put them in that context. I guess that is where we have a disagreement.

First of all, I want to ask the minister about the Aboriginals benefit account. What intentions do the government have in relation to any spending out of the Aboriginals benefit account in regard to the emergency intervention and do they intend—as the minister has in the past—to use money out of the Aboriginals benefit account for government initiatives or for events in the minister’s electorate? I would like to have a clear understanding of the relationship between the intervention and the Aboriginals benefit ac-
count and to know whether the government has any intention, as part of the intervention, to access the moneys held in trust in those accounts for Indigenous people in the Northern Territory.

Senator SCULLION (Northern Territory—Minister for Community Services) (11.38 am)—I note the ongoing general interest in Indigenous affairs of the Leader of the Opposition in the Senate, and I am more than happy to provide a briefing to him on those matters. In the interests of process: the legislation that we are discussing at the moment does not deal with those matters. I am not trying to get around the question, but at the moment we are considering the Democrats amendment, which does not deal with that. I think it may be useful if we can provide a briefing from the department on exactly where we are up to on the ABA and any processes associated with that.

Senator CHRIS EVANS (Western Australia—Leader of the Opposition in the Senate) (11.38 am)—I will ask the minister to address it in the consideration before we finish with these bills, rather than have him take it on notice. I started there, but the major line of questioning I want to raise with the minister is the investment in housing and infrastructure and the amount of money that is going to be applied. Given what has occurred in the last couple of years, I saw that the minister might be seeking to use some of the funds out of that. That is, if you like, the secondary question.

I will start with the primary question. It really goes to the overall housing issue, which is what we are considering: the intervention in land to facilitate housing. One of the concerns expressed about the intervention is that there is a lot of focus on paying for officials, four-wheel driving lessons and all of those things which are necessary when moving people into the communities. I think we have already seen that the cost of the intervention has grown significantly. I think that is not unexpected. You cannot do things in remote areas without it being costly.

I want to ask a question about the investment in housing. The minister used the figure of $1.6 billion for Indigenous housing. I take it he means that that is the total, not new money. In fact, the new money in the budget last year was about $300 million over four years, in my understanding. So we are talking about an additional $300 million over four years to overcome what everyone accepts is the crisis in housing that has occurred under the previous allocation. It seems to me that all we are saying is that there is $300 million in new money over four years over the whole country. I do not mean to reflect that $300 million is not a lot of money, but, on the face of it, this does not appear to be a massive extra investment in Indigenous housing and, given the recognition of the costs of building in the Northern Territory and the size of the task, it will not go all that far.

First of all, is it actually only $300 million in extra money? Is it over four years, as it appears? Is it to be spread over the whole of Australia? How much will go to the Northern Territory? Is there any intention to provide any other funds to support the intervention, and to provide a contribution to new housing? As the minister knows well, while improving the maintenance of housing in the Northern Territory is a matter of urgency, if you still have 18 or 20 people in the house then having a better quality house does not solve the problem, because the house will not stay in good condition if you have 20 people trying to use the one toilet. That is the reality of the experience in the Northern Territory—and Senator Scullion knows more about it than I do. I will come to the matter of maintenance in a moment. Is it a fact that the amount is $300 million over four years?
Is it over all of Australia, and is there any other provision or intention to invest more money into new housing in the Northern Territory?

Senator SCULLION (Northern Territory—Minister for Community Services) (11.42 am)—Whilst this is departing substantially from the legislation, I will discuss it briefly. In addition to the $300 million, the senator may recall some announcements about the change in the policy for the Community Housing and Infrastructure Program. The CHIP is now being targeted at remote Australia, rather than at urban and metropolitan Australia. Indigenous housing in urban and metropolitan Australia is now mainstream, with other public housing. The vast majority of the CHIP now—which is the $1.6 billion—will flow to remote regions, and a large percentage of that will go to the Northern Territory. So, whether it is new money or not, I hope you can take something from that—the $300 million. It is redirected money.

The other thing that is very important is that we will not be continuing to do the CHIP in the same way it was invested under ATSIC. The building of $500,000 to $600,000 homes that have only three bedrooms will not be done anymore. We have the opportunity for some critical mass efficiencies, and we have the opportunity for design efficiencies.

Senator Crossin interjecting—

Senator SCULLION—For the benefit of Senator Crossin, who interjects, to perhaps further understand what I was talking about: if you buy one house, it is going to cost you far more per house than if you buy 20 houses. We have some efficiency dividends and we also have a policy that moves housing investment away from metropolitan and urban housing and invests in regional and rural housing. That is principally where the funds will come from for housing. In terms of the investment in infrastructure, the infrastructure investment build goes further than just the housing.

Senator CHRIS EVANS (Western Australia—Leader of the Opposition in the Senate) (11.44 am)—I thank the minister for his answer and for attempting to answer the question. I do not think it is irrelevant. You are asking us to approve leases so that you can invest in housing quickly. That begs the question: are you investing in housing quickly? In terms of these bills, there is not a lot there, so the question is: where is it, what is it and how much is it? It is directly relevant to whether the parliament says you need the power. Quite frankly, if you were not investing in housing, we would not be giving you support for the bill. That is the whole purpose of you telling us of the intervention, so let us get down to tinfoil: what are you going to put in that will alleviate the problems that lead to child abuse, violence and the other concerns?

I think your answer indicates that the new money is the $300 million over four years. You indicate that you have taken the emphasis off urban housing, but I would still like some firm indication of how much money is likely to go to the Northern Territory as a result of this package of initiatives and how much of that is new money. I accept that you will make some savings from doing things differently, although I do not accept that it is all ATSIC’s fault—ATSIC has been gone a while—but I will not go down that ghoul. How much is new money and how much is going to the Northern Territory? Will that be over four years or is that front-end loaded? These are serious questions that go to whether or not we are making the intervention effective in terms of housing.
I am keen to tie down what you can tell us about that and also to be clear about what appropriations there are for improved maintenance of housing in the Northern Territory. I note that some of the capital appropriations are for housing for officials. I want to be clear: in terms of the investment in housing, repairs and maintenance, what extra money is going into housing, repairs and maintenance in Indigenous housing in the Northern Territory over the next few years? What sort of money are we talking about?

Senator SCULLION (Northern Territory—Minister for Community Services) (11.46 am)—In terms of the process, at the moment we are negotiating with each of the jurisdictions in splitting up the entire amount of money that is available. I am advised that the Northern Territory will be doing very well out of that, with the lion’s share, if you like, because of the intervention. The actual figures and what will be going to the intervention will not be known until such time as those negotiations are complete, but as soon as the negotiations are completed we will let you know.

Senator CROSSIN (Northern Territory) (11.47 am)—I understand that a number of weeks ago Minister Elliot McAdam in the Northern Territory urged this government to look at a debt that is owed to the Commonwealth government. It is a hangover from self-government days. I think that around $92 million or $94 million is still owed to the Commonwealth as a result of self-government. It goes back to a debt—right back to 1978—that the Northern Territory government and successive governments have been paying off each year. There was a suggestion from Elliot McAdam that the Commonwealth write off this debt in return for the Territory government putting that money towards Indigenous housing. Has any thought been given to that offer from the Northern Territory government? This is apart from the additional $100 million they have committed; this would be an additional $92 million on top of that $100 million. Has any thought been given to those representations from the Northern Territory government? If not, why not?

Senator SCULLION (Northern Territory—Minister for Community Services) (11.48 am)—I am not aware of any negotiations or discussion between Elliot McAdam and the minister in that regard, and I do not see any reason why I would be. I am here representing the minister specifically to discuss this legislation before the house, and that is what I will continue to do.

Senator CROSSIN (Northern Territory) (11.49 am)—With all due respect, I would have thought that, as the minister responsible for housing under family and community services, you might well have been in the loop about that representation from the Northern Territory government. I am wondering whether you can take that question on notice if you do not know the answer.

Senator SCULLION (Northern Territory—Minister for Community Services) (11.49 am)—I am unaware of any of the details of those circumstances. I am reluctant to take it on notice, but I am more than happy to ask about and see what information can be provided. It is the nature of these negotiations that often not all parties are prepared to provide where they are up to with regard to the negotiations. I am unaware of them, but what information the minister can supply I will provide to you.

Senator CROSSIN (Northern Territory) (11.49 am)—I have a number of questions that I want to ask about the special purpose leases, particularly as they relate to Tange-tyere Council. In clause 44, this legislation seeks to give the Commonwealth minister the power to forfeit special purpose leases and to resume them. If the government for-
feited leases in the Alice Springs town camps, what would be the basis for that? Would it be because of a failure to comply with a covenant of the lease or would it be that rent has remained unpaid for at least a year without the minister’s consent?

Senator SCULLION (Northern Territory—Minister for Community Services) (11.50 am)—In general terms, the notion of acquisition of any interest in lands or resumption, forfeiture or acquisition of town camps is an issue that would come as a secondary action. It would be secondary, of course, where the Northern Territory government does not take early action to resume or forfeit the town camp areas. That is when the Commonwealth would undertake that action. That is to ensure that early action can be taken to improve the living conditions of the camps. So, where the Commonwealth considers it necessary in order to improve the living conditions, it is going to have the power to acquire long-term lease freehold interests over the town camps. A freehold interest would give the Commonwealth sufficient control of the land to make real improvements. It is important to note that native title will not be extinguished in dealing with the town camps. The future act regime of the Native Title Act will be disapplied for government and related actions in the town camps to ensure that there are no delays in providing improvements.

Senator CROSSIN (Northern Territory) (11.52 am)—I am not entirely sure that my question was answered. Were you answering my question in terms of the Northern Territory government forfeiting the leases? My question was in response to the federal government forfeiting the leases, and I am not sure it has specifically been answered.

Senator SCULLION (Northern Territory—Minister for Community Services) (11.52 am)—We are actually debating part 4, five-year leases—that was the amendment put by the Democrats. The debate has been had and, in terms of process, it would be useful if we could stick to the program if we are going to make any progress at all on this, Senator. With respect, you make some very valid points and ask some questions that deserve an answer but, in terms of trying to move through the process, we should try to have these discussions at a time where the amendments or the issues that are indicated are in that part of the debate. I assume we have reached the end of the debate with this particular Democrat amendment, and if we could move forward on that we would be better off.

The TEMPORARY CHAIRMAN (Senator Forshaw)—I remind the Senate that the question before the Senate is that part 4 stand as printed. We are dealing with all of part 4.

Senator CROSSIN (Northern Territory) (11.53 am)—Thank you for that. There are, as I understand, no specific amendments that go to the Alice Springs town camp area. I am seeking to raise this because it does actually go to special purpose leases, which is the section of the act under which I would assume this is to be discussed. I have specific questions about the leases in the Alice Springs camps. Could the minister enlighten me, if the government intends to exercise the power of resumption, for what purpose the minister would intend to resume the land and how that land will be used in the future? If any land is resumed or forfeited under the act, would it be used exclusively for the benefit of Aboriginal people?

Senator SCULLION (Northern Territory—Minister for Community Services) (11.54 am)—With regard to the town camps, the bill also provides for the Australian government to exercise the powers of the Northern Territory government to forfeit or resume...
certain leases. The notion of the failure to provide for the lease in an arrangement would be the same issue, an identical and parallel issue, to that under which the Northern Territory would move to cancel a lease because of noncompliance between the parties. But I do not think this is the place to surmise what those may be. They would be around the same conditions of the current leases that exist between the Northern Territory government and the occupiers—certain leases known as town camps—during the five-year period of the emergency response. I understand the Northern Territory government has announced that it will not resume or forfeit the town camp leases. Again, it has walked away from its responsibilities for Indigenous citizens in the Northern Territory, and that is why this bill provides for the government to do what the Northern Territory government has refused to do.

The government has been in negotiations with Alice Springs town camps for some time and we remain hopeful that they will agree to subleasing the housing areas of their land to the Northern Territory for 99 years to be run as normal public housing. You would be aware that negotiations are under way in Tennant Creek to deal with some of the town camps there. It is very promising, and those negotiations will continue.

Senator CROSSIN (Northern Territory) (11.56 am)—Let us disaggregate the situation in Tennant Creek. My understanding is that people at Julalikari Council and the town camps in Tennant Creek are happy to have 99-year leases, whereas Tangentyere Council have quite clearly put to you and your government that they would be able to move forward on these negotiations if 20 years was accepted as the lease period. I think this clause is in this legislation simply because this minister has no power to negotiate and no will to negotiate. If you wanted to see a way through the stand-off that has occurred with the Alice Springs town camps, you would be prepared to lower the threshold and go to 20 years as a means of moving through this rather than digging your heels in the sand and insisting on 99 years. That is the difference between Alice Springs and Tennant Creek: Tennant Creek are happy to have 99 years; Tangentyere Council have consistently said that 99 years is too long but they are happy for 20 years. So you might explain to this parliament why this government is not prepared to negotiate and accept 20 years in the interest of moving forward. Secondly, why is it appropriate for the notice period for the resumption under this section of the act to be 60 days when it is currently six months; why is it going from six months down to 60 days?

Senator SCULLION (Northern Territory—Minister for Community Services) (11.57 am)—Tangentyere Council are in fact responsible for the circumstances in the town camps in Alice Springs—that is their job; they are responsible for it. So they are responsible for the most shameful, outrageous and disgusting living conditions at the moment. Tangentyere Council—

Senator CROSSIN—How dare you say that!

Senator SCULLION—If you would give me a moment to respond to your question, Senator, I would most appreciate it.

The TEMPORARY CHAIRMAN (Senator Forshaw)—Order! Senator Crossin, through the chair.

Senator SCULLION—Through the chair, Mr Acting Deputy Chairman, they are responsible, so we have said we are happy to provide for a 99-year lease where people can have confidence in the infrastructure that we put in, that it is there for their lifetime and for a long time. This government is not happy to hand back in 20 years to a governance arrangement that is responsible for the
current living conditions. No, we are not—unashamedly so. I commend Julalikari Council for their leadership in saying that a 99-lease is the standard lease arrangement in Australia. Those are the terms under which the offer was made—and quite reasonably made—and that has been well reported.

Senator CROSSIN (Northern Territory) (11.59 am)—I asked why the notice period resumption is now to be 60 days when it is currently six months.

Senator SCULLION (Northern Territory—Minister for Community Services) (11.59 pm)—This is in the nature of the remainder of these things. This is an emergency response and we need to change the circumstances on the ground quickly. The reason that the time has been reduced is exactly the same reason as for a whole range of issues that we have changed—that is, to ensure that there are no delays in providing appropriate levels of amenity for these communities and families and for the safety of children.

Senator SIEWERT (Western Australia) (11.59 pm)—I have to take issue with the minister trying to put the blame for the conditions in the camps on the Tangentyere Council when he knows very well that they have been carrying out and providing many services to those camps that would otherwise be unavailable to the camps’ residents. It is disingenuous of the minister to try and blame the council for the conditions in those camps. However, I would like to re-ask the question that Senator Crossin asked and which I did not hear a satisfactory answer to. Will the government guarantee that, if you exercise the power either to resume or forfeit the leases, they will then be used exclusively for the benefit of Aboriginal people and they will only be used for that?

Senator SCULLION (Northern Territory—Minister for Community Services) (12.00 pm)—The intention would be that, if you would look at any other suburb in Australia, that would be the circumstances of the lease arrangements. It would be the same as Mawson or Belconnen in the Australian Capital Territory. There will be no difference. They will just be like normal suburbs.

Senator SIEWERT (Western Australia) (12.00 pm)—That provides the answer but it is not a satisfactory answer. In other words, you are making no guarantees when you take away these people’s land, because that is what you are doing. Let us be clear: that is why Tangentyere Council and the members of that community said, ‘No, we won’t hand over the leases because we do not want to hand over the hard fought for control of our land.’ What you are saying—if I have interpreted you correctly, and again I am happy if I am wrong—is that it will not now be for the benefit of Aboriginal people. You are going to treat those lands like any other suburb. That is what you just said. You have answered the question but it is a totally unsatisfactory answer. In other words, you are making no guarantees when you take away these people’s land, because that is what you are doing. Let us be clear: that is why Tangentyere Council and the members of that community said, ‘No, we won’t hand over the leases because we do not want to hand over the hard fought for control of our land.’ What you are saying—if I have interpreted you correctly, and again I am happy if I am wrong—is that it will not now be for the benefit of Aboriginal people. You are going to treat those lands like any other suburb. That is what you just said. You have answered the question but it is a totally unsatisfactory answer and I think the community, when hearing that answer, will be extremely distressed. That is why they did not want to hand over the leases in the first place and it is why they said no. You would not negotiate; they were prepared to negotiate. What you have just said is exactly what they are scared of.

Senator SCULLION (Northern Territory—Minister for Community Services) (12.02 pm)—Tragically, from all of the conversations that I have had with people who live in those circumstances, they quite clearly see that the provision of infrastructure—housing, roads, gutters and environmental health, like garbage disposal so that people actually have a garbage bin and someone picks their garbage up—is not something that they are afraid of. I do not
want to get into a debate about what is in the wider benefit, but I would have thought that, yes, it is normalisation. We stand by that. It will be just an ordinary place where people live, not a dark place that is completely different from the surrounding suburbs because of some particular difference in the way that it is governed. You can say that $18 million was nothing to do with Tangentyere Council, but obviously someone had their eye off the ball. They were responsible. They were paid the money to provide the services in that area and they have not been provided, so they have to take some responsibility for it. But at the end of the day this is just simply normalisation, and normalisation means a huge improvement in the living standards of those people. It will be for the benefit of the Indigenous people who currently occupy the town camps.

Senator BARTLETT (Queensland) (12.03 pm)—I would like to encapsulate and pull it back to the amendment before the chamber, which is to remove that part of the legislation that empowers the government to acquire rights, titles and interests in Aboriginal land in the Northern Territory. Almost all of the questions that have been put to the minister have been relevant to that, because the reason that the government is seeking this power to take control of Aboriginal land is because it says it needs to do so to put in place housing and infrastructure. I did not intervene, but I think both Senator Evans’s and Senator Scullion’s contributions created the inference that the Democrats do not see any link between child abuse and poor infrastructure and housing. I presume that was unintended but it is still very frustrating to be so grievously misrepresented. As much as anybody in this place, the Democrats have pointed to the need to significantly and substantially improve housing and other infrastructure in Aboriginal communities both inside and outside the Territory for a whole range of reasons—one of which is that it would improve child safety and child protection.

What we are disputing is the need for the government to take complete and total control of the land for five years in order to do that. There has been no documented evidence to demonstrate that that is needed. There have been assertions, and I am not in any way suggesting that those assertions are dishonest, but there has been no evidence. There has been evidence provided to the contrary. I accept Senator Scullion talking about normalisation, but I am not quite sure how far you would want to go with the parallels of having the suburbs of Canberra replicated in every aspect in the Territory or anywhere else. But there is a general principle—which I am sure that he is trying to apply when making that comparison—that people have the same rights to services, security, safety and opportunity as they do in city areas. That is a principle that the Democrats support and have long advocated.

But there has been no attempt to demonstrate why it is necessary to take these sorts of very extreme measures in order to achieve that. If there was any link then we would be able to point to all of the Aboriginal communities outside of the Territory that are not under the land rights act and do not have a permit system in place which would have all of this housing, infrastructure, security of services and safety that the minister says will flow from this measure. The simple fact is that there is no evidence to demonstrate that those communities have that in a better way than the communities whose land is going to be taken over by this measure. That is what this is about, from the Democrats’ point of view. We really need to try to keep this debate as honest as possible, because this misrepresentation, where people are suggesting that you do not need to improve housing or infrastructure, is ludicrous. Of course you do...
and we should be doing it even apart from the link with the issue of child abuse. We should be doing it anyway because of the basic issue of all Australians having equality of opportunity and equality of access to safety, security and services regardless of the extra, very important, imperative of child abuse and child protection. It is important to pull the issue back to that.

I make one more comment. There has been—appropriately, I believe, for this issue—some focus on what is being proposed and what is being done in terms of extra resourcing for housing. The minister has understandably pointed to the $1.6 billion of funding in the federal budget, spread out over a number of years. I find it interesting that the government can spread out over a number of years measures such as remote area housing funding and all the other measures in the budget but when it comes to this particular measure they will give us costing and money until 30 June. There are no forward estimates at all. I make that comment in passing.

On the key point of housing, when the budget was put out the Democrats welcomed the extra resourcing for housing but concerns were expressed—which remain—that, firstly, you are robbing Peter to pay Paul, partly. You are taking resources away from Indigenous housing in urban centres where there are also significant, different types of need and perhaps not as extreme but still a need to put resources into Indigenous communities in more remote areas. The second thing the government is doing is once again tying it to its ideological agenda, that all of this money can only be applied in circumstances where the housing is either state housing or provided via this quasi ownership under 99-year lease or other types of arrangements. Again, I would say I am not opposed to having some housing provided through public housing. I am not opposed to some housing being provided through 99-year lease arrangements, where appropriate. Indeed, I point to other areas such as the Yarrabah Aboriginal Shire Council in Far North Queensland, which is willingly exploring this 99-year lease option and doing so in a way where they retain control of the land, rather than handing it over to a government. I hope that their approach will meet the favour of the federal government in terms of the application of some of this funding.

To stick to the territory, we need to ensure that money is provided in a way that gives maximum value. Frankly, the assertions that the government keeps making that providing any sorts of funds to Aboriginal community housing organisations does not provide any value is predominantly ideologically motivated. The evidence and report which the government have put forward to justify refusing to provide funding to Aboriginal community housing organisations is, I think, very thin and very selective. It suits the government’s ideological agenda. It is a classic example of a report that is done to produce the result you want but does not take into account the evidence in the real world and all of the evidence on the ground. The Democrats are concerned about practical results. We are not interested in ideological flourishes or symbolism. There is too much of that from all sides in the debate over Indigenous issues. Symbolism is important and has its place but not when it becomes a determining factor for policy measures where the value for public money being spent and, even more importantly, the benefits for Aboriginal people on the ground are being compromised because of ideological obsessions and the need to squeeze the policy measures through the flavour of the day.

While it is welcome that there is some extra money, there are very serious questions about whether it will be applied in a way that ensures maximum effectiveness. Nonethe-
less, the opportunity of providing that housing in terms of the economies of scale which Senator Scullion referred to does present a genuine opportunity. Whether that will be the way it happens on the ground I do not know.

I think Senator Crossin’s interjection was regarding the cost of housing provided recently at an outstation near Wadeye, which was certainly very expensive in the amount per house. I hope the government’s efficiencies of scale improve dramatically on that one. At this stage there is no extra money being provided in the context of these emergency measures; it is a measure that was previously in place. While it is welcome, there are still question marks over whether it will be provided effectively.

The sole question I would ask of the minister, which I believe is relevant to this section of the bill as well, goes to the point I made earlier about the statement by Noel Pearson that it is absolutely imperative that the provisions relating to the holding of two leases and the subsequent disposition of leases not be within the sole and arbitrary power of the federal government but rather the province of an entity that is comprised of representatives of Indigenous landowners. Is there any scope or intent within the government’s approach that would allow any form of Indigenous representation in regard to the decisions made or the holding of town leases?

Senator SCULLION (Northern Territory—Minister for Community Services) (12.13 pm)—In answer to Senator Bartlett’s specific question, I reflected to Senator Siewert that the nature of these arrangements are for a five-year lease. I am assuming you are discussing the five-year lease process that is in front of us. The five-year lease process is, in terms of governance arrangements, a relatively short time. Our principal focus is to provide in that five years a very different level of amenity, particularly in services. We think we can provide that level of amenity but we do not think that changes in terms of the ongoing negotiations about the government arrangements are really necessary. Each of the town camps and the communities have leadership arrangements in place that we can consult with from time to time. For this to work it has to be a partnership. We have already had some outstanding feedback from where those intervention teams have gone in. We are working very closely with the leadership on the ground and that will be an essential element in how we go forward.

Senator Bartlett, you said earlier that we had perhaps misrepresented you. That certainly was not my intent. I accept now that you do see an association between the provision of infrastructure and child abuse generally, in terms of the intervention. I was not trying to suggest otherwise. I think the recognition is that we have to deliver the infrastructure in an emergency sense, in a timely way. I think you would accept that the evidence we have and the experience we have is that, unless we change the governance arrangements, it takes well over a year to come to the most basic agreements—so, without the provision for the compulsory acquisition of these areas, a delay will occur in the further protection for children that you have indicated that you support. If that is this case—and, as I have already said, there was no intention to misrepresent you—then I think the very best thing to do would be to withdraw your amendment.

Senator BARTLETT (Queensland) (12.15 pm)—It is no great surprise that we are not going to reach agreement on this. The simple position the Democrats are putting forward, and why we will certainly persist with our amendment, is that we do not believe that taking total control of Aboriginal land—in the way that the minister is now reaffirming they are doing—is necessary to
achieve the extra provision of infrastructure and housing that the government say they are going to fund. I think it is good that we get on the record as often as possible the government’s commitment to fund and resource the provision of that infrastructure over this full five-year period, but the core issue before the chamber at the moment is whether or not the total takeover of these parts of Aboriginal land is necessary to achieve that outcome.

I point back to the question I asked about the reason behind it, the motivation behind it. I do not want to keep referring to Noel Pearson, because, as I said, there are many other Indigenous people other than him, including many from the Territory, but the key point of his argument—and it reflects the feedback I have received from many Aboriginal people in the Territory—is that it is absolutely imperative for them to retain some control over their land. I have heard nothing that the minister has put forward today that indicates why they have to lose total control over their land and total control has to go to the federal government to enable these things to be done. That is why it is imperative that there be some degree of representation of Indigenous landowners in the decision making about what happens on their land. Frankly, I just do not believe there are any that would say, ‘No, we don’t want you to build extra housing on our land.’ That is just a ludicrous suggestion. When you boil it down, that is what is being put forward here—that unless we take total control we are not going to be able to build these houses. That is just ridiculous. It is not something that would be accepted anywhere else in the Australian community and I do not see why it should be accepted here.

Question put:
That part 4, clauses 31 to 64, stand as printed.

The committee divided.

(12.22 pm)
(The Temporary Chairman—Senator MG Forshaw)

Ayes............ 39
Noes............. 8
Majority........ 31

AYES
Adams, J.
Bernardi, C.
Boyce, S.
Colbeck, R.
Crossin, P.M.
Fielding, S.
Fifield, M.P.
Forsyth, M.G.
Hutchins, S.P.
Kirk, L.
McEwen, A.
McLucas, J.E.
Nash, F. *
Patterson, K.C.
Polley, H.
Ronaldson, M.
Sherry, N.J.
Trood, R.B.
Webber, R.
Wortley, D.

NOES
Allison, L.F.
Bartlett, A.J.J.
Brown, B.J.
Murray, A.J.M.
Siewert, R. *
* denotes teller

Question agreed to.

Senator BARTLETT (Queensland) (12.25 pm)—I, and also on behalf of Senator Evans, move Democrats amendment (3) on sheet 5340:

(3) Clause 35, page 32 (after line 26), at the end of the clause, add:

(12) The rights of traditional Aboriginal land owners, notwithstanding their absence from their traditional lands and in accordance with section 71 of the Aboriginal Land Rights Act 1976, continue despite this section.
I am moving this amendment jointly with Senator Evans. It is second best, or probably third best, compared with what we tried to achieve with our previous amendment. In many ways it has its own great significance. As I have emphasised a number of times, this debate is not just about the final legislation but the way the debate is conducted, the information that comes out in the debate and the attitudes that are displayed. I believe that one of the key issues is the ability to build—or, in many cases, to rebuild—trust and opportunities for cooperation at both community and leadership level. This amendment is important in that regard, because it is very straightforward and reaffirms and puts into law assurances that the government has given, including the assurances that the Minister for Community Services gave earlier today in responses to some of the questions that were put to him this morning.

This amendment goes to the section of the legislation regarding the grants of leases for five years, and it simply ensures that one of the conditions of the leases is that the rights of traditional Aboriginal owners will continue despite this section. The section as a whole deals with the terms and conditions of leases. The amendment is a simple way of reaffirming that the traditional rights of landowners will continue. This is something that the minister earlier sought to reassure the Senate will be the case. Putting it in the law would put that beyond doubt and, I suggest, would go some way towards increasing the ability of traditional owners to work cooperatively with government officials. I commend the amendment as eminently sensible, very fundamental and very valuable.

**Senator CHRIS EVANS** (Western Australia—Leader of the Opposition in the Senate) (12.28 pm)—I have pleasure in moving this amendment jointly with Senator Bartlett. As he explained, it is an attempt to ensure that Indigenous people’s access to their land, in accordance with their traditions and customs, is not interfered with unnecessarily by what we do today. In taking the quite dramatic and major step in terms of Aboriginal property rights of taking out five-year leases over townships compulsorily, it seems to us that we have to be sensitive and protect the capacity of Indigenous people to observe cultural and traditional practices.

This amendment is about ensuring that Aboriginal property rights are protected. It will send a signal to Indigenous people that this intervention is not about removing their right to practise and observe their culture and that we are conscious of and sensitive to their needs in taking this action. We think it is an important amendment in that it makes clear the sort of assurance that the government has provided. We also think it is important that the legislation reflects that, because it will allow confidence in both the operation of the act and the intentions of the parliament, and that the parliament expresses the intention reflected in the act. This will send a very clear signal to Indigenous people that it is not the parliament’s intention to interfere with their right of access to land or with their observation of traditions and customs.

**Senator SIEWERT** (Western Australia) (12.30 pm)—The Greens will support this amendment. If we take at face value what the government said this morning in answer to our questions about not interfering with people’s rights, they will accept this amendment because it is putting in the legislation what they have said. This amendment clarifies their intention of not taking away people’s rights. The Greens do not support this legislation, but, if it is going to go ahead, we would like to see this amendment in the legislation to reassure Indigenous communities about their rights.
Senator SCULLION (Northern Territory—Minister for Community Services) (12.31 pm)—As I said earlier, it is really important to recognise that the Commonwealth’s five-year lease does not affect the operation of the Aboriginal land rights act. Specifically, section 71 provides for traditional owners who may not even live in the community to continue to exercise their traditional rights. Since this legislation will not have an impact on the land rights act, particularly section 71, this amendment is unnecessary.

Senator BARTLETT (Queensland) (12.32 pm)—If the minister thinks that sort of response is going to reassure people—it is not about reassuring us; it is about reassuring Aboriginal people—he has to be kidding himself. To say that the legislation has no intention of interfering with people’s rights, that it does not have any effect and therefore we do not need to have this amendment is, I think, frankly a non sequitur. If the government is genuinely saying that the legislation does not have any effect then there should be absolutely no problem with including the amendment so as to put the issue beyond doubt.

Legislation, including the bills before us, will have clauses that start with the words: ‘To put it beyond any doubt, the following is the case ...’ That is the purpose of this amendment: to put it beyond any doubt, because there is doubt. Notwithstanding the assurance of the minister, that doubt will continue. Indeed, I would suggest that that doubt will be much stronger because of the intransigence being displayed by the government once again.

Following some questions from Senator Siewert during the debate on the previous amendment, the minister again made the statement that the rights of traditional owners would continue. I thought he then qualified that by saying that they will continue as long as they do not get in the way of what the Commonwealth wants to do. I am obviously paraphrasing somewhat, but his words were to that effect. We need to know what it is: either the rights will continue except when they get in the way of what the Commonwealth wants to do or the rights will continue. The minister has just said that they do continue and that they are not affected, at least in terms of rights under the land rights act. If that is the case then the amendment should be supported. If that is not the case and the rights continue ‘except for’ or ‘in a qualified way’, that should be made clear as well. I would prefer that the amendment was agreed to. If the amendment is not going to be agreed to, it should be made crystal clear just how far those rights will not be continuing.

Question negatived.

Senator BARTLETT (Queensland) (12.35 pm)—I move Democrat amendment (4):

(4) Clause 37, page 34 (after line 11), after sub-clause (6), insert:

(6A) If the Land Trust proposes to grant, terminate or vary a town lease, it must not do so until after it has consulted with an Indigenous Consultative Land Council (ICLC) comprising:

(a) one (1) representative of the federal Government;

(b) one (1) representative from the Northern Territory Government; and

(c) three (3) representatives from the local Indigenous land councils, all of whom must have had relevant experience in town leases.

This amendment proposes a new Indigenous body for township leases. It seeks to ensure that, if the land trust proposes to grant, terminate or vary a town lease, it must not do so until after it has consulted with an Indige-
nous consultative land council comprising a representative of the federal government, a representative of the Territory government and three representatives from local Indigenous land councils—all of whom must have had relevant experience in town leases. This amendment goes to the section dealing with rights, titles and interests of leases. It seeks to do what I have raised a number of times before and what has been described as absolutely imperative—that is, there should be some scope for representatives of Indigenous landowners to have a say in the holding or varying of town leases.

To some extent we have gone over this debate, so I will not labour the point excessively, but it does go to the core issue and is why it has been highlighted as absolutely imperative. Even if one accepts—and the Democrats do not particularly—that, because of the emergency nature of the government’s intervention, there needs to be more immediate and stronger powers given to the federal government, to do so in a way that completely removes any degree of Indigenous control, any say at all over what happens with these leases with regard to Indigenous people, is (a) unnecessary and, therefore, (b) quite dangerous.

Let us not forget that one of the overarching philosophies underlying this—and one I have a fair degree of sympathy with, at least in principle—is that we need to be empowering and strengthening Aboriginal communities; we need to be getting Aboriginal people to own the solutions to their own situations and problems; and we need to be shifting away from a passive mentality. There is a lot of merit in recognising the dangers and damage of both passive welfare and being a passive recipient of services in other ways. I do not think that it is the be-all and end-all of the situation, but there is a fair bit of merit in acknowledging the negative contribution that can make. That is why, when you do act, it is crucial, as much as is possible, to ensure that it is not done in a way that reinforces that passivity. But that is what the government is doing here with its approach.

We have bizarre cognitive dissonance from some on the government benches in justifying their approach in recent times. On the one hand they are saying that passivity is terrible and we need to move away from it and get people to take responsibility for their own lives. Then, in almost the next breath, they are saying: ‘We openly admit these measures are paternalistic and paternalism is great. And isn’t it good that we are finally able to accept that paternalistic approaches are ones that we are not ashamed to take up.’

The very essence of paternalism is reinforcing a passive recipient culture towards the people who are being subjected to the paternalism.

This amendment seeks to mitigate that by ensuring that there is a degree of involvement from people with relevant experience in town leases and from local Indigenous land councils. I would submit that it does not fatally compromise the government’s approach of taking much greater control over Aboriginal land. It removes the problem of exacerbating a passive recipient response from the situation for Indigenous people. It deals with the issue of enabling Aboriginal people to be part of the solution and part of the process. To say that you will get around to that in five years time, which is the implied position of the government—we will do all the rebuilding of communities after we have done all of the emergency intervention—I think reveals a fundamental misunderstanding of how to go about these things. You cannot switch from one to the other. If you put in place foundations that people do not have ownership of and involvement in then you are making it almost impossible, particularly in these sorts of circumstances,
for them to then develop ownership. That is a mistake that has been made in the past by governments of all persuasions and it would be rather silly to repeat it here.

This is an important amendment for the reasons I have outlined and it provides another effort to recognise the common ground that needs to be identified and maintained, rather than letting the government blow away that middle ground and force the people to either side of a divide. That, apart from anything else, will make the chances of success of this intervention much more difficult. The Democrats’ focus on and approach to this issue is about maximising the chances of success in the long term rather than any short-term positioning opportunities that present themselves.

Senator SIEWERT (Western Australia) (12.41 pm)—The Greens will support this amendment, although I am not convinced that it is going to address some of the issues that Senator Bartlett outlined, because it merely requires consultation. Even if they say, ‘We think this idea isn’t a very good idea,’ there is no requirement for those comments to be taken on board. The benefit is, however, that the government or the trust will be forced to explain their reasoning to an Indigenous body and, hopefully, they will put a brake on some of the government’s potentially more outrageous attempts to lease land against the wishes of the community. The amendment will require them to explain what they are doing and also give them the opportunity to hear what people from the Indigenous community think about it. Given the strong concerns we have about this whole legislation package, I am a bit pessimistic about what impact the amendment will have. It is, at least, a mechanism that will provide a level of consultation that is otherwise noticeably absent from this legislation. The Greens will be supporting this amendment.

Senator CHRIS EVANS (Western Australia—Leader of the Opposition in the Senate) (12.43 pm)—I am not inclined to support this amendment, because I am not sure that I understand it or that it adds to the operation of the act. To say that Labor has been consistently arguing the question of 99-year leases et cetera should be dealt with separately. This debate is about the emergency intervention and should not be covering issues of broader land management. I think that issue has been accepted by the government generally. The legislation does not deal with land issues, in general terms, beyond the five-year lease.

I understand that what is occurring here is that the government has made provision for a land trust to negotiate a longer lease while their five-year lease is in place. It effectively says, ‘Despite the fact that we are taking control of your land, if you want to do something more long-term, your right to do that is not usurped by the five-year lease.’ So, I have to try to understand why a Democrat amendment would seek to unsettle a provision that provides that opportunity to a land trust—that is, to the Aboriginal owners of the land—and instead seeks to insert a committee, partly made up of whitefellas, to tell them whether or not they can enter into a lease of their land. It seems to me to be counterproductive to everything the Democrats and I argue.

Progress reported.

MATTERS OF PUBLIC INTEREST

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

Financial Literacy

Senator BOYCE (Queensland) (12.45 pm)—Today the matter of public interest I want to raise is financial literacy and what our government is doing on this issue. We have had a number of scare campaigns and
scary stories told in the past few days in relation to the increase in interest rates. An increase in interest rates is not something that anybody wants, but the increase we had recently was far less than anything that was seen under previous Labor governments.

We are lucky to be living in a growing economy. The Howard government has contributed to record levels of prosperity and employment. This, coupled with high wages and low inflation, means that the vast majority of people are well and truly better off today than they have ever been. In fact, during the government’s tenure, more and more Australians have had the ability to aspire to home ownership and to the many other financial rewards that come from much improved employment. With greater access to money, however, it is vitally important that our young people are aware of their financial obligations and responsibilities. We do see some reluctance amongst our young people to embrace financial literacy as an important part of their knowledge and their life skills.

Over the past five years there have been a number of Australian youth surveys undertaken by various groups, such as Mission Australia and the Australian Institute of Family Studies. Not one of these surveys has seen financial literacy or financial planning recognised by young people as being an important part of their education process. The top problems identified by respondents centred mostly on drugs and alcohol, education, mental health and suicide issues. In one survey saving and investing came in at number eight on the list—obviously not a high priority. Yet when you look back to those other issues, mental health and suicide, it is often financial problems that cause people to experience those situations. So, whilst the other things, such as drugs and alcohol, that are concerning young people are vitally important, I think they must also be encouraged not to overlook the importance of financial literacy. I would like to highlight current government programs designed to assist with this.

The most vulnerable to poor financial decisions within our community are in fact those in the 16- to 20-year age group, around 40 per cent of them. At this age it is young women who are more likely to get into financial trouble, but overall, in the general population, it is more men than women—55 per cent—who have financial problems. For the 16- to 20-year age group, this is a time in their lives when they are going out to get their first job and their first car, and they are probably on their fourth or fifth mobile phone, which are getting more and more expensive as they go. People at that age tend to earn a fairly basic standard wage because they are studying or training. This is also a time when they look to enter into relationships and perhaps to household formation. They can very easily be overwhelmed by borrowings, contracts, interest payments, budgeting and myriad other financial decisions.

Poor financial decision making contributes to much higher bankruptcies—84 per cent of bankruptcies that occurred in the June quarter this year were personal bankruptcies; they were not business bankruptcies. That leaves us with 16 per cent that were business bankruptcies.

The Australian Securities and Investments Commission states that scams and prospectus scams—cold calls—have taken nearly a billion dollars from the Australian public over the last three years. We all know about the Nigerian scams, the hoax emails, the pyramid schemes and the like. It is not just unsophisticated younger people who unfortunately lose large amounts of money with these scams. Scammers are becoming very high tech and we need to be sure that we are
giving our young people the armour to resist this by encouraging financial literacy skills.

Forty per cent of all bankruptcies in Australia are for debts of less than $20,000. There are some horrific stories told of young people going bankrupt for debts of less than $2,000 because they simply did not know how else to deal with the issues that they had created with quite minor debts. Of the people who go bankrupt for debts of under $20,000, 12 per cent have been previously bankrupt. And the majority of those people are under 40 years of age. Clearly, if we can get some education and some literacy on financial matters we can save an awful lot of heartbreak. Twenty-six per cent of people in that age bracket say that excessive use of credit was the main reason that they went bankrupt. Again, this highlights the need for financial education and financial awareness, especially amongst our young people. If we can teach this knowledge in youth we can give the foundation for people to make a solid financial investment for their lives.

When you consider the stigma that a bankruptcy can bring to a person, the time it takes to recover from a bankruptcy and the fact that it will stay on your financial record for anything up to eight years, there is a huge issue. Bankruptcy can limit employment and business opportunities and it damages the credit rating. So it is appalling that we see many young people are going into bankruptcy over mobile phone bills and credit card debt of very small amounts—some for as little as $2,000 or so. Remembering that 40 per cent of all bankruptcies are for amounts under $20,000, it is important that we educate people so that they do not experience these horrors.

The Commonwealth Bank in a survey it did recently suggested that improving financial literacy by even a modest amount for the least financially well-off Australians would contribute $6 billion per year to GDP over the next 10 years and create 16,000 new jobs. This would mean there would be less need for welfare, there would be increased economic opportunities and there would be a bolstering of national savings—not to mention the fact that there would be more people in more comfortable and happier circumstances than those faced by people worrying continually about debt.

The Consumer and Financial Literacy Taskforce, which made recommendations to the government in 2004, modelled the results of bad decision making over the course of a person’s life and discovered that a person on a salary of $36,000 per annum stood to miss out on $790,000, in 2004 figures, in lost wealth over the course of their life—enough to buy two houses even in the current climate. The government has responded to this report with a number of products and services, targeted at both younger and older members of the community. According to the Consumer and Financial Literacy Taskforce, there were more than 700 resources available at the time, but making people aware of those resources was an issue. So we looked at how we can encourage people to utilise those resources. I would encourage all young people to check out the resources that are available on websites such as FIDO and Centrelink. The employment by Centrelink of financial information officers is a major advance and has had some very good effects.

Housing affordability has, of course, been one of the major issues of this week. We need to ensure that our younger consumers, as they develop the ability to buy a house, know everything there is to know about low-doc loans, options to buy schemes and the 110 per cent mortgage loans that are often made available to those who can least afford them and least understand them. A savvy consumer would be able to determine whether they could meet their repayments,
but people with financial literacy problems have some difficulty making the right decision—and this can lead to financial distress down the track.

Our government has well and truly contributed to strong economic growth, higher wages and low interest rates. And it is in these prosperous times that we need to encourage our young people to be more aware of where their money is being spent, how it is being spent and what the pitfalls are. People have ready access to more money because the economy is strong, and we must be confident that they can be confident in investing and spending that money. People of an older generation probably put their pay rises and bonuses towards their mortgage or towards education funds, but today we see a plethora of credit options giving consumers opportunities to buy now and pay later on almost every conceivable thing. I would never suggest that people should not have the opportunity to choose how they spend their money, but we need to encourage informed choice about how to spend money. I caution younger people to read the fine print, to get a second opinion, and to really learn and understand what the ramifications can be if they miss a payment or are unable to meet the payments over the longer term.

There is no doubt that working families are better off under a Howard government. Let me assure people that, despite the rhetoric of this week, under a Labor government there would be higher interest rates, a marked increase in bankruptcies and fewer opportunities for people to meet their debts. I recommend to all young people that they consider looking at the websites available and the information that is well-distributed through youth literature.

Mesothelioma

Senator MARSHALL (Victoria) (12.57 pm)—I rise today to speak on a matter of public importance—that of the plight of many people who live with the aggressive cancer mesothelioma and those who may in future contract it due to asbestos exposure either at home or in their workplace. As many senators would be aware, this is certainly not the first time I have raised in this place issues to do with asbestos exposure. I take heart that many Australians continue to try to ensure that the workers and families exposed are given some recompense when their health is cruelly taken from them. These people were victims of some of the worst workplace and corporate behaviour Australia has ever seen. This, combined with government inaction, means that we owe these Australians a duty to do everything in our power to ease their plight.

Many Australians and their families will be affected by asbestos exposure. This exposure can, and does, lead to the following diseases: pleural plaques, benign asbestos-related pleural disease, lung cancer, mesothelioma and asbestosis. Of these diseases, the most devastating is mesothelioma. For those not familiar with this disease, it is one of the most aggressive forms of cancer. It continues to grow, never reaching a stable size. Australia has been hit particularly hard by asbestos related disease, largely due to our long and extensive manufacture and use of asbestos products. Per capita, we now have the world’s highest incidence of mesothelioma. To give some idea of the magnitude of this asbestos related disease, it is estimated that, from 1945 to 2020, the total number of deaths will be around 18,000. Given that the yearly incidence of mesothelioma is still growing, we may lose many more Australians to this unforgiving disease in the decades to come.

There is no cure for mesothelioma. Treatment ranges from chemical injections and surgery to radiotherapy and chemotherapy agents. These are all treatments to make life
more comfortable for sufferers but, as I have stated before, there is no prospect of a permanent cure. The average life expectancy from diagnosis to death is a mere 152 days. This is illustrated by the fact that the median age for diagnosis in men with mesothelioma is 70 and their median age at death is 70; the median age for diagnosis in women is 71 and the median age at death is 72. Of course many people, unfortunately, contract these diseases at a much younger age.

As we have seen, treatment options for mesothelioma are limited. However, recent studies have provided evidence that the chemotherapy agent Alimta can inhibit tumour growth and increase life expectancy. It has been shown that this drug can improve the standard of care for mesothelioma, inhibiting the growth of the cancer, and in most cases it can add roughly three to six months to the life expectancy of someone suffering from mesothelioma.

This is significant, given the poor prognosis that mesothelioma sufferers have. When diagnosed with this disease, many people try to achieve all that they had wanted to do in life while they still have time and to put their affairs in order. For such a rapidly escalating disease, three to six months can mean a massive difference to the life that they have left. It also plays a role in the quality of the time that remains. In the earlier stages after diagnosis, it can significantly improve the quality of life by combating the loss of appetite, fatigue, pain and cough that go along with this disease. In the later stages, due to the reduction it gives in some of the harsher symptoms, it becomes another strong treatment option for palliative care.

The issue that arises with this particular treatment is its prohibitive cost. It costs around $20,000 for one 18-week cycle of this drug. Given the short time frame between diagnosis and death for mesothelioma sufferers and that many require a diagnosis to access the treatment or funds for the treatment through state compensation funds, most use only one cycle. It is not currently subsidised for these people under the PBS. Given how precious each day is to mesothelioma patients and their families, there is surely a strong case for this treatment to be subsidised for mesothelioma sufferers.

Every sufferer reacts differently to the disease, and people with this disease will make their own decisions about treatment. This treatment should be a viable option available to those with mesothelioma should they choose to use it. Not many people would be aware that this same treatment is subsidised through the PBS for those suffering from lung cancer. This leads to the anomaly where several thousand people a year use subsidised Alimta for lung cancer while a smaller number of mesothelioma sufferers pay full price. There is clearly a strong equity argument here.

Given that the cost to the PBS is already large for this treatment, it seems strange that a relatively small group of people who are absolutely deserving of government support should be denied a subsidised treatment. This argument for equity is made even stronger when one considers that, for people exposed to asbestos, asbestos related lung cancer occurs at a ratio of two to one to mesothelioma. We have an obligation to support people with mesothelioma in their attempts to have a better quality of life in the time they have remaining. Many people who have lost loved ones to mesothelioma and who themselves have been exposed to asbestos have pointed out the unfairness of this anomaly, and I have not heard any valid reason as to why Alimta can be provided to some and not to others.

In the past, Australians were heavy users of asbestos, using vast quantities in commercial and domestic building products. Austra-
lia had its own asbestos mines, mining large quantities from 1940 until the late 1960s. Most buildings constructed during this period had some form of asbestos in the materials, with many thousands of homes being built using asbestos cement sheets. Most Australians have no doubt encountered an asbestos product, given that its use in all products was banned only in 2003. It was used in thousands of products until its use was somewhat restricted in 1983. These products still live on in our homes, public spaces and workplaces, and this is why people still continue to be affected. No Australian is immune from the dangers of asbestos.

Over decades, hundreds of thousands of Australians have unknowingly been exposed to asbestos products in their homes and at work. Many of us would remember using asbestos mats at school. Many others, of course, were knowingly exposed to asbestos and asbestos products. These have been asbestos miners, wharfies, nurses, cleaners, men and women serving in the armed forces, brickies and even people washing clothes covered in asbestos fibres brought home from the workplace. There is now a wave of cases of asbestos related diseases appearing among a new generation of home renovators.

People working and living with asbestos were routinely lied to for a period of over 50 years. Often, when they raised concerns they were ridiculed and their concerns dismissed as scaremongering or just plain wrong. I can remember quite vividly when I first started my apprenticeship with the Victorian railways being informed by different people in the union of the day that asbestos was dangerous and we should avoid its use. I remember being assured by the senior foreman at the time that it was just troublemaking on behalf of the unions and he could assure me because he had worked with asbestos all of his life and there was nothing wrong with him. The irony of the fact that someone who was at extreme risk of contracting an asbestos related disease was in front of me and assuring me that everything was safe has not been lost on me, and we certainly know better now.

Mesothelioma takes many years to develop after the first asbestos exposure. It rarely occurs in the 15 years after the first exposure, and in many cases delays of 30 to 40 years are common. You may develop an asbestos related disease from just one exposure. Even worse, the risk is cumulative—that is, the longer the exposure to asbestos particles, the greater the risk of developing an asbestos related disease in the future—and malignant pleural mesothelioma is the most aggressive asbestos related disease. It is due to these facts that the number of people who will contract diseases associated with asbestos will continue to grow. Predictive modelling suggests that the incidence of new mesothelioma cases will increase. Even though asbestos exposure has decreased dramatically, mesothelioma will not peak for another 10 to 15 years, growing up until 2020.

Many countries have also grappled with the unforgiving effects of the use of asbestos. The UK and many large European countries had extensive mining and industrial use of asbestos. Germany, France, Sweden and the Netherlands have all had to deal with the human cost of this substance and its use. These countries have all struggled with the large toll resulting from the effects of asbestos on workers and consumers. They have shared Australia’s experience in looking to ensure compensation, sanctions and better regulation. They have also struggled to respond adequately to the rising human toll.

We must remember that even though many countries did not produce asbestos or even products containing asbestos, it lives on due to its extensive use in construction mate-
rial and other imported products. Exposure to asbestos products and its subsequent disease have reached far beyond the countries where they were produced. Alimta is reimbursed for mesothelioma sufferers in most OECD countries, including those I mentioned before—the UK, Germany, France and Sweden—as well as Japan, Korea, Finland, Poland, Italy, Spain, Switzerland and many others. In most cases reimbursement is universal and not limited by budget. In the UK, where they have a model for listing subsidised pharmaceuticals very similar to our Pharmaceutical Benefits Advisory Committee, they have just decided to list Alimta for mesothelioma sufferers following a lengthy review process. This has been hailed as a commonsense decision by patient groups and medical practitioners.

In Australia we have the case where access to subsidised Alimta for mesothelioma sufferers depends on your status under many state compensation schemes with many sufferers finding they must pay for Alimta privately. Given that the total cost of future asbestos claims in Australia is estimated to start at around $6 billion, the cost of resolving the current inequity with this drug, which is costed at around $7 million, must be put in overall perspective.

In facing this problem, we must remember how we have arrived at this situation. As a nation we started to produce asbestos and asbestos related products in large quantities from the first half of last century. The industry rapidly expanded and grew to employ many Australians, and asbestos products were incorporated into our everyday lives. Yet even as the asbestos industry was in its early stages, research was being done into whether the substance had any harmful effects. Meanwhile, the asbestos industry here and overseas grew rapidly.

It took several years before the research into asbestos became compelling. By the 1940s and 1950s it was readily apparent to the companies involved that there were significant health risks to those exposed to asbestos. Yet the industry did not stop. It grew bigger. This evidence was to be covered up, ridiculed and ignored for over 50 years by companies such as James Hardie. Already, during my term in this place, I have dealt with the deceitful behaviour of asbestos companies directly. Much to our shame, successive state and federal governments fell prey to the same type of lobbying prevalent in the tobacco industry. Both the tobacco and asbestos industries lobbied government with a potent mix of half-truths and economic strength, refuting valid public health claims and muddying the waters of public debate.

This resulted in the long time it took to protect the Australian public from asbestos and take action against the disgusting corporate morality that pervaded the asbestos industry. It is amazing to think that, despite what was known, asbestos was only partially banned from certain products in 1983 and it took until 2003 for a full ban to be implemented. This can only be described as a gross failure of our nation’s industry to protect its workers and a damning indictment of our corporate culture.

Over decades, many Australians have paid for this industry openly and honestly through the dedication of their working lives and then the loss of their health. It is time for both government and industry to recognise this and go towards a just duty of care. We as a society should be judged by our care for those permanently scarred by this abhorrent neglect of ordinary working families. We have a duty of care to the people affected that cannot be reduced to cost alone. They deserve better. This drug, which has now been approved for mesothelioma sufferers in most other OECD countries, should be con-
sidered for approval as a subsidised treatment for sufferers of mesothelioma in Australia.

Mr Peter Andren
Tasmanian Pulp Mill
Uranium Exports

Senator BOB BROWN (Tasmania—Leader of the Australian Greens) (1.11 pm)—I want to take a moment to send a very big well wish to the member for Calare, Peter Andren, who, we know from the news of the last week, is suffering from cancer. This man is an outstanding politician and representative of the people of Calare, which encompasses cities like Lithgow, Bathurst and Orange. He is an Independent representative, but he has been quite remarkable in the way in which he has been able to put a point of view where opposition has failed or where government has failed in the country. He has shown his bravery in tackling issues such as the Tampa crisis and the current dispute about the rights of Indigenous people in the Northern Territory to be consulted and have a say in a huge government intervention in their affairs while having their children protected. He has even spoken out on issues of the Tasmanian forests. He and his wonderful partner, Valerie, organised a dinner in Orange to let locals know about the national importance of these high conservation value forests. Peter’s repeated hand on the excesses of parties in parliament that wanted to improve things for parliamentarians on issues like superannuation and take-home pay, while there are so many people struggling in our own community who needed to get first attention, marked him out, and continues to mark him out, as a leader in political thought in this country.

He is a pretty humble bloke. He is very friendly and affable and extraordinarily intelligent. He has given this parliament a much-needed fresh voice when sometimes the spirit of debate has dipped below that which is expected by the Australians that we represent. I know I will have enormous support in wishing him well and, if there is any man with the spirit to tackle a life-threatening illness like the one he has at the moment, it is Peter. I have spoken to him in the last few hours—and there it is. He is just a remarkably positive human being. I wish him well and I know that many people listening to this and certainly all those voters who have supported him in Calare and people from around the country who have admired him will be wishing him well in overcoming the illness which attacks him from within at the moment.

The news today in the Australian is that a former adviser to the Prime Minister, Mr Geoffrey Cousins, described by Matthew Denholm in the Australian as a senior business figure and confidant of John Howard, has attacked as absolute madness a proposal to build a $2 billion pulp mill in the heart of Tasmania’s prime wine district. Mr Cousins told the Australian yesterday that Canberra should block approval for the Gunns proposal until a more transparent and rigorous assessment had been conducted. He said:

Here’s Malcolm Turnbull, a possible future prime minister, with the perfect opportunity ... to exercise his power to see that due process is carried out. Instead of fast-tracking this thing, he ought to slow it down and say, ‘I’m not going to rush it through, just because some company says it suits them.’ To put an enormous pulp mill in the middle of a very beautiful area, a major wine-producing area, is absolute madness—unless you could prove beyond any doubt, after allowing everyone to have their say, that it would cause no problem. And that hasn’t happened. ... Quite clearly I’m not anti-business—I’ve been a businessman all my life, I’ve been on the boards of 10 public companies.

I am told by my colleague Mr Nick McKim, who represents Franklin for the Greens in the Tasmanian house of assembly, that there is
very strong evidence that the new environmental guidelines that will be put before the Tasmanian parliament in a fortnight’s time to put requirements on Gunns for the building of this pulp mill may well currently be being assessed by Gunns itself before they go to parliament. One wonders at the depth of straying from proper democracy and probity that there is between the Tasmanian Labor government of Premier Paul Lennon and Gunns. It is as if parliament is being sidelined until Gunns is satisfied, and then parliament will be asked to push through these guidelines.

Recently, 11,000 people in Launceston, a city with a population of 100,000, marched in opposition to the pulp mill, and I can tell you how heartfelt that was. There are many good businesses, including vineyards—as Mr Cousins pointed out—abalone fisheries, restaurants, organic farms, tourism and hospitality businesses, and other creative businesses in the heavily populated Tamar Valley which are distraught at the prospect of this mega pulp mill—one of the biggest in the world—being built in the heart of that clean, green produce area.

There is enormous alarm that it will pump tonnes of effluent into Bass Strait each day. A report by scientist Dr Stuart Godfrey just last week pointed out how those toxic chemicals coming out of that effluent, which the fisheries industries are alarmed is going to contaminate their fisheries in Bass Strait, will wash back onto the beaches of the north coast of Tasmania and into the Tamar River itself.

There is clear evidence of the threat to rare and endangered species where the pulp mill will be built. There is scientific evidence that some 200,000 hectares of native forest, which this mill will consume over the next 30 years, contain rare and endangered species, listed by the national government, which will be driven closer to extinction by the pulp mill. Beyond that, it is going to take enormous amounts of fresh water, at a price other Tasmanians will not get, and it is going to pump carcinogens—cancer-causing agents—into the atmosphere of the Tamar Valley. The Australian Medical Association has forecast more deaths as a result of pollution of the Tamar Valley, where pollutants are held in by the inversion phenomenon.

This mill should be built elsewhere. This mill should not be based on native forests but on the huge plantation estate there is in Tasmania, and it should be a closed loop, so that is not putting toxic—including cancer-causing—agents into the environment. In a world alarmed about the impacts we have had on the global and the human living environment over the last century it is the task of good government to ensure that that happens.

This will also be a mill which is a producer of an enormous amount of greenhouse gases. Attached to the mill will be a forest furnace, burning 400,000 or 500,000 tonnes of native wood a year to produce electricity to supply the mill itself, with the excess being sold, presumably, through Basslink on to the Melbourne market, outrageously, as green power. They say that this is biofuel. No; this is destruction-of-native-forests-and-habitat-of-wildlife fuel, and it does not have to be. We should be doing much better than that in the beautiful state of Tasmania, in the beautiful country of Australia in 2007.

So I would add my words of appeal to all members of the Senate and this parliament to consider the options which are available. We should have a truly first-rate, world-class, closed-loop pulp mill, based on plantations, where it is not an affront to heavily populated local residential areas and business areas, as is the proposed pulp mill in Tasmania.

The extraordinary arrogance and high-handedness of Gunns and the reaction which
that has caused in the area—as exemplified by a packed public meeting in the region last night—against this proposed pulp mill needs to be met by politicians with probity, prudence and a demand that alternative, better options be taken up. This pulp mill will, at the end of the day, provide 390 jobs. It will cost many more jobs to the labour-intensive local businesses in the region than that. The alternatives must be taken up so we go to a win-win situation, instead of to a situation of winner takes all and of loss not only for Tasmania as a whole but for the rich, beautiful region of vineyards, organic farms and fisheries, and indeed residences, which are threatened by this monstrous pulp mill, which has no place in Tasmania in 2007.

Just last night the government’s cabinet committee decided to permit the sale of Australian uranium to India, which has refused to sign the non-proliferation treaty. Not only will India not sign the proliferation treaty; it has demanded that a condition of the sale of Australian uranium be that it is allowed to test and build more nuclear bombs. This is a country which is rapidly gaining the technical wherewithal to have rockets which can reach Australian cities. And this decision comes on top of the government’s decision to sell uranium to China and its forthcoming decision to sell it to President Putin’s Russia. In every case, our uranium is said to go into nuclear reactors, freeing up domestic uranium to go into nuclear bombs and fuelling a new round of nuclear weaponry and the spread of nuclear weapons in an already dangerous world.

It is unforgivable that the Howard government has decided, because George Bush—the lame duck President of the United States who is about to lose office and who is in the dying days of a failed presidency, which has been marked by enormous mistakes in the carriage of its international responsibilities—has to sell Australia’s uranium into that dangerous nuclear fuel cycle in countries which refuse to stop the building of nuclear weapons. It is an assault on the right to security of the future of this country. The Prime Minister has talked a lot about securing our future from the fear of terrorism, but the ultimate potential terrorist—the spectre hanging over the future of our kids and our country—is a regional nuclear conflagration. Make no mistake about this: countries like Indonesia will be next, looking at their potential for nuclear weapons. Where will it end?

Professor Ian Lowe, President of the Australian Conservation Foundation, has pointed out that, even with the cost of uranium at $120 a pound and potentially heading to $200 a pound, uranium exports will produce less income for this country than cheese exports. What an extraordinary failure of responsibility by the Howard government that it wants to export uranium for such a pit- tance, with such a threat to the future of this nation. Mr Rudd, the Leader of the Opposition, has said he will not follow suit. He should make a commitment that one of the first things he will do in the wake of being elected—if he is—in November is tell the Indian government that this arrangement is off.

National Review of School Music Education

Senator KEMP (Victoria) (1.26 pm)—

Just over three years ago, in March 2004, Brendan Nelson, the then Minister for Education, Science and Training, and I, as the Minister for the Arts and Sport, launched a National Review of School Music Education. The review was chaired by the distinguished academic and educator Professor Margaret Seares. The review created great interest and attracted a huge number of submissions. I am told that the 6,000 submissions received by the review was probably the largest number
ever received by a Commonwealth inquiry. There was huge public interest in this review. In November 2005, Margaret Seares presented her report to the government. The review itself totalled over 200 pages and made 104 recommendations. Let us not mince our words. The review pointed to a major crisis in music education right around Australia. It pointed to the numerous barriers facing the development of an adequate music education, including inadequate curriculum resources, lack of teacher training in school music and the difficulty for schools without an existing music program in starting one up from scratch.

The review made comprehensive recommendations on how to deal with this crisis and carefully outlined the responsibilities of the federal and state governments. Dr Anne Lierse, a highly respected music educator, has summarised the position effectively. 'The review,' she said, 'points to serious issues relating to the poor status of music in schools, including its limited provision and variable quality.' It is true to say that music education, has been in decline for some 40 years or so. State bureaucracies and their ministers have simply been prepared to make fundamental changes to music education without taking any time to explain to parents and students the thinking behind what has amounted to an effective downgrading of music education. But there is plenty of clear evidence that parents want their children to have school music programs and the option of studying to learn a musical instrument. Research has been conducted, and it is well known that it shows clear links between music and literacy and numeracy and also social development.

In reading the review, I was struck by the discussion on state music curricula and the problems that had become apparent. Astonishingly, it was sometimes difficult for the review team to access curriculum documents in certain states. If it was hard for the review team, how much more difficult it must be for many teachers. How often does one hear the argument that music has suffered because the school curriculum has become too crowded? But many schools in Australia are able to combine a sound academic program with a first-rate music education. Let me quote some examples which were mentioned in the review. In Victoria, Blackburn High School, McKinnon High School and Ringwood High School all have excellent music programs. Similarly, there are strong programs in South Australia at Fremont-Elizabeth City High School and Murray Bridge High School, as well as at Lyenham High School in the ACT; Rosny College in Tasmania and a number of high schools in New South Wales. The strength of the music programs in many of these schools was explicitly referred to in the review.

But these are just some shining lights in what is generally a very depressing picture. What has happened since the review was tabled almost two years ago? There is no doubt that it has helped energise and focus many of the groups that are interested in promoting music education—for example, the Australian Music Association, the Australian Society for Music Education and the Music Council of Australia have all been active, I am advised, in promoting the review. I am very pleased to see in the visitors gallery Ian Harvey and Sara Hood from the Australian Music Association, who have been briefing me on these matters.

**Senator Webber**—Did you bring your own fan club, Senator Kemp?

**Senator KEMP**—It is a very important issue. I do not say that I have got an extensive fan club like yours, Senator Webber, but thank you for the interjection. Workshops have been held, government bureaucracies have been engaged and some useful initia-
tives have been announced. At the conclusion of the Victorian workshop earlier this year, an action group was formed to promote the recommendations of the national review and the Victorian workshop. Among other things, the Victorians point to—to summarise some of their concerns—the poor state of music education in schools, in particular in primary schools; the need for specialist music teachers and adequately trained generalist teachers; the need for all students to have the opportunity to learn a musical instrument; and, finally, the need for accountability structures to be put in place.

I am delighted that the Commonwealth government Minister for Education, Science and Training, Julie Bishop, has announced in recent times important initiatives stemming from the review. I am very pleased to hear reports that Commonwealth funding is helping schools to improve their level of resources.

DISTINGUISHED VISITORS

The ACTING DEPUTY PRESIDENT (Senator Murray)—I draw the attention of honourable senators to the presence in the chamber of former Speaker of the House of Representatives Neil Andrew. On behalf of all senators, it is very nice to see you here.

Honourable senators—Hear, hear!

MATTERS OF PUBLIC INTEREST

National Review of School Music Education

Senator KEMP (Victoria) (1.33 pm)—I know Mr Andrew is a great believer in music education and would be delighted that I am making this speech in the chamber at this moment. I thank him for attending. As I said, the government has approved over $26 million in the first three rounds of the very popular Investing in Our Schools program to go to a range of music related projects. I hope that this funding can continue and indeed will increase.

At a national conference in Perth on 7 July, the minister announced 13 winners of the inaugural national awards for music teaching for their exceptional contribution to the status and quality of musical education in schools. The government has committed over $400,000 over four years for these awards. The minister also announced at the conference a $1 million grant over three years to support the Musica Viva Australia program in schools. This will allow Musica Viva to extend its internationally acclaimed music education packages to more students in regional and remote Australia and to develop and expand its delivery of professional development courses for teachers. There are a number of other very important initiatives, but time will not permit me to go through them.

I welcome these initiatives and the commitment that the minister is showing to the review. But while there has been progress in some areas, I think it is true to say that there have been a number of somewhat worrying developments. For example, there is concern amongst music educators that the primary principals summit that was held last month appeared, at least to some observers, to amount to a further downgrading of music education. Some observers have also pointed out that there is a degree of inertia in some state bureaucracies which may be unwilling to face up to the need for change and reform in music education. This is somewhat surprising because at the national workshop in August 2006 there was unanimous agreement from the delegates of every state education system for the national review and its recommendations.

I have also been surprised that there seems to have been limited progress towards the development of a national curriculum. This
is a key recommendation from both the national and Victorian workshops. A properly constructed national curriculum will not only provide teachers with essential content and direction but will enable the proper assessment of outcomes. Parents are always keen to find out what their children are achieving. I am advised that the issue of a national curriculum is still on the table and I live in hope that the state and federal governments can develop a comprehensive national curriculum which gives effect to key recommendations of the national review.

But there remains a large turnover of music teachers and a large number of inexperienced teachers who are in real need of help in lesson planning and curriculum delivery. Without a national curriculum, there are no clear threshold standards for music education. The education of music teachers was a key recommendation of the review and requires further action. This also extends to generalist teachers, who are given only minimal exposure to music training during an education program at university.

Further, principals are often handed the responsibility for promoting music education at the school level. I know this is certainly the thrust in some states where the education bureaucracies seek to devolve responsibilities to the schools. In many cases this can be a good thing, but the truth is that, without adequately trained music teachers, it becomes virtually impossible for those principals who are inclined to develop significant music programs to achieve their goals.

There is much work to be done. People keep asking: why the delays? Why is it taking so long when there is broad agreement on the recommendations which should be followed? I urge all those who have an interest in music education to continue to press for a comprehensive response to the review’s recommendations.

Liberal Party
Workplace Relations

Senator FAULKNER (New South Wales) (1.38 pm)—There is a long and disturbing story in Australian public life, a tale with its origins in a political and economic framework that ignores longstanding Australian values of fairness and opportunity. It is a tale that has unfolded more rapidly since the 2004 election, and the most recent chapter in this story is now before us.

The 2004 federal election saw the Prime Minister’s party gain control of this chamber. That was the same election when the Prime Minister promised Australian families that he would keep interest rates at record lows but made no mention of an extreme agenda of stripping away the take-home pay and conditions of hardworking Australians. But, once Mr Howard had control of the parliament after the 2004 election, he used that control to force through the unfair industrial relations laws that later became known as Work Choices. With those laws, the Howard government also introduced two extraordinary programs of promotion: the promotion of these unfair laws and the promotion of the Howard government’s re-election hopes.

The first Work Choices advertising program, the one that ran at the time of the introduction of the Work Choices laws, was a monolithic $55 million promotion exercise. It was impossible to turn on a television without seeing the Work Choices ads, and they were brought to the TV screen by the Liberal Party’s own ad man, Ted Horton. But their spending program did not end there. In early January 2006, employer organisations were slamming the advertising campaign. The then Chief Executive of Australian Business Ltd, Mr Mark Bethwaite, said:

TV advertisements have not worked ... What we need is practical, solution focused materials
which allow employers to apply Work Choices to their workplace.

Within days, in late January 2006, the then Minister for Employment and Workplace Relations announced:

The WorkChoices Employer Advisor Programme (EAP) is only one element of a wider information and education campaign that will ensure all workers, their families and employers are aware of the changes and receive information about how WorkChoices may affect them.

He went on to say:

The aim of the EAP is to ensure that there are advisors around Australia, including rural and regional areas, able to educate and assist employers to implement the reforms on an industry basis.

The two initial stages of the Employer Advisor Program were provided with funding of more than $20 million throughout the 2006 calendar year. A subsequent fund of $20 million has been provided for a further round of the EAP in the 2007 calendar year.

Then we came to another chapter in the Howard government’s shameless self-promotion rort. That chapter started in April, when the Ministerial Committee on Government Communications approved the Open Mind Research Group to undertake workplace relations research. These reports were received in late April and have formed the strategy of the government’s repositioning in industrial relations over the past four months. Thanks to leaked research detailed in the Australian, we know this research drove the dropping of the title ’Work Choices’ from the government’s lexicon, the renaming of its IR institutions, the establishment of the so-called ‘fairness test’ and the use of an ‘appropriate figurehead’ of the Workplace Authority in advertising.

It also lead to a new blitz of advertising—advertising that started before the full drafting instructions for the legislation had been sent to Parliamentary Counsel. And the cost for this round of advertising is $23 million, and still counting. At that time, a detailed research report by Crosby Textor was leaked to the media. In that research report, the Liberal Party’s campaign directors noted:

The arrival of Kevin Rudd into the Labor leadership has also given voters renewed confidence ... to express their reservations about WorkChoices; and especially in the absence of counter claims or information to the anti-IR messages being disseminated by the unions.

But in June, when the Liberal apparatchiks down at Crosby Textor were preparing this report, they were also preparing a second research report for the Business Council of Australia and the Australian Chamber of Commerce and Industry pro-Work Choices campaign. In their research report for the business campaign, they proposed advertising that would be ‘a counterpoint to the one-sided ads of the unions’ as well as being ‘immediate countering of Labor’s and the unions’ scare campaign’. Sounds familiar?

Well, just yesterday, the Age newspaper detailed the fact that VECCI president Richard Holyman wrote to his board supporting the business campaign. The article read:

Holyman tried to convince fellow board members to support the advertisements. He linked the call for a donation to the fact that the Government had given grants to VECCI under the Employer Assistance Program to run Work Choices seminars.

[Holyman wrote] “It is apparent that the key contributors are not wanting a blatant political campaign, but believe that so much effort went into supporting the Work Choices package, we have to help defend it now ... we have had in excess of $600K in grants to help implement Work Choices.

This brings us to the most recent chapter in this story. This chapter concerns the advertising being undertaken by the self-styled Business Coalition for Workplace Reform. This is the group of employer organisations, led by the Business Council of Australia and the Australian Chamber of Commerce and Industry, supporting a campaign of television
advertising. It is important to acknowledge that only one part of the business community supports this campaign. In fact, many employers and employer organisations do not support this campaign. Many employers and employer organisations present their views in a more mature and appropriate manner. But the Business Coalition for Workplace Reform have a different agenda. They are not running advertisements advocating a specific policy position or providing important information. They are political ads. They use the partisan and pre-election messages, imageries and strategies of the Liberal Party. These organisations have received millions of dollars to promote Work Choices, and now the government calls on them to cough up money for advertising.

We now have media reports of a link between the Employer Adviser Program and the business advertising campaign. We have the role of Crosby Textor—the firm of the Liberal Party and Mr Howard’s personal pollster, Mark Textor, and former Liberal Party Federal Director Lynton Crosby. They are the election strategists for the Liberal-National coalition and the advertising campaign strategists for the business coalition, and they advocate the same communication and electoral strategy for both of their clients. This is on top of a $120 million—that is $120 million, and counting—Work Choices campaign by the government, spending the tax dollars of hard-working Australian families. This is a deeply disturbing development. It is disturbing that the BCA and ACCI have chosen to behave in this way. It is disturbing to suspect that the membership of the BCA and ACCI does not have the full story of what is being done in the name of these organisations. It is disturbing that all three campaigns—the campaigns of the government, of the Liberal Party and of the business coalition—look like they are actually just one campaign. And it is deeply disturbing that this political, partisan advertising campaign is designed to promote and argue for laws that hurt working Australians and their families.

This is just one more example of the Howard government’s shameless exploitation of taxpayer funds and resources in a desperate attempt to cling on to office; one more example of shameless rorting by the Howard government; one more aspect of a taxpayer funded re-election advertising splurge that, between the last election and the upcoming election, will come to between $800 million and $1 billion on advertising alone. Unsurprisingly, Mr Howard will not reveal just how much he will reach into the wallets and purses of taxpayers—of ordinary working Australians—to fund his re-election epic campaign. That is because after 11 years in office, I think Mr Howard actually believes that taxpayers’ money is his own. It has been 11 long years of arrogance and incompetence from the Howard government, and I say again that it is time—it is long past time—that it is brought to an end.

Sitting suspended from 1.52 pm to 2 pm

QUESTIONS WITHOUT NOTICE

Mortgages

Senator SHERRY (2.00 pm)—My question is to Senator Minchin, the Minister representing the Treasurer. I refer the minister to the turmoil in global markets as a result of the US subprime mortgage meltdown, and the widening debt crisis in Australia, specifically the impact on home lenders RAMS and Bluestone. Can the minister explain why, on 8 August, the Treasurer said: Australian financial institutions are in a very strong position, very well capitalised, highly profitable, and our prudential regulator does not see any problems developing in relation to them. Given that major problems for two major Australian institutions have already devel-
oped, can the minister now advise the Senate how the Treasurer could possibly have got it so wrong?

Senator MINCHIN—Mr President, I reject the assertion that the Treasurer got anything wrong. The fact remains that, so far as Australia is concerned, we are blessed with a much smaller so-called ‘subprime’ or low-doc loan mortgage market than that of the US and we are therefore experiencing much lower levels of arrears. Subprime lending forms about one per cent of the Australian mortgage market. In April this year, securitised subprime arrears stood at approximately $996 million. The numbers of mortgage arrears remain very low for the total Australian mortgage market. Australian household balance sheets remain very sound.

Nothing has occurred that would suggest that the Treasurer’s reassurance about the strength of the Australian position is incorrect. Indeed, the opposition would be the first to leap to their feet were the Treasurer to do anything to suggest that there was reason for panic and concern. On the other hand, this is a reminder that global financial markets are always prey to instability; that it is essential that the Australian economy be managed carefully, tightly and responsibly; that we do ensure the continuing strength of the economy itself and of the financial institutions therein; that we do ensure that interest rates remain relatively low in this country; and that the economy remains strong.

The facts are that, while we are blessed with a much lower rate of subprime mortgage penetration than the United States—to the extent that the United States, having a much bigger subprime market than us, is experiencing difficulties—we all have to be very conscious of the potential for that to flow through to Australia. It can affect the price of money. Money is like anything else in the world—there is demand and supply and a price set in the marketplace. The RAMSs of this world are experiencing the effect of instability in the US market on the price of money. That is why experienced hands are needed at the wheel. Even when Australia’s position is looking as strong as it probably ever has, experience is critical to our capacity to sustain our economy and to ensure that Australia is able to weather those storms, as we did through the Asian financial crisis in 2001. We are trying to build a resilient and flexible economy that is capable of responding when it has to—an economy that can resist and be resilient to the international shock waves that can come at any time. The Treasurer is right to say that Australia has built an enormous resilience to these sorts of shock waves, but we must be constantly on alert to their capacity to affect the Australian economy.

Senator SHERRY—Mr President, I ask a supplementary question. The Treasurer, further, on 10 August said:

... there is no reason why any Australian financial institution will be exposed.

Now two are highly exposed. I ask the minister again: how did the Treasurer get it so wrong? Was it that he was just too busy attempting to destroy the Prime Minister, Mr Howard, or is he like the rest of the government: simply stale, arrogant and out of touch?

Senator MINCHIN—No, the government is not tired or out of touch. This is one of the most active and activist governments this country has ever seen. Indeed, the tragedy for this country is that the alternative government wants to roll back one of the most significant important reforms that we have introduced to ensure that the Australian economy is flexible and resilient. I speak, of course, of industrial relations. The most important thing we can do is to ensure a flexible labour market in this country so the
The economy is strong, flexible and resilient. The worst thing you could possibly do in the circumstances that the global economy faces is to reregulate the Australian labour market and expose us to all the potential flow-ons that can occur with instability in the global financial marketplace.

**Economy**

Senator CHAPMAN (2.05 pm)—I direct my question to the Leader of the Government in the Senate. Will the leader update the Senate on the latest measures of wage inflation in the Australian economy? Will the minister also outline to the Senate the importance of labour market flexibility in maintaining low inflation? Has the minister considered recent comments on the importance of maintaining labour market flexibility?

Senator MINCHIN—I thank Senator Chapman for his question. Today the ABS released the June quarter’s labour price index, which is the main measure of wage inflation in the Australian economy. That index was up 1.1 per cent for the quarter and four per cent through the year, down slightly on the 4.1 per cent growth to March. These results do confirm that despite economic expansion, which is in its 16th year, and 30-year low unemployment figures, wage inflation overall remains contained.

Today’s figures show that wage pressures are strongest, unsurprisingly, in the booming sectors. The index for the mining sector rose by 5.6 per cent. But, significantly, these pressures are not flowing through automatically to other sectors which cannot afford them. The rise in the mining sector contrasts with a 3.2 per cent increase in the retail sector and a 3.1 per cent increase in the hospitality sector. The index rose 5.1 per cent in WA and 3.6 per cent in Victoria. While wages are growing across all states and sectors, there is not an automatic flow-on of high wage growth in some areas through to others that cannot afford it. That is the great virtue for Australia of labour market flexibility.

We have seen in our history how previous commodity booms have ended in tears for Australia, with high inflation, high interest rates and mass unemployment, because wage setting was centralised and union dominated, and pay rises in one sector automatically flowed through to every other sector. That system was very bad for Australian workers. You might have seen temporary nominal rises in wages, but they were soon eaten up by double-digit inflation, high interest rates and workers losing their jobs. Under our workplace relations reforms, the economy is much better able to adjust to the opportunities and challenges stemming from high commodity prices. By keeping wage pressures under control in our growing economy, we have been able to keep inflation low, keep unemployment low, keep people in jobs and get a 20.8 per cent increase in real wages over our 11 years in office, compared to a zero increase in Labor’s 13 years. Australians are better off and workers are better off. Labor wants to reverse that.

Paul Kelly, in an article today headed ‘Rudd clueless on economy’, accurately summed up the stupidity of Labor’s position when he said of Labor’s policy:

... the idea that such a comprehensive shift in the industrial balance can be achieved in the present economy without upwards wages pressure seems heroic.

Kelly quotes Chris Richardson of Access Economics, who said:

On industrial relations I fear that Labor misjudges the risks involved. The short-term risk lies in bargaining power moving back towards the labour movement with wages growth being too high for a while with more consequences for interest rate increases. The longer-term risk is different. I think a slow-up in flexibility of the industrial system risks slower average growth and ... a smaller economic cake for Australia overall.
Those comments are entirely consistent with the Econtech report and remind us of Labor’s last period in office—exactly that happened then. You had a centralised and regulated IR system, inflation averaging five per cent and interest rates reaching 17 per cent. In our circumstances, with strong commodity prices, global inflationary pressure and the financial market volatility which Senator Sherry pointed to, you have to have the economic settings right. The labour price index out today confirms the importance of our workplace relations reforms and the enormous threat to our prosperity posed by the Labor-ACTU industrial agenda.

Treasurer

Senator STERLE (2.10 pm)—My question is to Senator Minchin, the Minister for Finance and Administration. Can the minister indicate whether he has been consulted about the Treasurer’s plans to build his own official residence in Canberra? Has a site been selected for the Treasurer’s proposed house? What will be the construction cost? Can the minister confirm that the running costs would be in addition to the $1.5 million a year that taxpayers already spend on Kirribilli House and the Lodge? Why is the Treasurer’s only policy on housing affordability a taxpayer funded grand Canberra home for himself? Why isn’t he instead taking action to help young Australians and their families who can no longer afford to buy their own home since the government broke its promise to keep interest rates at record lows?

Senator MINCHIN—With great respect to Senator Sterle, he is misleading the Senate. I saw that newspaper article. What I saw the Treasurer refer to was his view that the Treasurer after him—and he specifically excluded himself—should possibly have available to him an official residence in Canberra. He did not consult me on that proposition and I would have to say that as finance minister I would have some concerns about such a proposition. If such a proposition ever came before the government, I suspect that I would argue against it. However, I would point out that it is my recollection that there used to be an official residence for the Treasurer. I cannot remember which government closed it; if you did, I give you credit for so doing.

The Treasurer, like me, shares accommodation in this fine city, and there is much to be said for that. As a government, we have no plans whatsoever to reinstitute official residences for the Treasurer. It is rather cheap of the Labor Party, as a party that aspires to government, to suggest that there should not be official residences for the Prime Minister of this country. Whether that Prime Minister is Labor or Liberal, I believe that there should be official residences provided in Sydney and Canberra for the Prime Minister of the day. I think that that is the Labor Party’s position, and it is just cheap politics for the Labor Party to question that.

As to the issue of housing for Australians generally, we are proud of the fact that Australians in this country can aspire to home ownership. We are proud of the fact that interest rates even today are lower under us than they ever were under the Labor Party. Mortgage interest rates under us have averaged some four to five percentage points lower than the average under the Labor Party. Real wages have risen 20.8 per cent under us compared to no growth under the Labor Party. Unemployment is less than half the rate it was at its worst rate under the Labor Party. I am proud that under us Australians have jobs and rising real wages and can aspire to home ownership in this great county.

Senator STERLE—Mr President, I ask a supplementary question. Does the minister
know whether the Treasurer’s desire for a taxpayer funded home is a reflection on his current housemates, Senator Colbeck and Senator Mason? Has the Treasurer simply decided that if he cannot destroy the Prime Minister as he says he wants to then he will accept a taxpayer funded house as a consolation prize? Does the minister believe that someone who said he would carp at Howard’s leadership from the backbench until he destroyed it and won the leadership deserves a taxpayer funded house?

Senator MINCHIN—I take this opportunity to commend the Treasurer for being so sensible as to share his house with two senators—what an admirable proposition that is. And who better to share a house with than Senator Mason and Senator Colbeck? That is why the Treasurer ruled out any proposition that he as Treasurer would want to move into an official residence: he so enjoys living with Senator Colbeck and Senator Mason, for which I commend him.

Workplace Relations

Senator WATSON (2.14 pm)—My question is directed to Senator Abetz, the Minister for Fisheries, Forestry and Conservation. Will the minister outline to the Senate what actions the Howard government is taking to assist timber workers facing unemployment as a direct result of Labor’s forestry policies?

Senator ABETZ—Can I thank Senator Watson for his question and note his long-standing interest and support of the timber workers in our home state of Tasmania. When it comes to forestry policy, my advice to the timber workers of this country is this: don’t look at what a party says it will or won’t do; look at what it actually does do when given the opportunity. We on this side have a proud record of delivering for the timber workers of this country. The same cannot be said of Labor. Today my colleague the Minister for Industry, Tourism and Resources, Mr Macfarlane, joined the outstanding member for Bass, Mr Ferguson, in Scottsdale to announce Howard government funding of nearly $6.5 million to secure the ongoing viability of the Auspine timber mill and its associated community—all necessary because, as a result of state Labor forest policy and mismanagement of timber resources, this mill and its associated 300 workers were facing Labor’s unemployment scrapheap. Thanks to our action, the Scottsdale Auspine mill will now be able to source wood from an alternative supply, enabling all existing jobs to be retained.

Unfortunately, this is not an isolated case. Here in Canberra, as a direct result of the failure of state and territory Labor government forest policy, the Howard government has been called upon to provide $4 million to prevent the integrated forest products timber mill from closing, saving some 130 workers’ jobs. And it does not stop there. In Victoria, we have the Labor government planning to lock up renewable and sustainably managed river red gum forests at a cost of $2 million per annum to the local economy and a further 77 jobs. And, Mr President, in your home state of South Australia we have a Labor government planning to put into place absurd water licensing regulations which will stymie plantation growth and put in jeopardy a $1.5 billion pulp mill proposal at Penola and some 500 jobs. That is an astonishing 1,000 timber workers’ jobs that various state Labor governments are threatening, and that is just the tip of the iceberg. That is without taking into account federal Labor’s forest policy destroying jobs by suggesting we sign the flawed Kyoto protocol.

Yet, despite all this, Mr Rudd and Mr Garrett cynically hope the timber workers of Australia will believe that Labor, if elected, will not lock up any more forests. I leave the last words on Labor’s actual forest policy to one of Mr Garrett’s close mates, the musi-
cian and forest activist John Butler of the John Butler Trio. This is what Mr Butler said last week about Mr Rudd’s pretend support for the Tasmanian community forest agreement:

Last time when Labor said they were going to protect the forests they lost the election. Right now they think that might cost them the election again and they have to do something that they don’t necessarily agree with.

They can have the power to override it and change it. Mr Butler is absolutely right, and the state Labor governments prove him to be right. Labor has an accord with the Greens; the coalition has an accord with the timber workers of all the rural and regional communities right around this country, and we will not let them down. (Time expired)

Housing Affordability

Senator GEORGE CAMPBELL (2.19 pm)—My question is to Senator Minchin, the Minister representing the Prime Minister. I refer the minister to the fact that, instead of his government taking action on the housing affordability crisis, Treasurer Costello wants a taxpayer funded house; Liberal senator Ross Lightfoot thinks that working families should be grateful for what they have; the Liberal member for Paterson, Mr Bob Baldwin, thinks that people expect too much; and Prime Minister Howard thinks working families in Australia have never been better off. At a time when working families spend $1 out of every $3 they earn on mortgage repayments, how could the government be so hopelessly out of touch? Doesn’t this demonstrate why the Prime Minister had to direct government members to stop lecturing and demeaning working families about their expectations and aspirations to own their own home?

Senator MINCHIN—The government does strongly support the aspirations of all Australians to own their own home. That is one of the founding and building blocks of the great Australian Liberal Party of which we are all members. It is an aspiration shared by the National Party and a driving force behind this government’s direction in all its policy endeavours. It has been our endeavour to ensure that the Australian economy can maximise the opportunities for Australians to own their homes. That is why we have built one of the strongest economies in the Western world, that is why we have succeeded in bringing down inflation and therefore bringing down the mortgage interest rates which Australians face, and that is why we have endeavoured to and succeeded in reducing unemployment to a 30-year low. It is impossible to buy a home unless you have a job, and we now have so many more people in work and therefore able to aspire to buy their own home.

The issue Australia faces is that with such a strong economy we are finding increased demand for housing, and the Australian consumers have a very high degree of consumer confidence. Therefore, they have the confidence to go out and borrow money and, with the greater flexibility in loan markets, they have greater access to loan funds. All these forces are bringing to bear an increase in demand for housing, and we have seen an increase in the price of housing. That is terrific if you are in the housing market, and of course some 70 per cent of Australians either own outright or are paying off their own home, so they do benefit from the capital gain that they have in their own home. But that means that those who are seeking to rent a home or get into the housing market suffer as a consequence.

There is no easy lever that can fix that. The Productivity Commission in its very good report on this whole issue of housing affordability made the point that there are no levers readily available to the government of Australia to interfere in the market that pro-
duces high housing prices. Of course, the Labor Party would be the first to condemn this if anything was done to lower house prices; in fact, I think Mr Swan has been out there attacking us for suggestions, which he makes up, that we have wanted to lower house prices. But the fact is: if you have a rising demand for houses and a fixed level of supply you are going to get a rise in price, and that is the sort of point that I think Senator Campbell is trying to make. As I have said before in this place, the answer to that is obvious: Senator Campbell can pick up the phone and ring the Premier of New South Wales and say: ‘Mr Premier, you control the supply of land in this state. Will you please do something about the supply of land because the demand for housing is very strong in this state and people are facing rising house prices? Will you do something about it?’

It is not within the ambit of the federal government, whether they are controlled by Labor or Liberal, to suddenly increase the supply of housing to meet the increased demand for housing. That is not in our ambit. We have said we are doing an audit of our land supply but we only have Defence land and, as a result of our government’s activities, we have made sure that the Defence department does dispose of surplus land. But the states have a huge responsibility to re-examine their control of the supply of land and the control they have over the infrastructure costs and land taxes, and to do something about the price of land and the supply of land. That is the only way you are going to ensure that we maximise the opportunity for all Australians to own their own home.

Senator GEORGE CAMPBELL—Mr President, I ask a supplementary question: what should working families who pay $200 more each month on their home loans since they were promised that interest rates would stay at record lows think of a government whose only response—

Senator Sterle interjecting—

The PRESIDENT—Order! Senator Sterle, your colleague is trying to ask a question, so I would appreciate it if you would listen to him in silence.

Senator GEORGE CAMPBELL—is to lecture them for expecting too much? Isn’t the attitude of the Treasurer and the coalition backbench another example of an arrogant and out-of-touch government?

Senator MINCHIN—The working families who Senator George Campbell seeks to represent would be extremely grateful that we are not experiencing 17 per cent interest rates on home loans, which of course they did experience under the former Labor government. They would be very grateful that the standard variable home loan rate has fallen from 10.5 per cent when we were elected to 8.3 per cent now. The interest rate reduction from the time we came to office to now would save around $449 per month in interest charges on an average new mortgage of $245,000. So many Australians do know what it is like to experience high mortgage interest rates under the Labor Party and they would be very grateful for the fact that we have managed through our great management of this economy to reduce home loan mortgage interest rates.

Internet Safety

Senator JOYCE (2.25 pm)—My question is to the Minister for Communications, Information Technology and the Arts, the Hon. Senator Coonan. In today’s modern world parents are confronted with an ever-increasing challenge to keep their children safe and protected. Will the minister outline to the Senate measures taken by the Howard-Vale government to assist parents in this most critical responsibility, and is the minister aware of any alternative policies?
Senator COONAN—I thank Senator Joyce for the question and I also thank him for his willingness to act as a special NetAlert ambassador in his home state of Queensland, because nothing matters more to Australian parents than the safety of their children. People are concerned for both the physical safety and the emotional wellbeing of their children. Increasingly, parents are also worried about the way in which the online world impacts upon their family. While the internet is a wonderful tool that can educate, entertain and inform, parents are also realising that it can allow strangers to enter their home and their child’s bedroom, leaving them feeling very vulnerable and at risk. This is why the Howard government has invested over $189 million into NetAlert program to give parents the best protection we can provide when it comes to keeping their children safe online.

I recently launched the NetAlert program with the Prime Minister, and the response from families, family organisations, child welfare advocates and the broader community has been outstanding. NetAlert is an ambitious and comprehensive program aimed to give parents the tools to manage their families’ internet experience as well as 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 over $43 million for the Australian Federal Police Online Child Sex Exploitation Team to double the number of police who monitor the internet and track down paedophiles; more funding for the Commonwealth Director of Public Prosecutions so that when they are found they are prosecuted and put away; over $11 million to boost the number of internet safety officers visiting schools to give parents hands-on internet information about internet dangers; over $22 million for a comprehensive public information and awareness campaign about internet safety; the establishment of a special working group between the Australian Federal Police and industry to tackle the handling of social networking sites where predators often seek to target the young and vulnerable; and an investigation into how we might best use the register of child sex offenders to monitor online use.

The Howard government is serious about protecting children. That is why we have a 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 program anywhere in the world. The National Filter Scheme that will go live on Monday, 20 August will provide every Australian family with assistance with a filter that has been independently tested to tackle offensive web content and, critically, chat room and email traffic.

I was asked about alternative policies and, unfortunately, I have to conclude that the Labor Party does not take internet safety seriously and is not interested in practical help for parents. They are more interested in Kevin07 stunts, whereas parenting is a very tough job in today’s modern world. Parents want real assistance to help them keep their children safe, not a stunt. The Howard government are prepared to put our money where our mouth is and to step up to the plate to protect Australian families online.

Drugs: Bali

Senator NETTLE (2.30 pm)—My question is to Senator Minchin, who represents the Prime Minister in the Senate. Will the Prime Minister ask the Indonesian President for clemency for the Bali nine following reports that their legal appeals are failing?
Senator MINCHIN—The question might have been more properly directed to the Minister representing the Minister for Foreign Affairs or the Attorney-General. I am happy to get further information on it but I do not have a brief to hand. As I think Senator Nettle would know, our principle position on this is that we oppose the use of the death penalty per se. We make every effort we possibly can through our diplomatic channels to ensure that any Australian overseas who has been convicted does not have the death penalty applied. Subject to a full briefing—and I am happy come back to you on that—I have no doubt that we will be endeavouring to use every resource at our disposal to ensure that no Australian is subject to the death penalty.

Senator NETTLE—Mr President, I ask a supplementary question. I would appreciate if the senator could come back with any information about whether the Prime Minister is intending to raise this issue with the Indonesian President when he arrives in Australia as a part of APEC.

I am also interested to know whether the government will be instructing the Federal Police only to cooperate with foreign police services in such a way that nobody is exposed to the death penalty.

Senator MINCHIN—I am happy to get further information as to whether the Prime Minister intends to raise that matter with the Indonesian President. I have a brief here which reminds me that the Foreign Minister has made it very clear to Indonesia’s Foreign Minister on several occasions that the government will vigorously support clemency for the six Australians sentenced to death in Bali should the death sentences still stand at the end of the legal process. I can confirm that those representations have been made at foreign minister level and I am happy to seek further information on the question of whether that will occur at Prime Ministerial level.

Local Government

Senator BOSWELL (2.32 pm)—My question is to the Minister representing the Minister for Local Government, Territories and Roads, Senator Johnston. Is the minister aware of comments by the Premier of Queensland, Mr Beattie, that the amalgamation of local councils will have very little impact, and what is the Howard government proposing to do to give Queenslanders an opportunity to exercise their democratic right to be heard on this vital issue?

Senator JOHNSTON—In just three days last week the Queensland government implemented one of the most dishonest and draconian pieces of legislation, with their local government reform bill, in the history of the one-chamber Queensland parliament. In fact, this Premier is so contemptuous of everybody and so full of his own inflated importance that he insists that the amalgamations will have very little impact on the federal Labor campaign. That is not what Queensland Labor candidates are saying. The candidate for Flynn says:

People are saying that it is an issue for them, that they’ll seriously consider when the federal election next rolls around. I am concerned personally that there could be potentially a protest. I am hoping that there is not, because the issue is obviously a state issue. But from the federal perspective, people are interested in our attitude as to what our position would be.

In Cairns, the ALP candidate for Leichhardt also expressed his concern about the amalgamation, saying:

People in the Douglas Shire particularly are angry up here about the process that’s been run by the State Government. They’re very concerned about it being amalgamated with the Cairns City. They’ve got a different approach to planning up there ... they’re expressing that to me, and their anger with the Labor Party.
I must ask: where is the Leader of the Opposition on this vital issue? He has been stood over and done over by the Queensland Premier. Mr Beattie has said that Mr Rudd has been tactically clever on this issue by calling for more consultation. Can you imagine Mr Rudd as Prime Minister being pushed around and bullied, cringing and whimpering and completely at the mercy of state Labor premiers bashing him up on a daily basis? This legislation was rammed through and they used the guillotine. We hear all these platitudes and homilies from the other side— ‘Don’t to do as we do, do as we say.’ In the limited time I have, let me give you a sample of the legislation. Section 159YP of the legislation says the commissioner redraws the boundaries and his decision:

(a) is final and conclusive; and

(b) can not be challenged, appealed against, reviewed, quashed, set aside, or called into question in another way, under the Judicial Review Act 1991 or otherwise (whether by the Supreme Court, another court, a tribunal or another entity); and

(c) is not subject to any writ or order of the Supreme Court, another court, a tribunal or another entity on any ground.

This has the flavour of Europe of 70 years ago. This is disgraceful. These people are volunteers and they are being disenfranchised by the despotic government of Queensland. It is absolutely outrageous. There is no right of appeal, you cannot take it before a court and there is no prerogative writs—just do as we say. The commissioner decides where the boundaries are and to hell with legal process. Nowhere in the statute books in this place or in any state have I ever read such a qualification. This is what they are up to in Queensland, and what do we hear from the opposition here? ‘We are frightened about the federal election.’ They are getting bashed up in Queensland, Mr Rudd is in a corner and he has nothing to say except, ‘We will just do a bit of consultation.’ (Time expired)

Treasurer

Senator CONROY (2.37 pm)—Mr President, I also offer you my congratulations. My question is to Senator Coonan, the Minister for Communications, Information Technology and the Arts. Has the minister ever attended the Walkley awards ceremony in her capacity as Minister for Communications, Information Technology and the Arts? Is the minister aware that journalist Paul Daley is a Walkley award winner? Is the minister aware that journalist Michael Bisson has twice been highly commended at the Walkley awards? Is the minister aware that journalist Tony Wright is now national affairs editor at the Age newspaper? Given that the Treasurer has been accused of lying to journalists, can the minister confirm that he can seek an apology by lodging a complaint with the Australian Media and Communications Authority or the Australian Press Council?

Senator COONAN—Thank you, Senator Conroy, for the question. The issue to do with complaints about journalists is to be dealt with and can be dealt with through the appropriate regulatory authorities, but the issue to do with the journalists mentioned by Senator Conroy is: what complaint is it that one needs to make about what has happened? It is quite extraordinary that, apparently, the journalists in question—and I know only what I have read about it—appear to have had an off-the-record conversation with the Treasurer or, alternatively, a conversation that they agreed to treat as off the record, and somehow or other the conversation that happened over two years ago was not thought to be worthy of reporting. If it was on the record, it was not thought worthy of reporting two years ago; if it was off the record, all of
the principles of journalism would suggest that it should not be used at any time at all.

Opposition senators interjecting—

The PRESIDENT—Order! Senators on my left are continually interjecting and shouting across the chamber. Shouting is disorderly and I would ask you to cease.

Senator COONAN—Something that is off the record should remain off the record. Something that is on the record, if it is newsworthy, should be dealt with in the normal news circle and not saved for some later purpose two years later and used for some other entirely unacceptable purpose. The issue to do with the Treasurer which was apparently the subject of some conversation, however interpreted by the journalists, has been denied by the Treasurer. It is interesting that the Treasurer has pointed out, very appropriately I would suggest, that a conversation that has been alluded to by the journalists in question apparently was not recorded at the time at which it was made and has been substantially reconstructed from recollections of the conversation. The Treasurer has said very plainly and publicly that he had no recollection of three journalists scribbling away to provide an accurate record of a conversation that was alleged to have taken place.

As I was not there, I do not think it is appropriate for me to speculate further about the particular event. Suffice to say that the substance of it has been totally dealt with, completely and utterly dealt with, in terms of the leadership of the Liberal Party. It has been dealt with between the Prime Minister and the Treasurer. It has been comprehensively dealt with by the Treasurer agreeing to serve as Treasurer and the Prime Minister agreeing to serve as Prime Minister, and the Australian public have never had such a government.

Senator CONROY—Mr President, I ask a supplementary question. Is the minister aware of whether any complaints have been lodged with the Australian Media and Communications Authority by the Treasurer or on his behalf? Is the minister aware that the Treasurer has successfully taken legal action against publishers in the past? Given that, won’t the Australian public choose to believe the three senior, respected journalists if the Treasurer takes no action to prove his claim that they are lying and he is not?

Senator Coonan—Mr President, firstly, I wish to take a point of order in relation to the supplementary question asked by Senator Conroy because he very clearly reflected on the Treasurer and very clearly inferred that either the three journalists were lying or, indeed, he was lying. It was a question where there was a very clear inference and a reflection on a member of the House of Representatives.

Senator Conroy—On the point of order, Mr President: I think the minister has misheard the question. So can I read it again for clarification?

The PRESIDENT—Those points that are relevant.

Senator Conroy—To clarify, the question is: won’t the Australian public choose to believe the three senior, respected journalists if the Treasurer takes no action to prove his claim that they are lying and he is not?

The PRESIDENT—There is no point of order. Minister, you may choose to answer the question.

Senator COONAN—The very clear answer to Senator Conroy’s question is: I do not have any information about what complaint may or may not have been made in respect of this matter to the Australian Communications Media Authority.
National Security

Senator STOTT DESPOJA (2.44 pm)—My question is addressed to the Minister representing the Attorney-General. Given that the Attorney-General reported on 13 August that around half of the 100,000 calls to the national security hotline have been referred to the relevant law enforcement or security agencies, I ask the minister: how many of those referrals have resulted in investigations being conducted by the relevant security or law enforcement agencies and how many of those investigations have resulted in charges being laid?

Senator JOHNSTON—I thank the senator for her question on this very important subject. I expect that it is inappropriate to talk about the ratio of public information and intelligence flowing through the hotline and the amount that is actually investigated. Approximately half of the 100,000 calls received by the hotline since its inauguration in 2002 have resulted in Australian Federal Police or ASIO inquiries. I am advised that a substantial number of those inquiries have led to prosecutions and/or detailed investigations. Many of those will be ongoing over a prolonged period of time.

Senator Faulkner—Do you know the number yet, Nick?

Senator JOHNSTON—I know the hotline has been the subject of considerable ridicule from those opposite. 1800123400 is the actual number, for those over there who are interested in the subject.

With terrorism, the government is confronted with the proposition of defeating the act before it happens, so intelligence is absolutely crucial to protecting the Australian community. This tool has been vital. There have been 100,000 calls from members of the community who have taken the time to get on the phone to talk to the government about something they have observed as being worth drawing the government’s attention to. I think it is a very substantial tool.

We had undertaken to promote the hotline again prior to the attacks in the United Kingdom on airports, which we are all aware of. This is a vital tool, it is an inexpensive tool and it enables people anonymously to alert the government to things that they see happening in the community. Every detail helps—and that is the name of the current program we are running. I thank the senator for her question and the opportunity to put these matters, which are very important, before the Senate. The current threat level is medium, which means that, while there is no specific threat, a threat could occur at any time.

Senator STOTT DESPOJA—Mr President, I ask a supplementary question. I just want to clarify something. The minister has indicated that prosecutions have taken place as a consequence of the referrals to the relevant security or law enforcement agencies, but the minister just cannot say how many. Is that the case? Secondly, I understand that phase 3 of the public awareness campaign has kicked in this month. I ask the minister to explain to the Senate: why is the government spending more money on increased advertisements for the national security hotline? What factors have made the government decide to boost the advertising at this particular point in time? I ask the government: how much money is being spent on this increased public awareness campaign, and what form will these advertisements take? I am aware of where they are taking place but I would like to know the volume—how many advertisements will the government be placing as part of phase 3 of this increased public awareness campaign for the national security hotline?

Senator JOHNSTON—Again, I thank the learned senator. The new phase of the
campaign was being developed prior to the failed UK car-bombing incidents and the attack on Glasgow airport. The recent events in the UK serve as a reminder of the need to remain vigilant. Since it was launched in December 2002, the national security public information campaign has been, as I have said, very successful. I do not have—but I can provide them to the learned senator—the answers specifically on the cost of the current campaign, but I have indicated we have had approximately 100,000 calls. Around half the calls received by the hotline have been referred to the Australian Federal Police, ASIO and the relevant state and territory police. A substantial number of these calls—and that is as far as I wish to take it—have contributed to existing investigations or initiated new investigations. In the budget of 2007-08, some $20 million over two years was allocated to engaging the Australian public in counterterrorism efforts and to promoting the national security hotline. (Time expired)

Uranium Exports

Senator MARK BISHOP (2.50 pm)—My question is to Senator Coonan in her capacity representing the Minister for Foreign Affairs. Is the minister aware that the nuclear non-proliferation treaty contains the only binding commitment in a multilateral treaty to the goal of disarmament by nuclear weapons states? Doesn’t the government’s decision to approve the sale of Australian uranium to India, which has not signed the NPT, fundamentally undermine the effectiveness of the treaty to limit the spread of more nuclear weapons? Doesn’t the decision by the Howard government help create an international precedent to sell uranium to other non-NPT signatory countries, such as Pakistan?

Senator COONAN—Thank you to Senator Bishop for the question. So far as I am aware, the Australian government has not yet made an announcement about whether and when and in what circumstances it would consider providing uranium to India. Mr Downer has made it very clear that, if Australia were to export uranium to India, it would first be subject to a nuclear safeguards agreement. Mr Downer has consistently made the point that we would have to negotiate a bilateral safeguards agreement before Australian uranium exports to India could proceed. I listened very carefully to Mr Downer’s statements made on Lateline last night. He said:

… if we were to export uranium to India, we would have to negotiate a nuclear safeguards agreement with India.

He said that we would only supply uranium if effective legally binding safeguards were in place pursuant to a safeguards agreement with the International Atomic Energy Agency and a bilateral safeguards agreement. Those safeguards would ensure that Australian uranium would be used exclusively for peaceful purposes and could not contribute in any way at all to any military purpose.

Australia has welcomed the conclusion of the United States-India negotiations on the text of a bilateral civil nuclear agreement. The reason for that is that India will be brought more fully into the non-proliferation mainstream through the separation of its civil and military nuclear facilities and the expanded application of the International Atomic Energy Agency safeguards. India will be in a better position to increase its use of nuclear power to pursue economic development and assist in the fight against global climate change.

The strengthening of the strategic relationship between the United States and India, which I understand the Labor Party supports, is very much in our interest. It is likely that Australia would support a United States pro-
posals to create an exception for India in the Nuclear Suppliers Group, subject to the new safeguards arrangements in India being more satisfactory from a non-proliferation perspective. NSG—Nuclear Suppliers Group—members have not yet been asked to make a formal decision on the issue.

Senator Bishop asked about Pakistan. Given Pakistan’s past proliferation record the government would not consider a bilateral safeguards agreement with Pakistan. Australia is in the vanguard of pushing for initiatives to ensure that Australia’s uranium can only be used for peaceful purposes. The uranium export policy has been in place for 30 years and is already recognised as among the world’s strictest.

Senator MARK BISHOP—I have a supplementary question arising out of the minister’s response and her reference to discussions with the United States government. Can the minister confirm that there have been discussions between the Prime Minister and the United States President, Mr Bush, about providing Australian uranium to the United States so that it can provide more enriched uranium to countries like India?

Senator COONAN—Obviously I am not privy to conversations that the Prime Minister may or may not have had with the President of the United States about the topic nominated by Senator Bishop. I will get some information and refer it to the Senate.

Hearing Awareness Week

Senator BOYCE (2.55 pm)—My question is directed to the Minister for Human Services, Senator Ellison. Senators will be aware that this is Hearing Awareness Week. I would like to ask the minister: what is the Australian government doing to assist people with a hearing impairment to achieve a better quality of life?

Senator ELLISON—This is an important question, not only because it is Hearing Awareness Week but because Australian Hearing is celebrating its 60th anniversary. It is a Commonwealth agency which has operated since the last war to deliver benefits to those Australians who suffer hearing impairments. When they look across the community, not many people would realise that there are about 160,000 Australians who cannot work because of hearing disabilities. Importantly, the Australian Hearing agency has a community service obligation under which it delivers great benefits to the Indigenous community, young Australians, veterans and Australian pensioners. Funding by this government in last year’s budget and this year’s budget has seen increased services being made available to those sectors.

Importantly, in relation to Indigenous health I can tell the Senate that there are about 185 sites servicing the Indigenous sector on hearing disabilities. In fact, as a result of the increased funding Indigenous adults and children have experienced an increase of about 48 per cent on the previous year in the services delivered to them. Hearing is a very important part of Indigenous health. In addition to that, we have seen the fantastic innovation of 552 cochlear implant speech processors going to children under the cochlear implant speech processor upgrade program. This has changed the lives of young Australians who otherwise would have been severely hampered in relation to the hearing disability that they had. The ability to hear is one of the most important learning tools that we have. What this has done for these children is to open up a completely new world of learning which they otherwise would not have experienced.

In addition to that, we are servicing older members of the community. About half of the Australians who are over 60 have hearing disabilities. I would suggest that there are
many senators here who would have a bit of a vested interest in this. The service delivery by Australian Hearing is quite exceptional. When you look at the way it grew from just one office at the Rocks in Sydney to over 90 service centres around Australia today, that is a testament to Australian Hearing and what it is delivering to people in Australia.

The Hearing Awareness Week that Senator Boyce mentioned is hosted by the Deafness Forum of Australia, and we acknowledge the great work that that forum has done in assisting people with hearing disabilities. It is important that we highlight the issue of hearing impairment. As a community service Australian Hearing is providing free testing during Hearing Awareness Week; 131797 is a number that is available to people if they want to be tested. Here in Parliament House, Australian Hearing is providing testing for members of parliament to demonstrate the great work that Australian Hearing has done.

It is important that the Australian government continue to resource Australian Hearing. We have been doing that with an increase of just under $70 million in the last two budgets. We will continue to resource Australian Hearing to do research which is at the cutting edge of hearing research throughout the world. Our National Acoustic Laboratories are a testament to that, because not only should we deliver those services to the people who need it but we should have the research available to provide people with the best technology, and we are doing that. (Time expired)

Senator BOYCE—Mr President, I ask a supplementary question. As the minister has pointed out, it is the 60th anniversary of Australian Hearing. Could the minister give us some more detail on the sorts of services that are now provided by Australian Hearing?

Senator Carr interjecting—

The PRESIDENT—Order! Senator Carr! I will not call the minister until the chamber is quiet.

Senator ELLISON—Australian Hearing is an agency which, as I have indicated, has done a great deal of work in the Australian community and which enjoys the support of many of those opposite. It is interesting that some of them are interjecting now and querying the work that it does. I just wonder whether any member of the opposition would challenge the work that Australian Hearing is doing in its community service obligation. If they are interjecting, let them stand up and—

Opposition senators interjecting—

The PRESIDENT—Order!

Senator Chris Evans—Mr President, I rise on a point of order. The minister made a cheap reflection on the opposition. No-one interjecting was casting doubt on the work of Australian Hearing. I regard the minister’s comment as an imputation on opposition members. I do not normally get sensitive, but it was particularly low. I ask that you require him to withdraw that assertion.

The PRESIDENT—There is no point of order. Senator Ellison.

Senator ELLISON—The Australian government will continue to resource Australian Hearing for the great job that it does, which is assisting the health of Indigenous people, Australian pensioners and young Australians and delivering research that will benefit those young Australians who have a hearing impairment so that they can have a better life.

Senator Minchin—Mr President, I ask that further questions be placed on the Notice Paper.
QUESTIONS WITHOUT NOTICE:
ADDITIONAL ANSWERS

Indonesia: Death Penalty

Senator MINCHIN (South Australia—Minister for Finance and Administration) (3.01 pm)—Senator Nettle asked me a question in this question time about representations that the Australian government might make with respect to the Bali Nine. The Prime Minister raised the issue of the death penalty with President Yudhoyono when he met with him on 27 July 2007 in Bali. The Prime Minister indicated that there were great sensitivities in Australia about the application of the death penalty. The Prime Minister does not normally foreshadow the issues he will raise with other leaders in advance of discussions with them and will not be doing so in this case.

QUESTIONS WITHOUT NOTICE:
TAKE NOTE OF ANSWERS

Answers to Questions

Senator CONROY (Victoria) (3.02 pm)—I move:

That the Senate take note of the answers given by ministers to questions without notice asked today.

We have seen the sad and sorry sight today of a Treasurer and of a government that have truly lost touch with working Australian families. You just have to go back to 2005 to begin to understand why. When you go back to 2005 you discover that the Treasurer was so consumed with bitterness towards the Prime Minister of Australia that he gave a discussion and an interview to three journalists in which he talked about how he was going to destroy the Prime Minister; he was going to bring the Prime Minister down. So what we see is a Treasurer who takes his eye off the ball—a Treasurer who is so uninterested in the concerns of working Australian families that he wants to put his own ego, his own campaign for self-advancement, ahead of the concerns of the Australian public.

It is not just home ownership that this Treasurer, this Prime Minister and this government have lost touch with. It is also grocery prices and petrol prices—the ordinary day-to-day issues that Australian families are battling with. What is this Treasurer concerned with? He is more interested in his own job and in getting the Prime Minister’s job than he is about ensuring that the economic situation facing Australian families is his primary concern. It is not his primary concern. You just have to listen to the reaction of those opposite to realise that they are also not interested in the impact of increasing grocery prices, increasing petrol prices and increasing interest rates on Australian families. You just have to listen to the comments being made by those opposite to know that. Senator Ross Lightfoot thinks that working families should be grateful for what they have. They should be grateful after four increases in interest rates in the last three years. They should be grateful for the great economic management of the government. Those in the other place congratulate themselves on what a great government they were: ‘We had a great Prime Minister yesterday. We had a great Treasurer yesterday. We had a great Minister for Finance and Administration in here today.’ You just have to listen to them to hear how smug and out of touch they have all become on the other side. While Australian families have been struggling after their fifth interest rate increase—

Government senators interjecting—

The DEPUTY PRESIDENT—Order! Senator Conroy, resume your seat! We will have order. A couple of people have had a little bit of fun. I accept that you have had your moment of glory. Senator Conroy, address your remarks through the chair, and the rest of the people remain quiet.
Senator CONROY—Thank you, Mr Deputy President, I accept your admonishment. What we are seeing from those opposite today is that they do not want to accept that the Treasurer and the Prime Minister are at war. They do not want to accept that we have a petulant Treasurer and a finance minister who makes Jim Cairns look like he is an economic conservative. The government are incapable of stopping the Prime Minister from spending money like a drunken sailor in the lead-up to this election, and Australian families are going to suffer. The Reserve Bank report in the last few days should stand as a condemnation of the economic record of this government. It should stand as a condemnation of how the Treasurer is more interested in talking about how he can get his own home.

Did you read the article and then listen to the Treasurer yesterday? He agreed there was something to the British practice of providing a separate residence for the Treasurer. In England they have No. 10 Downing Street for the Prime Minister and No. 11 for the Chancellor of the Exchequer. I think there is a lot in that. I tend to agree with Senator Minchin that there is no way that John Howard, the Prime Minister of this country, is going to let Peter Costello move in next door. He will not even let him in the grounds of the Lodge, so he is certainly not going to build him a house next door. The Treasurer is out of touch when he says that the public would complain about the cost but it would be a good investment for the country. Fair dinkum! He has lost the plot. Australian working families are suffering because of the ninth increase in interest rates—

(Time expired)

Senator JOYCE (Queensland) (3.07 pm)—Isn’t it amazing where the Labor Party is headed—it is the Days of our Lives commentary; that is where they have gone. They are now talking about the argumentum ad hominem of personal politics because they are completely and utterly lacking policy depth after their housing fiasco. The Labor Party’s statement yesterday was that their view for Australia is that we would be renters in public housing estates. The conservative side of politics believes in this ‘amazing new concept’ that you should own your home. What the Labor Party came up with in its place was the giving of a tax break and incentive break to big business and big unions over the individual mum and dad, who would prefer that the money went into their own bank account to pay for their housing loan so that they could then put their heads on the pillows where they live.

The opposition are surprised that there is more than one person in the coalition who wants to be Prime Minister. I can tell you that there are quite a number of people in the coalition who would like to be Prime Minister because it is a team of talent, and talent always aspires to lead. We can look at Costello and at Downer, but let us talk about the Labor team. Maybe Garrett is an aspirant; Prime Minister Garrett—now that would be an interesting day for Australia—or Prime Minister Swan. What a beacon of leadership Swan is! We could have some of the others that you do not even hear of—Fergusons 1 and 2. It is like B1 and B2. I know they are down there but you never hear from them. They do not really matter.

The DEPUTY PRESIDENT—Order! Senator Joyce, if you are referring to people in the other place, you refer to them by their correct titles.

Senator JOYCE—Sorry. Ferguson and Ferguson: Fergusons 1 and 2.

The DEPUTY PRESIDENT—Order! You are to refer to them by their correct titles.

Senator JOYCE—Okay. Well let us take some others—there is Fitzgibbon. Now these
people are a wealth of talent! They are the prospective leaders of our nation. Prime Minister Gillard—

Senator George Campbell—I rise on a point of order, Mr Deputy President. You just admonished Senator Joyce for the way in which he was addressing members of the other chamber and he has totally ignored your ruling. Could I ask you to explain to him exactly what you mean when you say to address them by their proper title? Maybe he will then get it.

The DEPUTY PRESIDENT—The point of order is well made. Senator Joyce, I have pulled you up already. The people in the other place are due their correct titles, unless you are putting their ministerial titles behind them. You should observe the protocol of this place. You have been here long enough now to know it.

Senator JOYCE—I acknowledge your admonishment and I shall refer to Ms Gillard under her proper title. It is very important that Australians recognise that Ms Gillard may be their next Prime Minister. I am glad that we are talking about the wealth of talent. The opposition talk about a civil war. Last night, apparently, I was at a civil war; it was called a birthday party, and I spoke to the Treasurer and the Prime Minister, who were talking to each other. They seemed quite civil. There were no blows. Everyone was having a pretty good time.

The Labor Party is harking back to prehistory to come up with the astounding proposition that there are a number of people who want and aspire to be the Prime Minister of this nation in a champion team, which the coalition is. It is a champion team that has delivered the greatest flow of wealth to the individual in recent history. It is a champion team that has given people the capacity to be the greater benefactors of wealth in our nation. I look forward to the day that we will have a Prime Minister Costello, because if we do not have a Prime Minister Costello we will probably end up with Ms Gillard as Prime Minister.

Mr Garrett would be an interesting concept for the environment minister—the man who is more compromise than compromise. More compromise than the Vichy French in the positions that he has changed. He has changed every position he has ever had. I think he is about to maybe regrow some hair because every other position that Mr Garrett has ever stood for has been completely put aside. This leads us to the question of the Labor Left, that once noble body of people who raged against the system and stood up for the rights of the Left. They have been completely and utterly worked over. They are the complete and utter doormats of the Labor Right. They are just there to make up the numbers. At times when they wake up and listen to their fearless leader, Kevin07, as he calls himself, they must wonder what party they are in. The Labor Left has to wake up and say: ‘Oh, now we’re believing in uranium mining. We’re believing in terrorism laws. We believe in the Indigenous plan. We believe in the coalition’s economic policy.’ It is amazing that a lot of them stay there. They are great advocates. Come on over! It is only a short walk. The question is: when is the Labor Left actually going to stand up and grow some courage? (Time expired)

Senator STERLE (Western Australia) (3.14 pm)—I do not think I have ever watched that clock so closely to finally hear the end of Senator Joyce’s rant. It is a pleasure to follow him because we can put some sensibility back into the debate. Senator Parry, I do feel sorry for you as the Government Whip because obviously you got the shortest straw.
The DEPUTY PRESIDENT—Order! Senator Sterle, address your comments to the chair alone and not across the chamber.

Senator STERLE—I will, Mr Deputy President. I rise to take note of answers to questions today. I would like to add that 10 years ago the average mortgage repayment-to-income ratio for the typical first home buyer was 17.9 per cent. Sadly, today that figure is 30.7 per cent. Ten years ago the average home cost about four times the average annual wage. A lot of senators in this chamber would know that that figure is a heck of a lot more now than it was then. Today it costs no less than seven times the annual wage.

The data from the 2006 census paints an alarming picture of the number of households losing over 30 per cent of their income in rent and mortgage payments. I note that 519,764 households in Australia, or 36.7 per cent of households that rent, are now losing over 30 per cent of their household income to rental payments, and over 500,000 are losing over 30 per cent of their household income to mortgage payments. Over one million Australian households are now losing over 30 per cent of their household income to either mortgage or rental payments. I will say that one more time so those honourable senators opposite can take it in: over one million Australians households.

But last week the Treasurer denied there was a housing affordability crisis. Last week the Treasurer was interviewed on Sky News. He was asked by the interviewer: ‘So, is there a housing affordability crisis, Treasurer?’ The Treasurer answered: ‘No, the crisis is when the market collapses. That is when you have a crisis.’ So what does that tell us about the Treasurer and the crisis in housing affordability? It tells us quite simply that, like his good friend the Prime Minister, Mr Howard, he is no less than in denial. The Treasurer is so distressed about the lack of dinner invites to the Lodge that he has completely lost the plot. I say that without any fear of contradiction.

But I guess at least one thing the Treasurer has to feel happy about is that he may very well believe he was a far greater Treasurer than his good mate—I use the term ‘good mate’ loosely—who was an even worse Treasurer. We hear harping from that side—from some of the senators from Queensland—all the time during question time. They cannot wait to talk about interest rates from 10 years ago. But they fail to acknowledge that under Treasurer Howard, from 1977 to 1983, interest rates were at 22 per cent. A lot of people sit back and think, ‘Well, 22 per cent of a $50,000 home wasn’t a heck of a lot.’ I can tell you now, as someone who was paying off a home back then, Mr Deputy President, as I know you would have been too, it was a heck of a lot. And guess what? We have a common denominator some 20 years later. Now we have a housing affordability crisis and over a million homes are losing 30 per cent of their income to rental or mortgage repayments there is a common denominator—it is Mr Howard again. He has moved from Treasurer to Prime Minister, but we have another housing affordability crisis. So senators opposite can harp on as much as they like. They are in denial, as their Treasurer is in denial.

I challenge senators opposite: get off your backsides and get out to those areas where youngsters are trying to afford to buy homes. Don’t bring us the blame game—‘It’s all the state’s fault; it’s got nothing to do with us.’ This Prime Minister could not wait to go out to the people of Australia three years ago and say that he would keep interest rates at record lows. He took all the credit. It was all about Mr Howard. As soon as interest rates start going up, does he stand up there and say, ‘It is all because of me’? No. He ducks, he dives, he hides—he blames everyone he can. What a pathetic effort. You cannot stick
your hand up when things are going good and say, ‘It’s all me,’ but when they start going crook it is everybody else’s fault.

It is no wonder that Mr Costello, the Treasurer, wants to take him out. He made it very clear. I think the words quoted in the Bulletin were: ‘He can’t win. I can. We can win, but we can’t with him.’ Isn’t that absolutely wonderful: three months out from an election and the Treasurer is at it again. Oh my gosh! What a rabble on that side. You may have fooled the people last time but you won’t fool them—(Time expired)

Senator BERNARDI (South Australia) (3.19 pm)—In rising to take note of answers to questions, I feel I must comment immediately on what Senator Sterle has just said. Senator Sterle told this Senate that he remembers what it was like to pay the enormous mortgage rates that he alleges were under the treasurership of now Prime Minister Howard. The difficulty I have with that is that mortgage rates were fixed under both Mr Fraser’s prime ministership and Mr Whitlam’s prime ministership. Under fixed mortgage rates, which were centrally set, there is simply no way that people were paying 22 per cent on their housing mortgages. It is simply not true.

I would also like to go back to the economic record that is being addressed. When Mr Whitlam took over as Prime Minister of this country inflation was around eight per cent. Within three years inflation was around 17 or 18 per cent. This is what a Labor government does to the economy. In three short years Labor can wreck and destroy an economy. And once again, like always, when they do it there is no responsibility for it—they are in complete denial. Senator Sterle mentioned denial. I am telling you that denial in the Labor Party is as long as the Nile River. They destroy an economy and then they ask for the coalition, the conservatives, the good economic managers, to come in and fix it up. It is a scary proposition, because every time we have to mop up Labor’s mess, both at a state and a federal level, it takes us far longer to do it. Their record is one of $8 billion deficits compared with the coalition’s $10 billion annual surpluses. Labor left a $96 billion black hole. The architect of that black hole was the Placido Domingo of politics—that’s right: the incredibly popular Mr Keating—and the incredibly popular Mr Beazley. They all plotted to get rid of him to install Mr Rudd. Mr Rudd was described as ‘disloyal’ and ‘a notorious leak’ and ‘incredibly unreliable’ by a former leader of the Labor Party, Mr Latham. Mr Latham is no character reference for anybody, in my opinion, but the fact is that he reported all these off-the-record conversations that took place. How did they feel about that? It is simply inappropriate.

Mr Costello made it very clear today that he had an off-the-record conversation with some journalists—and I respect that. That shows the integrity of our profession. We talk about things in any manner, shape or form, and we often say things that, in the clear light of day, we may like to reconsider. We all have these conversations—because we are all human—and to have them exploited for cheap political stunts is really very disappointing. To listen to the bile, spray and diatribe that erupts from the other side is very frustrating for the people of Australia. I look up to the gallery and I see these wonderful young kids who come here to see how the parliament of Australia operates and how we are working for their futures—and what do we hear in this place? We hear this relentless pursuit of nothing. Those kids must be thinking, ‘My goodness, what are my parents getting for their taxpayer dollars?’ And when they look at the Labor Party, they say, ‘We don’t want to pay more tax for you lot.’ Let me tell the people of Austra-
lia—and the children who are up there in the gallery today should listen to me now—that, if the Labor Party get into government, taxes are always going to be higher, interest rates are always going to be higher and accountability of public spending is always going to be worse in this country. We cannot risk it. We need to sustain the prosperity for our nation. To listen to those opposite is disheartening for every young person in this nation who aspires to a better life for themselves and their family.

Senator GEORGE CAMPBELL (New South Wales) (3.23 pm)—I also want to take note of answers to today’s questions. I do not want to waste my five minutes responding to some of the garbage that Senator Bernardi has just spewed out, other than to make one point, and that is that there is a difference, Senator Bernardi—and you should know it—between interest rates and mortgage rates.

Senator Bernardi—He was talking about housing affordability.

Senator GEORGE CAMPBELL—Senator Sterle talked about interest rates; he did not talk about mortgage rates. You should know the difference. Senator Minchin knows when he talks about mortgage rates in 1996 being 10 per cent that the real interest rates were those being provided by the non-bank lenders, such as RAMS and Aussie Home loans—interest rates which were down to around 6½ per cent at the time. It was the introduction of the non-bank lenders into the marketplace that drove down mortgage rates at that time, not the decisions of the coalition government. It was due to the fact that there was competition in the marketplace. Anybody who borrowed around that time knows that competition was there and knows the impact that the non-bank lenders had on driving down mortgage interest rates.

But I want to focus on the past couple of days. It has been obvious for the past few months that this government is totally out of touch with the Australian community, but the events of the past couple of days have demonstrated not only that they are out of touch but also that some of them are actually off the planet. The Treasurer should be spending his time being concerned about the ninth rise in interest rates in a row and whether or not they are going to continue to rise and what policy formulation is necessary to ensure that that does not happen. He should be worried about credit card debt in this country and the amount of credit card debt that families are racking up to the banks and to those people in the financial sector who run the credit cards—-with interest rates around 17 and 18 per cent, which they cannot afford to pay. Families are accumulating debt at a rapid rate, and he should be worrying about what policy settings should be adopted to deal with that issue. He should be concerned about petrol prices and the impact those prices are having on people’s living standards. He should be concerned about grocery prices and the domination of the marketplace—which we often hear Senator Joyce ranting on about in this place—by Coles and Woolworths and the big players and he should be ensuring that consumers are getting a fair go and are not being ripped off. He should be focused on those issues, because that is what the Treasurer’s job is. But what has the Treasurer been focused on? He has been focused on where he is going to live next.

We know he has been trying very hard over the past two or three years to get accommodation at the taxpayers’ expense, but he was focused on the Lodge and Kirribilli House. He told journalists two years ago that he was going to take the Prime Minister on; that he was going to stand the Prime Minister on his head; that Mr Howard could not win the next election; that he, the Treasurer, was the rightful person to carry the banner for the
coalition government in the next election; and that he is the one who is entitled to Kirribilli House and the Lodge. He demonstrated over the past couple of years, and with his statement yesterday, how big his heart is. It is about the size of a pea.

He did not have the courage to carry out what he told those journalists he was going to do to the Prime Minister—so now what is his move? He did not have the courage to get the big house on the corner, so instead he is now floating the proposition that we should have accommodation for the Treasurer—’Why shouldn’t the Treasurer have a house provided by the taxpayer?’ Ordinary working people have just had their ninth rise in interest rates and here we have a Treasurer who wants the taxpayer to pay for his accommodation. He wants the taxpayers to buy a nice house—

Senator Minchin—Mr Deputy President, I rise on a point of order. I listened to Senator Campbell with great interest and I normally would not intervene, but unfair, undue and incorrect misrepresentation of what the Treasurer said—given that he is a member of the House of Representatives—is uncalled for and unparliamentary. As I said in question time, the Treasurer made it abundantly clear in his public remarks that he was not referring to any accommodation for the Treasurer while he remained Treasurer. It is misleading and incorrect to suggest that he was talking about public accommodation for himself. He made it perfectly clear that it was an aspiration he had for future treasurers. I would ask you to bring Senator Campbell to order.

The DEPUTY PRESIDENT—There is no point of order, Senator Minchin.

Senator GEORGE CAMPBELL—He was arguing that the Treasurer—and I talk in the broad sense—should have accommodation in Canberra provided for by the taxpayer so that they could live in Canberra and work out of here, while ordinary working people continue to face increasing interest rates. (Time expired)

Question agreed to.

Hearing Awareness Week

Senator STOTT DESPOJA (South Australia) (3.29 pm)—I move:

That the Senate take note of the answer given by the Minister for Human Services (Senator Ellison) to a question without notice asked by Senator Boyce today relating to Hearing Awareness Week.

I understand why the Minister for Human Services would seek to congratulate Australian Hearing on their services—and, like many in this chamber, I am happy to acknowledge their role—but, as Hearing Awareness Week approaches, from 19 to 25 August, it is about time governments, and our federal government in particular, did more. I have watched closely, my whole life, the discrimination and the challenges faced by people who are deaf and hearing impaired. I have lobbied in this place for issues such as increased captioning on television and for other services that would assist the deaf and hearing impaired. Quite frankly, Australia is lagging behind the rest of the world. It is not enough to pay tribute in question time today to one organisation when, by the same token, this government and successive governments have done little to assist this group in the community that is continually discriminated against and, partly because of the invisible nature of deafness as a disability, continues to lose out on government assistance.

It is time for captioning. It is time for targets that are better than 52 per cent across the board. It is time for Auslan interpreters not just to receive government funding assistance but to receive it in this place. We need a Lord Jack Ashley, the first full deaf mem-
ber of parliament in the United Kingdom. We need someone who can show that deaf and hearing impaired Australians can be represented in this place and have their needs met through policy. We need overt captioning, not just closed captioning, on all government advertisements—and, yes, that includes election ads from all political parties and, yes, Australian Electoral Commission ads. I hope people understand the difference.

We need more than 10—get it: 10—cinemas in this nation that have captioning. How pathetic is that! It is four years since HREOC and the free-to-air industry agreed to captioning being increased to 52 per cent by 31 December 2007. I know they are on track to do it, but let us set a new target: 100 per cent captioning by 2010. Other countries have done it, but we do not. We do not do overt captioning on our ads that are government funded. We do not even have quality captioning on television. The free-to-airs can afford it; I am sick and tired of hearing their arguments.

Back in 1988 I introduced a private member’s bill to deal with captioning after HREOC and the free-to-airs went into negotiations—I understand those negotiations are underway now, but come on! In this day and age we need quality captioning, 100 per cent captioning, parliaments captioned and Auslan interpreters. What did the government, through the Department of Families, Community Services and Indigenous Affairs, do to the Auslan interpreter services for groups such as the South Australian deaf association? Has anyone considered the impact that the closure of the CDMA network and the transfer to digital have had not just on regional Australia and others but on the deaf and the hearing impaired? It is also about time we removed the exemption from captioning requirements from digital multichannels.

We should also be mindful of our own behaviour. In this place and in many others we often treat deafness as a joke. There are deaf jokes on television and there are deaf jokes in this place. We often accuse each other of being deaf because we do not hear something. There is a big difference between our not wanting to hear something—talking over each other or interjecting—and suffering the real impact that is deafness and hearing impairment.

I acknowledge the minister’s comments today about cochlear implants. Many of us celebrate the extraordinary advances in technology for the deaf and hearing impaired, but it is about time we acknowledged too that the deaf experience not just a form of disability but also a culture. Sometimes we have to respect the fact that there are some in our society who do not consider cochlear implants the answer that many of us would assume them to be or might even want for ourselves or our children.

I feel passionately about this issue, and I am going to pursue it more before I leave this place. I am going to call for targets by 2010 for captioning, and I call on Minister Ellison—and Senator Boyce, who made the comments in question time today—to join me. It is about time we had an inquiry. I do not think we have had a Senate inquiry that has dealt specifically with the issues affecting the deaf and hearing impaired. When we get on our flights on Thursday night or Friday to go home, just imagine what it would be like to sit in an aeroplane and hear an announcement but not understand it. Understand what it is like for kids who cannot lip-read the cartoons on television, or for people who go into a shop and do not understand because the shopkeeper is mumbling. It is an extraordinary position, and I do not think governments, state or federal, have come to grips with this issue.
Question agreed to.

NOTICES

Presentation

Senator Allison to move on the next day of sitting:

That the Senate—

(a) notes that 14 August 2007 was the parliamentary launch of Securing our Survival: The Case for a Nuclear Weapons Convention, published by the International Campaign to Abolish Nuclear Weapons;
(b) considers that a nuclear weapons convention would offer the international community the best way to prevent proliferation and nuclear terrorism and achieve disarmament; and
(c) urges the Government to actively pursue multinational negotiations, leading to a nuclear weapons convention.

Senator Lundy to move on the next day of sitting:

That the Senate—

(a) notes that:

(i) 19 October 2007 is the sixth anniversary of the sinking of the boat known as the Suspected Illegal Entry Vessel X (SIEV X), which was bound for Australia and sank with the loss of 353 lives, including 146 children and 142 women,
(ii) a temporary memorial to the SIEV X victims, featuring painted timber poles to represent the children, women and men who drowned, will be erected on 2 September 2007 at Weston Park, in the Australian Capital Territory, on the Canberra lakeshore and will stay in place for 6 weeks, with the approval of the National Capital Authority (NCA) and the Australian Capital Territory Government,
(iii) this memorial is supported by people from church, school and community groups from every state and territory in Australia, by the families of the victims, and by the Australian Capital Territory Government, and
(iv) approval for a permanent memorial to the SIEV X victims is ultimately the responsibility of the Canberra National Memorials Committee (CNMC), chaired by the Prime Minister (Mr Howard);
(b) calls on the NCA and the CNMC to give permission for the SIEV X memorial project to be established as a permanent memorial on the Canberra lakeshore; and
(c) expresses its regret and sympathy at the tragic loss of so many innocent lives.

Senator Siewert to move on the next day of sitting:

That the Senate—

(a) notes:

(i) that the policy of restricting Jobs, Education and Training (JET) Child Care Fee Assistance funding to 12 months limits the capacity of single parents to complete most courses of study,
(ii) the importance of further education opportunities to advance the earning capacity and living standards of single parent families, and
(iii) that the new restrictions on the JET program are hurting single parents; and
(b) calls on the Government to lift the restriction of 12 months funding for JET assistance in order to enable single parents to better access education opportunities.

Senator Lundy to move on the next day of sitting:

That the Senate—

(a) notes:

(i) legal deposit is a statutory provision found in the legislation of most countries requiring producers of publications to deposit gratis copies of their works in libraries, usually the national library,
(ii) in Australia, the Copyright Act 1968 requires Australian publishers to de-
posit one copy of every publication with the National Library of Australia (NLA).

(iii) the National Library Act 1960 requires the NLA to develop and maintain a national collection of library material relating to Australia and the Australian people and legal deposit is a major factor enabling the NLA to meet this requirement,

(iv) legal deposit has ensured that an outstanding collection of Australian publications in print form has been acquired by the NLA on behalf of the nation,

(v) the NLA is seeking revision of the legal deposit section within the Copyright Act 1968 to encompass publications in non-print form due to the impact of new technologies and the Internet on the creation, publication and dissemination of information, which has been profound in recent years,

(vi) a significant amount of Australia’s documentary heritage is now published in electronic form and unless the NLA is given a mandate through legal deposit to collect non-print publications, many of these works will be lost to future generations, especially as many electronic works have a very short lifespan on the Internet, and

(vii) the NLA is collecting a very small proportion of Australian electronic publications, as this endeavour requires seeking permission on a publication-by-publication basis, which is very resource intensive and unsustainable into the future;

(b) calls on the Government, as a matter of urgency, to introduce legislation to extend legal deposit to non-print publications, as such legislation is of strategic importance to the future collection and preservation role of the NLA; and

(c) recognises that other countries have already acknowledged this and legal deposit legislation has been amended in the United Kingdom, Canada, New Zealand, South Africa, France, Japan and the Scandinavian countries.

Senator WATSON (Tasmania) (3.35 pm)—On behalf of the Standing Committee on Regulations and Ordinances, I give notice that, eight sitting days after today, I shall move:

That the Investigation Principles 2007, made under subsection 96-1(1) of the Aged Care Act 1997, be disallowed. [F2007L01117]

I seek leave to incorporate in Hansard a short summary of the matters raised by the committee.

Leave granted.

The document read as follows—

Investigation Principles 2007

These Principles specify the process that the Secretary to the Department of Health and Ageing must undertake in investigating complaints or information regarding the responsibilities of a residential or community aged care provider.

Subsection 16A.5(3) of these Principles states that an informant may ask the Secretary to the Department of Health and Ageing to keep confidential the identity of the informant, the identity of a person included in the information supplied to the Secretary, or any other details included in the information. Section 16A.9 requires the Secretary to comply with any request for confidentiality except where the Secretary considers that certain criteria are present. The section does not indicate whether the informant is to be notified that the request for confidentiality will not be complied with.

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

That the Senate—

(a) notes that:

(i) Australia is experiencing a period of record economic growth, and

(ii) the 2007-08 Federal Budget provided tax cuts to those earning more than $75 000, at a cost of $3.5 billion per year; and


CHAMBER
(b) calls on the Government to invest approximately $3 billion per year to lift the aged pension by $60 per fortnight.

Senator Stott Despoja to move on the next day of sitting:
That the Senate—
(a) notes that:
(i) the week beginning 19 August is Hearing Awareness Week 2007,
(ii) currently one in six Australians are deaf or hearing impaired, and
(iii) this is projected to increase to one in four Australians by 2050;
(b) further notes that:
(i) since 1 July 2007, the Film Finance Corporation (FFC) requires captioning on all FFC financed films,
(ii) it is 4 years since the Human Rights and Equal Opportunity Commission and the Australian free-to-air television industry agreed to increase captioning to 52 per cent of total programming by 31 December 2007,
(iii) only 10 cinemas in Australia screen captioned movies,
(iv) promotional material, community service announcements, repeats and daytime sporting events are usually not captioned; and
(v) digital multi-channels do not provide captioning; and
(c) calls on the Government to:
(i) implement annual targets for the free-to-air channels over the next 3 years to achieve 100 per cent captioning by 31 December 2010,
(ii) remove the exemption from captioning requirements from digital multi-channels, and
(iii) explain what it is doing to ensure that nearly four million deaf and hearing-impaired Australians will be able to access cinemas to see the movies the FFC is ensuring are captioned.

Senator Abetz to move on the next day of sitting:
That, if the Senate is sitting at midnight on Thursday, 16 August 2007, the sitting of the Senate shall be suspended till 9.30 am on Friday, 17 August 2007.

Senator Abetz to move on the next day of sitting:
That, on Tuesday, 11 September 2007:
(a) the hours of meeting shall be 2.30 pm to adjournment; and
(b) the routine of business shall be:
(i) questions without notice, and
(ii) the items specified in standing order 57(1)(b)(iii) to (xii).

Postponement
The following item of business was 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 16 August 2007.

MONTREAL PROTOCOL
Senator MILNE (Tasmania) (3.38 pm)—I move:
That the Senate—
(a) notes:
(i) that 2007 marks the 20th anniversary of the Montreal Protocol on Substances that Deplete the Ozone Layer (Montreal Protocol), arguably the most successful multilateral environmental agreement,
(ii) that since 1987, the Montreal Protocol has resulted in a 95 per cent reduction in consumption of ozone depleting substances through the use of binding controls with strict compliance measures, financing mechanisms and trade restrictions,
(iii) that actions taken under the Montreal Protocol have made an important con-
trIBUTION IN ADDRESSING CLIMATE CHANGE BECAUSE MANY OZONE DEPLETING SUBSTANCES THAT HAVE BEEN PHASED OUT HAVE HIGH GLOBAL WARMING POTENTIALS, AND

(iv) A NUMBER OF PARTIES TO THE MONTREAL PROTOCOL HAVE PROPOSED ADJUSTMENTS TO THE MONTREAL PROTOCOL TO ACCELERATE THE PHASE-OUT OF HYDROCHLOROFLUOROCARBONS (HCFCs); AND

(b) CALLS ON THE GOVERNMENT TO SUPPORT AN ACCELERATED PHASE-OUT OF HCFCs AT THE 19TH MEETING OF THE PARTIES IN MONTREAL, CANADA, TO BE HELD IN SEPTEMBER 2007.

QUESTION AGREED TO.

COMMITTEES

EMPLOYMENT, WORKPLACE RELATIONS AND EDUCATION COMMITTEE

EXTENSION OF TIME

SENATOR GEORGE CAMPBELL (New South Wales) (3.39 pm)—At the request of Senator Marshall, I move:

That the time for the presentation of the report of the Employment, Workplace Relations and Education Committee on the current level of academic standards of school education be extended to 13 September 2007.

QUESTION AGREED TO.

SEXUALISATION OF CHILDREN IN THE MEDIA

SENATOR STOTT DESPOJA (South Australia) (3.40 pm)—At the request of Senator Allison, I move the motion as amended:

That the Senate—

(a) notes the reports of the harmful effect of sexualisation in the media of children, especially young girls, including the:

(i) negative impact on development, self-image and emotional development including shame, anxiety and even self-disgust,

(ii) increased incidence of eating disorders, depression and low self-esteem,

(iii) negative consequences on sexuality, and

(iv) the promotion of negative stereotypes of women as sex objects;

(b) agrees that the Government will call for the forthcoming reviews of each of the Commercial Television Industry Codes of Practice and the Commercial Radio Codes of Practice to specifically address:

(i) sources and beneficiaries of sexualisation of children, and

(ii) short- and long-term effects of viewing or buying sexualising and objectifying images, and their influence on cognitive functioning, physical and mental health, sexuality, attitudes and beliefs; and

(c) agrees that the Australian Media and Communications Authority will provide a report to Government by 31 March 2008 and make recommendations on:

(i) strategies to prevent and/or reduce the sexualisation of children in the media, and

(ii) the effectiveness of different approaches to reducing the amount of sexualisation that occurs and to ameliorating its effects.

QUESTION AGREED TO.

ST VINCENT DE PAUL SOCIETY

SENATOR HUTCHINS (New South Wales) (3.41 pm)—I move:

That the Senate notes that:

(a) the St Vincent de Paul Society’s annual Winter Appeal ends on 31 August 2007;

(b) more than half of the people assisted by the St Vincent de Paul Society in New South Wales and the Australian Capital Territory are families;

(c) in New South Wales and the Australian Capital Territory in 2006:

(i) more than 750,000 people were assisted by the St Vincent de Paul Society;

(ii) St Vincent de Paul Society volunteers visited more than 500,000 people in their homes to deliver food parcels,
household supplies or vouchers for bills, and

(iii) Vinnies Centres distributed more than $3 million worth of clothing, bedding, furniture and other donated items to more than 75,000 people;

(d) there is a growing gap between rich and poor in Australia, evidenced by data from the Australian Bureau of Statistics showing that:

(i) the wealthiest 20 per cent of households in 2005-06 accounted for 61 per cent of total household net worth, with average net worth of $1.7 million per household, and

(ii) the poorest 20 per cent of households accounted for 1 per cent of total household net worth and had an average net worth of $27,000 per household; and

(e) the Prime Minister (Mr Howard) still claims that ‘families have never been better off’ under the Coalition Government.

Question put.
The Senate divided. [3.46 pm]

(The President—Senator the Hon. Alan Ferguson)

Ayes........... 32
Noes........... 34
Majority....... 2

AYES

Allison, L.F. 
Bishop, T.M. 
Campbell, G. *
Crossin, P.M.
Forshaw, M.G.
Hurley, A.
Kirk, L.
Lundy, K.A.
McEwen, A.
Milne, C.
Murray, A.J.M.
O’Brien, K.W.K.
Sherry, N.J.
Stephens, U.
Stott Despoja, N.
Wong, P.

NOES

Abetz, E.
Barnett, G.
Birmingham, S.
Calvert, P.H.
Colbeck, R.
Eggleston, A.
Ferguson, A.B.
Fifield, M.P.
Heffernan, W.
Johnston, D.
Kemp, C.R.
Macdonald, I.
Mason, B.J.
Minchin, N.H.
Parry, S. *
Payne, M.A.
Trood, R.B.

Adams, J.
Bernardi, C.
Boyle, S.
Chapman, H.G.P.
Cormann, M.H.P.
Ellison, C.M.
Ferraravanti-Wells, C.
Fisher, M.J.
Humphries, G.
Joyce, B.
Lightfoot, P.R.
Macdonald, J.A.L.
McGauran, J.J.J.
Nash, F.
Patterson, K.C.
Scullion, N.G.
Watson, J.O.W.

PAIRS

Brown, C.L.
Conroy, S.M.
Evans, C.V.
Faulkner, J.P.
Polley, H.

Troeth, J.M.
Boswell, R.L.D.
Brandis, G.H.
Coonan, H.L.
Ronaldson, M.

* denotes teller

Question negatived.

FORESTS OF HIGH CONSERVATION VALUE

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

That the Senate calls on the Minister for the Environment and Water Resources (Mr Turnbull) and the Minister for Fisheries, Forestry and Conservation (Senator Abetz) to protect Australia’s remaining forests of high conservation value, including those which are the habitat of rare, vulnerable or endangered species.

Question put.
The Senate divided. [3.50 pm]

(The President—Senator the Hon. Alan Ferguson)

Ayes.......... 8
Noes.......... 57
Majority....... 49
AYES
Allison, L.F. 
Brown, B.J. 
Murray, A.J.M. 
Siewert, R. *

Bartlett, A.J.J. 
Milne, C. 
Nettle, K. 
Stott Despoja, N.

NOES
Abetz, E. 
Adams, J. 
Barnett, G. 
Bernardi, C. 
Birmingham, S. 
Bishop, T.M. 
Boyce, S. 
Calvert, P.H. 
Campbell, G. 
Carr, K.J. 
Chapman, H.G.P. 
Colbeck, R. 
Cormann, M.H.P. 
Crossin, P.M. 
Eggleston, A. 
Ellison, C.M. 
Ferguson, A.B. 
Fielding, S. 
Fierravanti-Wells, C. 
Fifield, M.P.

Fisher, M.J. 
Forshaw, M.G. 
Heffernan, W. 
Hogg, J.J. 
Humphries, G. 
Hurley, A. 
Hutchins, S.P. 
Johnston, D. 
Joyce, B. 
Kemp, C.R. 
Kirk, L. 
Lightfoot, P.R. 
Ludwig, J.W. 
Macleod, J.A.L. 
Marshall, G. 
McCowan, J.J.J. 
McEwen, A. 
McGauran, J.J.J. 
McLachlan, J.E. 
McLachlan, K.W.K. 
Moore, C. 
Patterson, K.C. 
Scullion, N.G. 
Stephens, U. 
Trudoe, R.B. 
Webber, R. 
Wortley, D.

* denotes teller

Question negatived.

NUCLEAR WEAPONS

Senator MILNE (Tasmania) (3.54 pm)—by leave—I move:
That the Senate—
(a) notes on 6 December 2006 in the General Assembly of the United Nations 125 countries voted for the commencement of multilateral negotiations leading to an early conclusion of a nuclear weapons convention and that Australia was one of 29 abstentions; and

(b) calls on the Government to work for the immediate commencement of negotiations towards a nuclear weapons convention to ban the development, production, use and threat of use of nuclear weapons.

Question put.

The Senate divided. [3.55 pm]
(The President—Senator the Hon. Alan Ferguson)

AYES
Allison, L.F. 
Bartlett, A.J.J. 
Brown, B.J. 
Campbell, G. *

Carr, K.J. 
Colbeck, R. 
Crossin, P.M. 
Ellison, C.M. 
Fielding, S. 
Fifield, M.P.

Fisher, M.J. 
Forshaw, M.G. 
Heffernan, W. 
Hogg, J.J. 
Humphries, G. 
Hurley, A. 
Hutchins, S.P. 
Johnston, D. 
Joyce, B. 
Kemp, C.R. 
Kirk, L. 
Lightfoot, P.R. 
Lundey, K.A. 
Ludwig, J.W. 
Marshall, G. 
McEwen, A. 
Moore, C. 
Nette, K. 
Ray, R.F. 
Siewert, R. 
Sterle, G. 
Webber, R. 
Wortley, D.

Bishop, T.M. 
Barnett, G. 
Bernardi, C. 
Boyce, S. 
Calvert, P.H. 
Carr, K.J. 
Chapman, H.G.P. 
Colbeck, R. 
Cormann, M.H.P. 
Eggleston, A. 
Ellison, C.M. 
Ferguson, A.B. 
Fielding, S. 
Fierravanti-Wells, C. 
Fifield, M.P.

Fisher, M.J. 
Forshaw, M.G. 
Heffernan, W. 
Hogg, J.J. 
Humphries, G. 
Hurley, A. 
Hutchins, S.P. 
Johnston, D. 
Joyce, B. 
Kemp, C.R. 
Kirk, L. 
Lightfoot, P.R. 
Lundey, K.A. 
Ludwig, J.W. 
Marshall, G. 
McEwen, A. 
Moore, C. 
Nette, K. 
Ray, R.F. 
Siewert, R. 
Sterle, G. 
Webber, R. 
Wortley, D.

31
35
4

NOES
Abetz, E. 
Adams, J. 
Barnett, G. 
Bernardi, C. 
Birmingham, S. 
Bishop, T.M. 
Boyce, S. 
Calvert, P.H. 
Campbell, G. 
Carr, K.J. 
Chapman, H.G.P. 
Colbeck, R. 
Cormann, M.H.P. 
Crossin, P.M. 
Eggleston, A. 
Ellison, C.M. 
Ferguson, A.B. 
Fielding, S. 
Fierravanti-Wells, C. 
Fifield, M.P.

Fisher, M.J. 
Forshaw, M.G. 
Heffernan, W. 
Hogg, J.J. 
Humphries, G. 
Hurley, A. 
Hutchins, S.P. 
Johnston, D. 
Joyce, B. 
Kemp, C.R. 
Kirk, L. 
Lightfoot, P.R. 
Lundey, K.A. 
Ludwig, J.W. 
Marshall, G. 
McEwen, A. 
Moore, C. 
Nette, K. 
Ray, R.F. 
Siewert, R. 
Sterle, G. 
Webber, R. 
Wortley, D.

Adams, J. 
Bernardi, C. 
Boyce, S. 
Chapman, H.G.P. 
Cormann, M.H.P. 
Eggleston, A. 
Ellison, C.M. 
Fielding, S. 
Fifield, M.P.

Heffernan, W. 
Humphries, G. 
Hutchins, S.P. 
Joyce, B. 
Kemp, C.R. 
Kirk, L. 
Lundey, K.A. 
Ludwig, J.W. 
Marshall, G. 
McEwen, A. 
McGauran, J.J.J. 
Morgan, J.W. 
Nette, K. 
Parry, S. * 
Payne, M.A. 
Sherry, N.J. 
Stephens, U. 
Stott Despoja, N. 
Wong, P.

31
35
4

AYES

NOES

CHAMBER
Senator MILNE (Tasmania) (3.58 pm)—
by leave—I move:
That the Senate—
(a) notes that:
(i) India is not a signatory to the Nuclear Non-Proliferation Treaty (NPT),
(ii) the United States of America (US) and India have agreed to the terms of a deal to exempt India from US laws and international rules that seek to prevent states that are not parties to the NPT from using commercial imports of nuclear technology and fuel to aid their nuclear weapons ambitions,
(iii) under the India-US nuclear deal two reactors dedicated to making plutonium for nuclear weapons and nine power reactors, including a plutonium breeder reactor that is under construction, will be outside international safeguards,
(iv) India needs to import uranium to relieve an acute fuel shortage for its existing nuclear reactors and that importing uranium will free up more of India’s domestic uranium for its military program,
(v) Pakistan has expressed its fears about the India-US nuclear deal, and
(vi) any sale of Australian uranium to India would contravene the NPT; and
(b) calls on the Government to reject any sale of Australian uranium to non-NPT states, including India.

Question put.

The Senate divided. [3.59 pm]
(The President—Senator the Hon. Alan Ferguson)

<table>
<thead>
<tr>
<th>Ayes</th>
<th>30</th>
</tr>
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<tbody>
<tr>
<td>Noes</td>
<td>34</td>
</tr>
<tr>
<td>Majority</td>
<td>4</td>
</tr>
</tbody>
</table>

AYES
Allison, L.F.  Bartlett, A.J.J.
Bishop, T.M.   Brown, B.J.
Campbell, G. * Carr, K.J.
Crossin, P.M.  Forshaw, M.G.
Hogg, J.J.     Hurley, A.
Hutchins, S.P. Kirk, L.
Ludwig, J.W.   Lundy, K.A.
Marshall, G.   McEwen, A.
McLucas, J.E.  Milne, C.
Moore, C.      Murray, A.J.M.
Nettle, K.     O’Brien, K.W.K.
Sherry, N.J.   Siewert, R.
Stephens, U.   Sterle, G.
Stott Despoja, N.  Webber, R.
Wong, P.       Wortley, D.

NOES
Abetz, E.      Adams, J.
Barnett, G.    Bernardi, C.
Birmingham, S. Boyce, S.
Calvert, P.H.  Chapman, H.G.P.
Colbeck, R.    Cormann, M.H.P.
Eggleston, A.  Ellison, C.M.
Ferguson, A.B. Fielding, S.
Fierravanti-Wells, C. Fifield, M.P.
Fisher, M.J.   Humphries, G.
Johnston, D.   Joyce, B.
Kemp, C.R.     Lightfoot, P.R.
Macdonald, I.  Macdonald, J.A.L.
Mason, B.J.    McGauran, J.J.J.
Minchin, N.H.  Nash, F.
Parry, S. *    Patterson, K.C.
Payne, M.A.    Scullion, N.G.
Trood, R.B.    Watson, J.O.W.

PAIRS
Brown, C.L.    Troeth, J.M.
Conroy, S.M.   Boswell, R.L.D.
Evans, C.V.    Brandis, G.H.
Faulkner, J.P. Coonan, H.L.
Polley, H.     Ronaldson, M.
Ray, R.F.      Heffernan, W.
* denotes teller

Question negatived.

NORTHERN AUSTRALIA

Senator SIEWERT (Western Australia)

(4.02 pm)—I move:

That the Senate notes that:

(a) a new scientific study, *The Nature of Northern Australia*, has found that northern Australia has the largest and least damaged tropical savannah in the world;

(b) northern Australia is emerging as one of the last great natural areas on earth and that its ecosystems are globally significant;

(c) good land management practices will be critical to the long-term survival of northern Australia’s pristine environments;

(d) elsewhere in the tropics, and in the rest of Australia, the health and functioning of lands and waters have been impaired and that inappropriate development is a major threat to the northern Australian savannah; and

(e) a new approach to development and conservation is needed to ensure that northern Australia remains one of the world’s great natural places.

Question put.

The Senate divided. [4.03 pm]

(The President—Senator the Hon. Alan Ferguson)

Ayes…………. 31

Noes…………. 33

Majority………. 2

AYES

Allison, L.F.  Bartlett, A.J.J.
Bishop, T.M.  Brown, B.J.
Campbell, G.*  Carr, K.J.
Crossin, P.M.  Fielding, S.
Forshaw, M.G.  Hogg, J.J.
Hurley, A.  Hutchins, S.P.
Kirk, L.  Ludwig, J.W.
Lundy, K.A.  Marshall, G.
McEwen, A.  McLucas, J.E.
Milne, C.  Moore, C.
Murray, A.J.M.  Nettle, K.
O’Brien, K.W.K.  Sherry, N.J.
Siewert, R.  Stephens, U.
Sterle, G.  Stott Despoja, N.
Webber, R.  Wong, P.
Wortley, D.  

NOES

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

PAIRS

Brown, C.L.  Troeth, J.M.
Conroy, S.M.  Boswell, R.L.D.
Evans, C.V.  Brandis, G.H.
Faulkner, J.P.  Coonan, H.L.
Polley, H.  Ronaldson, M.
Ray, R.F.  Heffernan, W.

FINANCIAL SUPPORT FOR STUDENTS

Senator NETTLE (New South Wales)

(4.05 pm)—I move:

That the Senate—

(a) notes the final report of *Australian University Student Finances 2006*, released on 8 August 2007, highlights the urgent need to improve financial support for students; and

(b) calls on the Government to introduce concrete measures to increase direct financial support to students including, but not limited to:
(i) lowering the age of independence to 18, and

(ii) providing a level of financial support that ensures all full-time students can financially support themselves during teaching periods without the need to seek further employment.

The PRESIDENT—Is there any objection to this motion being taken as formal?

Senator GEORGE CAMPBELL (New South Wales) (4.06 pm)—I seek leave to make a short statement.

Leave granted.

Senator GEORGE CAMPBELL—Labor cannot support this motion in its current form. This is not because we do not agree with its intent; on the contrary, Labor is sympathetic to the thrust of the motion’s intent. Labor believes that more can and should be done to assist students at university financially. Labor supported an earlier motion by Senator Stott Despoja on university student finances that noted the financial hardships students face and urged the government to respond to the Australian university student finances 2006 report. In this instance, Labor sought to amend this motion, but this was rejected by the senator moving the motion. Senate motions are a blunt instrument for policy development. In its current form, for example, the motion calls on the government to take a course of action for which the full financial implications cannot or have not been measured. As the alternative government, we believe this is irresponsible. The previous motion, agreed on before, more adequately reflects our approach.

Question put:

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

The Senate divided. [4.08 pm]

(The President—Senator the Hon. Alan Ferguson)

Ayes………….. 8
Noes…………. 49
Majority………. 41

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

NOES
Adams, J.                Barnett, G.
Bernardi, C.             Birmingham, S.
Bishop, T.M.             Boyce, S.
Calvert, P.H.            Campbell, G. *
Carr, K.J.               Chapman, H.G.P.
Colbeck, R.              Cormann, M.H.P.
Crossin, P.M.            Eggleston, A.
Ferguson, A.B.           Fielding, S.
Fierravanti-Wells, C.    Fifield, M.P.
Fisher, M.J.             Forshaw, M.G.
Hogg, J.J.               Humphries, G.
Hurley, A.               Johnston, D.
Joyce, B.                Kemp, C.R.
Kirk, L.                Lightfoot, P.R.
Ludwig, J.W.            Lundy, K.A.
Macdonald, I.           Macdonald, J.A.L.
Marshall, G.             Mason, B.J.
McEwen, A.               McLucas, J.E.
Moore, C.                Nash, F.
Parry, S.                Patterson, K.C.
Payne, M.A.              Scullion, N.G.
Stephens, U.             Sterle, G.
Trood, R.B.              Watson, J.O.W.
Webber, R.              Wortley, P.

* denotes teller

Question negatived.

COMMITTEES

Scrutiny of Bills Committee

Alert Digest


That the Senate take note of the document.
I seek leave to incorporate Senator Robert Ray’s statement in *Hansard*.

Leave granted.

**Senator ROBERT RAY** (Victoria) (4.11 pm)— *The statement read as follows—*

In tabling the Committee’s Alert Digest No. 10 for 2007 I would like to draw the Senate’s attention to a number of provisions in the Water Bill 2007 that may be considered to delegate legislative power inappropriately.

Clauses 63 and 65 of the bill detail the steps to be undertaken in accrediting water resource plans prepared by Murray-Darling Basin States and in accrediting amendments to those plans. The steps include tabling in the Parliament the Minister’s decision and, where that decision does not follow the recommendations of the Murray-Darling Basin Authority, a copy of a statement that sets out the Minister’s reasons for not following the Authority’s recommendation. Subclauses 63(9) and 65(9) of the bill would permit regulations to provide for the time within which these steps are to be taken and the process to be followed in taking the steps.

The Committee is concerned that the effect of these subclauses is that regulations will be able to specify the process and timelines for the tabling of these documents in the Parliament. If this is indeed the case, the Committee considers that these are powers which would be more appropriately included in the primary legislation.

Similarly, clauses 92 and 97 provide for the Minister to make ‘water charge rules’ and ‘water market rules’, by legislative instrument. Subclauses 92(9) and 97(7) allow these rules to provide that a particular provision of the rules is a civil penalty provision. Subclauses 92(10) and 97(8) would permit these rules to impose a civil penalty of 200 penalty units, which is currently the equivalent of $22,000. This is not an insignificant amount of money and the Committee questions whether the power to create offences that attract a penalty of this magnitude might be more appropriately exercised by the Parliament.

The Committee has sought the Minister’s advice regarding these matters but, pending receipt of that advice, I draw Senators’ attention to these provisions as they may be considered to inappropriately delegate legislative powers.

Question agreed to.

**Intelligence and Security Committee Report**

**Senator NASH** (New South Wales) (4.13 pm)—On behalf of the Parliamentary Joint Committee on Intelligence and Security, I present a report of the committee, *Review of the re-listing of Hizballah’s External Security Organisation*, and move:

That the Senate take note of the report.

This organisation is also known as the Islamic Jihad Organisation, Hezbollah International or by the acronym ESO. The ESO was originally listed in 2003. In 2005, the committee reviewed the relisting and reported to parliament in September. This review is of the second relisting. On 7 May 2007, the Attorney-General advised the committee that he had decided to relist Hezbollah’s ESO as a terrorist organisation for the purposes of section 102.1 of the Criminal Code Act 1995. The regulation was tabled in the House of Representatives on 29 May 2007 and in the Senate on 12 June 2007.

The committee advertised the inquiry in the *Australian* on 5 June 2007. Notice of the inquiry was also placed on the committee’s website. Two submissions were received from the public. The committee wrote to all premiers and chief ministers inviting submissions. No submissions were received from the states or territories. Representatives of the Attorney-General’s Department, ASIO and the Department of Foreign Affairs and Trade attended a private hearing on the listings.

The committee heard from ASIO that the ESO maintains its capacity to undertake significant terrorist attacks. The ESO has a global reach which has been detected in countries around the world, it has mounted international terrorist attacks and there is no
reason to believe the organisation has relinquished this worldwide capability. In view of this, the committee will not recommend to the parliament that the regulation be disallowed. I commend the report to the Senate.

Question agreed to.

Legal and Constitutional Affairs Committee Additional Information
Senator JOYCE (Queensland) (4.15 pm)—On behalf of the Chair of the Legal and Constitutional Affairs Committee, Senator Barnett, I present additional information received by the committee in its inquiry into the Northern Territory national emergency response bills.

Public Works Committee Reports
Senator JOYCE (Queensland) (4.16 pm)—On behalf of the Parliamentary Standing Committee on Public Works, I present three reports of the committee and move:

That the Senate take note of the reports.

I seek leave to incorporate a tabling statement in Hansard.

Leave granted.

The statement read as follows—

Proposed Fit-out of New Leased Premises for the Department of Health and Ageing at the Woden Town Centre; Royal Malaysian Airforce Base Butterworth, Malaysia - Australian Defence Force Facilities Rationalisation; RAAF Base Pearce Redevelopment Stage 1, Pearce, WA

Mr President,

On behalf of the Parliamentary Standing Committee on Public Works, I present the Committee’s sixth, seventh and eighth Reports of 2007.

The Committee’s sixth Report relates to the fit out of new accommodation in the Woden Town precincts that will bring about a rationalisation of departmental activities into a single office complex.

The Department of Health and Ageing undertook a rationalisation of accommodation in 2005 that collocated most of its activities in the Woden Town Centre centred on Scarborough House. However, a number of departmental functions continue to be performed in other leased buildings in Woden on which the leasing options are due to expire in mid-2009, and on which there are no further renewal options. Further, these older buildings do not offer a suitable standard of accommodation and maintenance costs are escalating.

The Committee was informed during the Inquiry that the department’s long-term strategy is to consolidate its central office functions into two sites in the Woden Centre thereby overcoming the problems of older buildings as well as improving operational effectiveness.

Scarborough House, that was the subject of a fit-out approved by the Committee in 2004, would be retained and a new building constructed and leased by the department for a period of 15 years. This solution would provide the department with the capacity to locate approximately 3,100 personnel into accommodation and overcome the current fragmentation of staff, as well as meeting future organisational change.

The costs of the proposed fit-out is estimated to be $67 million (excluding GST) with occupancy scheduled for 2010.

Mr President, I turn now to the proposed ADF facilities rationalisation at the Royal Malaysian Air Force Base Butterworth in Malaysia.

This project is proposed against the background of Australia’s participation in the Five Power Defence Arrangements that came into force in 1971 as a series of bilateral agreements between Australia, New Zealand, the United Kingdom, Malaysia and Singapore.

The arrangements provide the opportunity for the partners to the arrangements to undertake joint military exercises, develop policies and exchange information on issues affecting regional security in South East Asia.

With the removal of direct threat scenarios to the region, the arrangements have increasingly focussed on other regional issues, including global terrorism, piracy, the protection of exclusive eco-
nomic zones, disaster relief and smuggling of illicit drugs.

Australia’s commitment to the arrangements is outlined in the Government’s White Paper on Defence.

While the basing of Australian aircraft was withdrawn in 1988, RMAF Butterworth routinely supports the deployment of aircraft from the RAAF’s air combat and air lift squadrons, and the Aerospace Operational Group.

Currently there are 241 ADF personnel stationed at RMAF Butterworth. This number escalates to in excess of 500 personnel during exercises.

The purpose of this project is to replace a number of buildings used by the ADF that over time have deteriorated, and to refurbish others, including transit accommodation, mess buildings, vehicle workshops and ancillary facilities. A new sewerage works is proposed to replace the failed system currently on base, together with general repairs and repainting.

The cost of these works is estimated to be $A23.6 million, with work commencing in early 2008 with completion scheduled for the end of 2009.

Finally Mr President, I would like to move on to Report Number 8, RAAF Base Pearce Redevelopment Stage 1.

RAAF Base Pearce, which coincidently is located in my own electorate, has over a number of years expanded in its role and operational importance.

The base supports deployments and transit operations for aircraft of the Surveillance and Response Group, the Air Combat Group and supports a training presence from the Republic of Singapore Air Force.

This project proposes the upgrade of a number of base facilities, and the construction of some new facilities at a total estimated cost of $142.2 million. According to evidence provided by officials of the Department of Defence, many of the buildings on base do not meet the operational requirements of new technologies or the numbers of personnel now based at RAAF Base Pearce. Further, the base infrastructure is in need of major remediation works, including works for the delivery of water.

Mr President, the issue of water is of some importance to this region of Western Australia. The Great Northern Highway corridor within which RAAF Base Pearce is located has been drought-prone for the last few years imposing real constraints over access to water.

While the Committee is satisfied that Defence is aware of the difficulties that are being experienced by local communities and are assessing ways to minimise the impact of the proposed development on the local infrastructure, there are nevertheless some ongoing concerns that the increase in personnel will impact on available water resources, and the overall sustainability of the base.

This issue was the subject of extensive Committee inquiry during the hearing it conducted on this project. The department informed the Committee that a number of initiatives are proposed relating to water storage that it hopes will reduce the demands of RAAF Base Pearce on the existing water infrastructure provided by the Western Australian Water Corporation.

That notwithstanding, the Committee has recommended in its report that Defence maintain the consultative process with all stakeholders on the vexed question of water, including local government agencies, state government instrumentalities and the local community in the interests of “good citizenship”.

In concluding Mr President, I would like to thank all those who contributed to these inquiries, including my fellow Committee members, officials of the Department of Health and Ageing, and the Department of Defence, and for the assistance of the Committee Secretariat.

Mr President, I commend the Reports to the Senate.

Senator LUNDY (Australian Capital Territory) (4.16 pm)—I wish to speak to this motion with particular reference to report No. 6 of 2007, relating to the fit-out of new leased premises for the Department of Health and Ageing at Woden Town Centre. It raises the general question of Commonwealth expenditure on fit-out, refurbishment and upgrading of Canberra buildings for the pur-
pose of housing Commonwealth departments and agencies here in Canberra.

I would like to refer to an article in the Canberra Times dated yesterday—‘AFP dumps new $70m HQ’—because it shows what little care the Howard government is applying to its decision making regarding investment in new and refurbished buildings to house Commonwealth agencies and departments. This story is quite extraordinary because it shows that $50 million has already been spent on this particular project relating to the AFP, which started in 2004, to renovate the Anzac Park West building beside Lake Burley Griffin. Even though the project is still in continuation, it has since been found that it is not going to be suitable for the AFP.

The AFP College in Barton was also renovated by the Australian Federal Police, at a cost of some $10 million to $13 million. That asset was then sold by the Department of Finance and Administration in 1999, for $9 million. It has since been resold for $20 million, with the Police still holding the lease. They will be renting for another five years. This latest bungle with the AFP headquarters and the previous issue with the AFP College in Barton show that there is a great deal of irresponsible attention being paid to these matters in Canberra.

I would also like to use this opportunity to refer to the Centrelink bungle in Tuggeranong—the new building there being too small for the numbers that the Commonwealth is contemplating for it. There is now an intention on behalf of the Commonwealth, as I understand, to extend the Centrelink building. There is another example: AusAID’s new building in London Circuit was cited some time ago now as being inadequate for the fast-expanding workforce of AusAID. All of this paints a very dismal picture of the capacity of Senator Minchin and the Department of Finance and Administration to do appropriate forward planning.

How is it that we get to a situation here in the ACT, the home of many Commonwealth departments and agencies, where this government appears incapable of foreshadowing the size and scope of buildings to house these agencies? Are things changing so rapidly with their decisions to employ more public servants that they are not able to forward plan properly? I suspect it is another sign of hubris in the Howard government and policy on the run, where you have multimillion-dollar decisions being made about these capital investments in buildings and refurbishments that do not match up with the needs of specific agencies and departments. It shows a level of incompetence that is unsurpassed in previous developments.

The other issue I would like to make a point about is that in the past few years we have seen quite a lot of tension between the ACT planning authorities—the National Capital Authority and the ACT Planning and Land Authority. One of the problems is the Commonwealth’s decision making about the location of refurbished and new Commonwealth offices having an impact on the overall plan for the ACT. The case that I would like to raise is the failure of the Howard government to actively contemplate locating any Commonwealth offices or buildings in the new town centre of Gungahlin. I say ‘new’ because, relative to other town centres, it is new. It is in fact not new. Gungahlin has been there for a decade, and people are yet to see any major Commonwealth investment in that area. Why is that important? It is about our town centres and at least some of the people living in those town centres having proximity to their employment.

All of these decisions of the Commonwealth about where they locate buildings—the vast majority of them have been in the
central precinct; some of them have been in the airport precinct—have contributed significantly to problems with traffic and parking in the ACT. You can talk to just about anyone in Canberra about some of the choking up that is occurring, particularly coming out of Gungahlin in the morning—a problem exacerbated by the NCA’s decision to interfere with the Gungahlin Drive extension—but also around the airport, an issue we are very familiar with here in Parliament House. I know many of my parliamentary colleagues experience the frustration and delay of choking around that area because of significant growth in office development.

All of these Commonwealth decisions impact on ACT planning matters and yet the Commonwealth not only fail to consult, liaise and come to some sort of consensus with the ACT planning authorities about these matters but still cannot get it right when it comes to their internal planning of the location of these offices and the services that they provide to the departments.

Let me conclude my speech on this point. The ACT is home to a great number of Commonwealth public servants and most of them are very proud of their work. They do their work diligently on behalf of the Australian public and it is very frustrating, I am sure, for them to have to experience this kind of bungle on a regular basis. I can imagine that it would be extremely demoralising for many of the Commonwealth public servants who see mishandling by the Department of Finance in relation to very basic things like their accommodation and office space. My empathy lies with them. We are very proud of our Commonwealth public servants here in Canberra and I imagine that this kind of debacle does not put them in a particularly good frame of mind. It certainly does not help the management of the agency.

The bottom line is that with bungle after bungle like this we are seeing a government that is starting to fall apart at the seams when it comes to even the most basic and practical decision-making processes. The poor planning and lack of management from Senator Minchin means that many of these departments are growing at such a pace that they cannot fit into their current accommodation. Whilst that is good news for the local building industry and construction companies here, it does not do us any justice, it does not do the Commonwealth Public Service any justice and it does not reflect in any way positively on the Howard government that they are so slack and deficient in the management of these refurbishments. It also shows a contempt for the fact that Canberra is home to many Commonwealth public servants. We deserve a better planned vision and better strategic planning on behalf of all spheres of government. In this case it is the federal government that has let everybody down.

Question agreed to.

**APEC PUBLIC HOLIDAY BILL 2007**

**First Reading**

Bill received from the House of Representatives.

**Senator COLBECK** (Tasmania—Parliamentary Secretary to the Minister for Finance and Administration) (4.26 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 COLBECK** (Tasmania—Parliamentary Secretary to the Minister for Finance and Administration) (4.26 pm)—I table a revised explanatory memorandum relating to the bill and move:
That this bill be now read a second time.

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

Leave granted.

The speech read as follows—

The Bill ensures that all employees in the federal workplace relations system to whom the APEC public holiday applies will receive the same public holiday entitlements under their industrial instrument on that day as they would for any other public holiday.

This is necessary because some industrial instruments do not recognise local public holidays.

This public holiday is necessary to facilitate the holding of the Asia-Pacific Economic Cooperation meetings that will be hosted in Sydney over the week of 2-9 September 2007. The APEC Economic Leaders Meeting is one of the most important annual meetings of world leaders.

In order to allow for the smooth running of the event, the New South Wales Government has declared a one-off APEC public holiday for the Sydney metropolitan area for Friday 7 September 2007. Currently, while most federal system employees to whom the APEC public holiday applies will receive public holiday entitlements, some of these employees may not have an entitlement to this special one-off holiday.

This Bill proposes to ensure that all employees covered by federal industrial instruments receive public holiday entitlements for the APEC public holiday. The public holiday will have effect in relation to workplaces within specified local government areas of metropolitan Sydney, not on the basis of a person’s place of residence within those areas.

It will remove any doubt that employees working in the local government areas in which the APEC public holiday is to be observed will receive the same entitlements for the APEC holiday as for other public holidays under their industrial instrument.

Ordered that the resumption of the debate be made an order of the day for a later hour.
the Classification Act, but that requires the States’ and Territories’ agreement.

As the classification scheme is a co-operative national scheme the State and Territory Censorship Ministers and I must agree to the provisions of the Code and guidelines.

I first sought State and Territory agreement to changes to classification laws in July 2006. To date, they have been reluctant to respond positively to my proposals. I am not prepared to wait indefinitely to address this problem.

Following public consultation on a Discussion Paper, I recently wrote to Censorship Ministers seeking their agreement to amend the Code and guidelines to require the Classification Board to refuse classification of material that advocates terrorist acts.

I am hopeful that my State and Territory colleagues will agree to these amendments at the Standing Committee of Attorneys-General meeting in July. If they do, the amendments in this Bill will not be needed.

If States and Territories do not agree in July, we must be in a position to ensure that material that advocates the doing of terrorist acts is not legally available in Australia. This Bill ensures that this can be done expeditiously through an amendment to the Classification Act.

The Bill introduces the same provisions as the proposed amendments to the Code and guidelines. It requires the Classification Board to refuse classification of material that advocates terrorist acts. The provisions take into account submissions received following public consultation on the Discussion Paper. The submissions were carefully considered and, consequently, the proposal has been refined, so that the new provisions will operate effectively against unacceptable material but will not impinge on freedom of speech or mainstream popular culture.

The requirement in this Bill for material to be classified as ‘Refused Classification’ is not intended to restrict the genuine and legitimate exercise of freedom of speech or to prevent filmmakers, authors or publishers from dealing with contentious subject matter in an informative, educational, entertaining, ironical or controversial way.

As the Bill clearly sets out, where the treatment of a terrorist act could reasonably be considered to be done merely as part of public discussion or debate or as entertainment or satire, it is not to be refused classification.

This protects material such as investigative journalists’ work, historical analyses, material that might appear to glorify war or battle (including ‘factional’ or fictional accounts of war, insurgency or resistance), satirical pieces, and popular culture movies.

On the other hand, material which goes further and advocates the doing of terrorist acts, for example by directly praising terrorist acts in circumstances where this runs the risk of inspiring someone to commit a terrorist act, would and should be required to be classified Refused Classification.

Striking the right balance is important. Freedom of expression is an important part of our society’s values. However, there is another right which must be protected—the right to be protected from the pernicious influence of material that advocates the naïve and impressionable to go out and commit terrorist acts against other human beings.

The Bill adopts the meanings of ‘advocate’ and ‘terrorist acts’ from the Criminal Code Act 1995 by adaptation of language or direct reference. It is intended that the meanings of these terms in the Classification Act remain consistent with their meaning in the Criminal Code.

‘Advocate’ covers direct or indirect advocacy, in the form of counselling, urging or providing instruction on the doing of a terrorist act. It also covers direct praise of a terrorist act where there is a risk that such praise might lead a person (regardless of his or her age or any mental impairment) to engage in a terrorist act.

However, the advocacy would need to be about doing a terrorist act, not merely expressing generalised support of a cause.

The term ‘terrorist act’ is given the same meaning as in section 100.1 of the Criminal Code. Any amendments made to that section will automatically apply to the definition of ‘terrorist act’ for the purposes of the Classification Act.

‘Terrorist act’ is tightly defined. The action or threat must be made with the intention of advanc-
ing a political, religious or ideological cause and coercing or intimidating an Australian or foreign government or the public. It includes actions or threats involving serious harm to people, damage to property, endangerment of life, serious risk to the public’s health or safety, or seriously interfering with an electronic system including telecommunications, financial and essential government services systems, essential public utilities and transport providers.

Action which is advocacy, protest, dissent or industrial action, not intended to cause serious harm, death, endangerment of life, or serious risk to the health or safety of the public, is expressly excluded from being a ‘terrorist act’.

This Bill will improve the ability of our laws to prevent the circulation of material which advocates the doing of terrorist acts. Classification laws need to be better able to ensure that such material is not available in Australia.

Whether that happens through amendments to the National Classification Code and guidelines with the agreement of the States and Territories or through amendments to the Classification Act that I introduce today is not yet clear.

Ordered that further consideration of the second reading of this bill be adjourned to the first sitting day of the next period of sittings, in accordance with standing order 111.

WATER BILL 2007
WATER (CONSEQUENTIAL AMENDMENTS) BILL 2007

First Reading

Bills received from the House of Representatives.

Senator COLBECK (Tasmania—Parliamentary Secretary to the Minister for Finance and Administration) (4.28 pm)—I move:

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

Question agreed to.

Bills read a first time.

Second Reading

Senator COLBECK (Tasmania—Parliamentary Secretary to the Minister for Finance and Administration) (4.28 pm)—I table a revised explanatory memorandum relating to the Water Bill 2007 and move:

That these bills be now read a second time.

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

Leave granted.

The speeches read as follows—

WATER BILL 2007

For more than a century our greatest system of rivers and aquifers, the Murray-Darling Basin, has been managed between four States each of which has had competing interests with the others.

Federal management of the Murray River was called for in the 1890s, but the vested interests of the States prevailed. Over the years different forms of collaborative management have been undertaken, but neglected infrastructure, over allocation and diversion caps routinely ignored testify to the need for a different approach.

In 1886 Alfred Deakin, then the Chief Secretary in the Victorian Government, introduced innovative and in the minds of many radical reforms to water management in that State.

He introduced the changes with these words:

The present proposals of the Government, however large they may appear at first sight, are after all, only the necessary consequence of what has gone before...

These words bear repeating today. The reforms set out in this Bill are the most far reaching in the history of water management in Australia. But they are indeed a necessary consequence of our recognition of the great challenges facing Australia’s environment and the farmers and communities that depend on it.

Our scientists tell us that we can expect throughout Southern Australia a hotter and drier future. We must learn to do more with less water, we
must make every drop count and to do that, we need a new approach where our greatest system of waters is managed in the national interest. The Water Bill delivers the key proposals outlined in the National Plan for Water Security, announced by the Prime Minister on January 25, 2007. The Plan addresses modernising irrigation and the overallocation and overuse of water resources in the Murray-Darling Basin. It is supported by the $10 billion national investment programme announced as part of the Plan.

The Water Bill and the National Plan build on the 2004 National Water Initiative, signed by all governments. The key objectives of the National Water Initiative are to improve the efficiency of water use and establish clear pathways to return all water sources to environmentally sustainable levels of extraction. These are the objectives of the Water Bill and the National Plan for Water Security.

Central to the National Plan for Water Security is to place the Murray-Darling Basin on a sustainable footing. The Basin is of national significance economically, socially and environmentally. It spans Queensland, New South Wales, Victoria, South Australia and the Australian Capital Territory, covering an area of one million square kilometres, or 14 per cent of Australia. The Basin is home to over two million people. A further one million people outside the Basin rely on its water. The Murray-Darling Basin Commission estimates that the Basin generates annual agricultural produce worth $10 billion.

The current governance framework for the Murray-Darling Basin was designed almost 100 years ago. In 1915, New South Wales, Victoria and South Australia signed the River Murray Waters Agreement, and established the River Murray Commission, which later became the Murray-Darling Basin Commission. The governance model requires the agreement of all Basin jurisdictions before anything can be done by the Commission. Thus, the core arrangements for decision-making about Basin water management have remained largely unchanged to this day. In the 1920’s, 2,000 gigalitres were extracted from the Basin each year. Annual water use now often exceeds 10,000 gigalitres – a five-fold increase in water use.

While this increase in water use has underpinned massive agricultural development in the Basin, it has also been the cause of a marked decline in the Basin’s environmental health. In 2001, an assessment for the Murray-Darling Basin Commission found that more than 95 per cent of the river length examined was in a degraded environmental condition. There has been a reduction in the areas of healthy wetland, native fish numbers have declined, salinity levels have risen and algal blooms have increased in frequency. Put simply, with more water being extracted, there is less water to flow through the system to maintain the Basin’s natural balance and ecosystems.

There is increasing evidence that the water resources of a number of catchments and aquifers within the Murray-Darling Basin are seriously over-allocated and over-used. Exacerbating this problem is the realisation that water flow into the Basin is declining – the CSIRO estimates that by 2020 average annual flows could decline by about 15 per cent due to climate change, recovery from bushfire, increased groundwater use and the expansion of farm dams and forest plantations. These changes to water availability are eroding the security of water entitlements, making it harder for irrigators to earn a reliable income.

The volume of water extraction in the Basin today, combined with record low inflows and the threat of climate change, were not envisaged at the time the River Murray Waters Agreement was signed. The lowest-common denominator governance model established almost a century ago cannot address today’s problems in the Basin. Reform is needed to ensure a governance model that is responsive to the current and future challenges facing water management in the Basin. Reform is needed to ensure the viability of the Basin’s water dependent industries, to ensure healthy and vibrant communities and to ensure the sustainability of the Basin’s natural environment.

The Bill draws heavily on the comprehensive Water Bill that had been negotiated with most states over the past five months. The new Bill reflects these negotiations in relation to the parts of the comprehensive Bill for which the Commonwealth has constitutional power. Thus, a referral of powers from the States is not required for
this Bill, as was proposed for the comprehensive Water Bill.

This Water Bill relies on a range of powers which are provided to the Commonwealth under the Constitution. These comprise powers in relation to external affairs, interstate trade and commerce, corporations and powers to collect information and statistics.

While the Commonwealth is using these Commonwealth constitutional powers to implement the Plan in the absence of cooperation from the Victorian Labor Government, the Australian Government remains committed to cooperating with the States to improve water planning and management in the Murray-Darling Basin.

As already noted, the Bill relies in part on the external affairs power of the Constitution. The Commonwealth is committed to the implementation of international agreements such as the Convention on Biological Diversity and the Ramsar Convention on Wetlands. The Bill will greatly enhance the Government’s capacity to give effect to these agreements and achieve environmental outcomes in the Basin.

The Water Bill establishes the Murray-Darling Basin Authority. For the first time in the Basin’s history, one Basin-wide institution will be responsible for planning the Basin’s water resources—requiring planning decisions to be made in the interests of the Basin as a whole and not along state lines.

The Murray-Darling Basin Authority will be an expert, independent body which will report to the Commonwealth Minister for the Environment and Water Resources. Its primary responsibility is the preparation of the Basin Plan. Once the Bill is enacted, the Commonwealth will move quickly to establish the Authority. The Chair and CEO of the Authority will be appointed on a full-time basis, while the remaining four members will be appointed on a part-time basis.

The central element of the Basin Plan will be the introduction of a sustainable and integrated cap on groundwater and surface water diversions. The Basin Plan will set limits on the quantity of water that may be taken from the Basin’s water resources as a whole, and from particular water resource plan areas. The cap will be enforceable by the Authority.

The Basin Plan will be informed by the CSIRO Sustainable Yields project and detailed socio-economic analysis. In formulating the Basin Plan, the Authority must conduct public consultation processes and make available the information used to develop the Basin Plan. These consultations will be important to the Authority’s considerations in setting the cap. The first Basin Plan will be made within two years of the Authority being established.

The allocation of responsibility for any reductions in water availability between the Commonwealth and the States agreed under the National Water Initiative will remain. I assure Victorian irrigators that the Commonwealth will meet its share of the risk in Victoria, as it will in other jurisdictions, as set out in the National Water Initiative.

The Bill also codifies the provisions of the National Water Initiative whereby the Commonwealth agrees to take on its share, together with the State Governments, of the liabilities for future reductions in water availability. An example of a liability would be changes in Government policy, such as imposing a new environmental objective. The taxation implications of the risk management scheme will be addressed in its detailed design, and the Government is committed to fully consulting the irrigation sector in this regard. Subject to all Basin States signing the Intergovernmental Agreement, the Commonwealth would also assume the liabilities of Basin States under the National Water Initiative, in relation to changes in knowledge.

Let me reiterate the Commonwealth’s commitment—clearly stated in the Bill—that we will not compulsorily acquire water entitlements. Entitlements will only be purchased from willing sellers.

The Authority will exercise its functions in a consultative manner. Central to this consultative role is the formation of the Basin Community Committee under this Bill. At least eight members of the Committee shall be persons who either are or represent water users.

The Authority will also be responsible for advising the Minister on the accreditation of state wa-
ter resource plans for consistency and compliance with the Basin Plan. To ensure a smooth transition for water users in the Basin, the Bill will honour existing state water plans—including any subsidiary instruments such as Resource Operation Plans in Queensland—for the life of those plans.

This legislation will not impact on the security of entitlements. It will not affect state water shares under the Murray—Darling Basin Agreement.

A Commonwealth Environmental Water Holder will be established. Water recovered through the roll-out of the irrigation efficiency programme and the structural adjustment programme of the National Plan will be used for environmental water purposes across Australia. The Commonwealth Environmental Water Holder will be required to ensure that this water is delivered to achieve environmental watering objectives. This would include environmental watering objectives for icon sites currently being pursued under the Living Murray Initiative, in particular provision of additional water to the Coorong and Murray Mouth. The Basin Plan will also include an environmental watering plan, and a water quality and salinity management plan to coordinate the delivery of environmental outcomes across the Basin.

This Bill establishes a new role for the Australian Competition and Consumer Commission (ACCC). The ACCC will monitor and enforce water charge and market rules in the Basin. The rules will reflect the water charging and trading principles in the National Water Initiative, ensuring that the water market in the Basin works efficiently and that there are no inappropriate barriers to trade. The Minister will make the water charge and market rules under Part 4 of the Bill having regard to advice from the ACCC and following consultation with affected parties. The rules can provide the ACCC with the ability to determine bulk water charges under the water charge rules.

The Murray-Darling Basin Authority will be able to charge fees for the services provided in performing its functions and these fees will be subject to the water charge rules set by the Minister. The Authority will only be able to charge fees for services it provides, and will not be able to charge fees that duplicate those already raised by states or in relation to the Murray-Darling Basin Commission. Further, the Authority may not charge certain fees unless the ACCC has advised that such a fee is reasonable.

Under Part 7 of the Bill, the Bureau of Meteorology will collect up-to-date, accurate and comprehensive information on water use and availability across Australia. This will be a critical input to the Basin Plan. In collecting this information, the Bureau will consult with industries, such as hydroelectricity providers, on how to ensure appropriate commercial confidentiality is preserved.

Further, the Bill also provides for the metering of stock and domestic water use under the Basin Plan. As I have previously done in this place, let me confirm that there is no intention to require metering of stock and domestic bores, except in special circumstances where a groundwater system is under stress or where there are local disputes about water sharing. Those circumstances are canvassed in the National Water Initiative.

Better metering and monitoring of water, of course, is a vital element in the National Plan and essential for sustainable and informed management of our water and, in particular, our groundwater resources. In the rare cases where metering of stock and domestic bores is warranted, the cost should not be borne by the landholder other than with his or her agreement.

The Water Bill 2007 contains enforcement mechanisms to support compliance with its provisions. These include injunctions, enforceable undertakings, civil penalties and enforcement notices. These mechanisms are intended to ensure desired outcomes are achieved.

The co-operation of Basin States remains an integral element of this reform and its effective implementation. The Basin States will continue to have a major water management role. The water
entitlement regime will continue to be defined and managed under state legislation. The Basin Plan and the new cap on extractions will take effect through water resource plans made by the Basin States. State water agencies will continue to manage storages, river flows and water deliveries.

The Murray-Darling Basin Commission and the MDB Agreement will continue to operate for the time being. The Bill provides that the Murray-Darling Basin Commission must not act in a manner which is inconsistent with the Basin Plan. The Commission will continue to run River Murray Water and its major storages, coordinate the management of salinity interception works, and perform a range of natural resource management activities including the Living Murray Initiative.

The Commonwealth objective remains a comprehensive Commonwealth water law. To that end, the Commonwealth will seek to negotiate an Intergovernmental Agreement on Water with the Basin States, under which they will refer their powers to underpin such comprehensive legislation within 12 months of signing. The Commonwealth Government would then proceed with the remaining elements of the comprehensive Water Bill, including directions on flows, managing shared river control works in the Basin and making available water determinations for shared water resources.

The Commonwealth Government will proceed immediately to roll out the programmes announced under the National Plan for Water Security. These programmes include $3 billion to address over-allocation and overuse of the Basin water resources either by buying out or helping to relocate unviable or inefficient irrigators. $1.6 billion for on-farm investments in irrigation efficiency and $70 million for hotspot assessments as part of the Improving System Delivery Efficiency programme. $617 million will be provided for more accurate metering and monitoring, including upgrading bulk off-take and on-farm metering. $450 million in investment will be provided for water information.

As the Prime Minister announced on 30 July 2007, funding of up to a further $3.55 billion for the improvement of off-farm delivery system efficiency, river operations and storages programmes will be available to each state as they sign the IGA.

It must be noted that the Commonwealth is only proceeding with the implementation of this Plan on the basis of its own constitutional powers because the Victorian Labor State Government refused to cooperate with the referral of powers sought by the Commonwealth.

NSW, South Australia and Queensland have agreed to refer their powers, but the Victorian Government has refused to do so, seeking instead special treatment, with Victoria-specific arrangements. Victoria’s proposal would perpetuate a fragmented management system for the Murray-Darling and undermine the co-operative basin-wide approach the Plan seeks to achieve. This is unacceptable to the Commonwealth.

That is why we are pursuing the reforms through this legislation now before the Parliament.

This Water Bill is the first water reform programme introduced into this Parliament in 106 years. This is a nation-building Bill, not only for this generation but also for generations to come. It will ensure the sustainability of one of our great natural assets. It will underpin our nation’s water resources and secure the future for the industries, communities and environments that rely on them.

WATER (CONSEQUENTIAL AMENDMENTS) BILL 2007

The Water (Consequential Amendments) Bill deals with consequential matters in connection to the Water Bill, which I have spoken on previously.

This Bill makes minor amendments to the Meteorology Act 1955, the National Water Commission Act 2004 and the Trade Practices Act 1974 which are required as a result of the measures contained in the Water Bill.

The amendments to the Meteorology Act 1955 will enable the Bureau of Meteorology to take on functions under the Water Bill, including to report on water use and availability and to forecast future water availability.
The amendment to the National Water Commission Act 1994 will enable the National Water Commission to carry out its auditing role established under the Water Bill.

The amendments to the Trade Practices Act 1974 are required to enable the Australian Competition and Consumer Commission to use its general power of delegation in relation to its new functions under the Water Bill in the making and implementation of water charge and market rules in the Murray-Darling Basin, and to use its power to obtain information in section 155 of the Trade Practices Act 1974 in relation to its new water functions.

Debate (on motion by Senator Colbeck) adjourned.

Ordered that the resumption of the debate be made an order of the day for a later hour.

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

In Committee

Consideration resumed.

NORTHERN TERRITORY NATIONAL EMERGENCY RESPONSE BILL 2007

The TEMPORARY CHAIRMAN (Senator Forshaw)—The committee is considering the Northern Territory National Emergency Response Bill 2007 and amendment (4) on sheet 5340 revised and moved by Senator Bartlett.

Senator CHRIS EVANS (Western Australia—Leader of the Opposition in the Senate) (4.30 pm)—When the debate was adjourned, I indicated that Labor was not inclined to support Democrat amendment (4) which relates to establishing, effectively, an Indigenous consultative land council. It seemed to me that the amendment would put a barrier in front of Indigenous people who owned their land to negotiate leases beyond the arrangement set out in this bill. The amendment would act as a barrier to their choosing what they wanted to do with their property rights, which are not encumbered by this bill. It also seemed to me that the amendment was not actually helpful to Senator Bartlett’s and the Democrats’ general objectives. It puts in another committee, which includes representatives of the federal and Northern Territory governments, that has to be consulted before the owners of the property right have a right to exercise their right to enter into lease arrangements over their land. That does not make a terrible amount of sense. I might have missed something but it seems to me that it does not improve the bill at all; in fact, it only adds to the confusion and seeks to limit the rights of Indigenous owners in a way that acts against their interests while the Commonwealth holds the five-year lease. So Labor is not inclined to support it.

Senator SCULLION (Northern Territory—Minister for Community Services) (4.32 pm)—I would like to commend Senator Evans on his contribution. It encapsulates the reasons that the government will not be supporting this amendment either. It is very clear that, according to our convention, we would not support amendments that are unnecessary. Australian Democrats amendment
(4), which would establish a new body that would have to be consulted in relation to township leases, would only serve to create another unnecessary level of red tape. I support Senator Evans’s point about process, that it is inappropriate to have a whole new level of people from outside that would deal with issues that, fundamentally, should be decided on by the land councils, the land-owners.

I also note that section 19A of the Aboriginal Land Rights (Northern Territory) Act already sets out comprehensive procedures that must be followed when a township lease may be granted. Township leases can be granted only at the direction of land councils and with the consent of a minister. Most importantly, a land council must be satisfied that adequate consultation has taken place and that the traditional owners understand the nature of the lease and the nature of the agreement prior to their consent. Also, other people in the community who may be affected by the township lease have to be consulted and the terms and conditions of the township lease have to be reasonable. That has already been encapsulated within section 19A of the Aboriginal land rights act. For this reason, we think that it is an unnecessary amendment. As I said, we will not be supporting it on that basis.

I am getting to a question, Senator Scullion. As the days in this debate roll on about improving lives of people in Indigenous communities, I notice that the object of this act does not mention the words ‘child’ or ‘children’ at all. I notice that in your opening presentations in the debate on these proposed amendments, a lot of emphasis was put on the Pat Anderson and Rex Wild report. I do want you to know, as minister representing Minister Brough in this chamber, that I vehemently tried to negotiate very hard with Guy Barnett, the Chair of the Senate Standing Committee on Legal and Constitutional Affairs, that we hear from the authors of that report in last week’s Senate inquiry, but the government members, of course, did not allow those people to be witnesses before the Senate committee. It makes me wonder how genuine this government is about focusing its efforts on children and on empowering communities.

I want to take this opportunity to mention references in a speech that was given on Tuesday night by Senator Heffernan. When I sit down from this deliberation, I want to ask whether or not this government has gone through the contribution of government members in this chamber and, either publicly or privately, sought to correct the record about their inaccuracies and their gross mis-representation of Indigenous people in the Territory. In his contribution on Tuesday night to the debate on the second reading amendments, Senator Heffernan made accusations about the people at Yuendumu and the Mt Theo program. I am not going to insult my constituents in those communities by repeating what he said, but it is there in the Hansard record, as stated at about five o’clock on Tuesday night.

I want an opportunity to read into Hansard this afternoon this response from the people of Mt Theo, given that tomorrow is an extremely significant day for the people in
those communities. Those people who run the Mt Theo sniffing program, Peggy Nam-pijinpa Brown and Johnny Japangardi Miller, along with a non-Indigenous support person, Andrew Stojanovski, will be awarded a Medal of the Order of Australia. On behalf of those people, I want the Australian public to hear a statement I received from the people at Mt Theo-Yuendumu:

The Mt Theo Program (MYSMAC) is deeply saddened by accusations made by Senator Heffernan in Parliament on Tuesday 14th August 2007.

The Senator alleged that one of the managers had been “having sex with all the children” at Mt Theo Outstation during their rehabilitation from petrol sniffing. We are distressed that the Senator would make such damming unsubstantiated comments stated as fact under Parliamentary privilege. Mt Theo categorically denies this allegation.

It is even more offensive in the light of the fact that on Thursday 16th August Mt Theo founders—the three people I have just named—will receive the highest honour conferred on Australian citizens, the Order of Australia Medal, for their work with young petrol sniffers through the Mt Theo Program.

The Mt Theo Program has been repeatedly hailed as an outstanding and unrivalled success in its efforts to fight substance misuse and promote hope and meaning for young Warlpiri youth. Furthermore, we are acknowledged as a model of excellence in community initiated solutions in two recent inquiries...

One inquiry was conducted by the Senate Standing Committee on Community Affairs Committee. Its report, Beyond petrol sniffing: renewing hope for Indigenous communities, was tabled in this Senate in June 2006. The other inquiry produced the Little children are sacred report, which we now know as the Anderson-Wild report. The statement continues:

Our representatives have traveled internationally to represent the Australian Government as an innovative and successful approach to substance misuse.

In June 2006, at the tabling Beyond Petrol Sniffing. Renewing Hope for Indigenous Communities, Senator Heffernan publicly congratulated Mt Theo staff present on their hard work and the success of the Program, and held a subsequent meeting with them where he reiterated his praise for the Program and made no mention of the claims he has now made in Parliament.

We are at a loss to understand why the Senator would not formally raise this grave issue with the Mt Theo Program prior to using Parliamentary privilege in such a defamatory manner. Such a discussion would have saved the Senator the embarrassment of making false accusations of such an inflammatory nature and casting an undeserved cloud over 13 years of extraordinary community commitment to the safety and well-being of young Warlpiri people.

Mt Theo Program calls for an apology from Senator Heffernan.

My question to you, Senator Scullion, is: from this moment forward will we see a change in some of your government members in not assuming and not making false and wild, grossly inaccurate comments about Indigenous people, particularly those people who are running successful programs and have done so for most of their lives? Can we now see a change in attitude so that everybody works cooperatively and on the same program to achieve the same outcome with the passage of this legislation?

Senator SCULLION (Northern Territory—Minister for Community Services) (4.43 pm)—I was not present during the complete contribution by Senator Heffernan; I was here for the latter part of it and it is not appropriate that I comment on that. I respect the fact that you have made assertions here and provided that statement as some sort of assertion to this, and you have asked Senator Heffernan to take some action on it. I think you will respect that I take issue about the remainder of my colleagues. I can under-
stand that you or someone takes an issue with a contribution from Senator Heffernan. I find it very confusing that you immediately pass on some assumption that other people have been making allegations. I am not aware of them, either privately or publicly, and the matters that you raise are well outside the scope of the discussion we are having at the moment. I respect the fact that you brought that to the attention of the Senate, but for me to comment any further would be inappropriate.

Senator CROSSIN (Northern Territory) (4.44 pm) — I have now read the statement that was provided to me by the Mount Yundum Substance Misuse Aboriginal Corporation. I seek leave to table the document that I have just read.

Leave granted.

The TEMPORARY CHAIRMAN (Senator Forshaw) — The question is that the amendment moved by Senator Bartlett be agreed to.

Question negatived.

Senator BARTLETT (Queensland) (4.45 pm) — The Democrats oppose part 5 in the following terms:

(5) Part 5, page 52 (line 1) to page 67 (line 27), TO BE OPPOSED.

This relates to the section of the legislation to do with business management areas. Part 5 of this bill gives the Commonwealth a broad range of powers in communities to unilaterally alter funding arrangements; to direct how services are to be provided; to acquire community assets from service providers; to appoint observers to attend meetings of service providers in communities; to suspend community councils on service related issues, provided funds have been received by the Commonwealth or the Territory.

The Democrats understand why it might appear very convenient to the government to take such wide-ranging and sweeping powers. I am sure it feels very convenient to basically have the power to do whatever you want and to ignore the people at community level whenever you want — indeed, when service providers in communities have meetings, to even be able to appoint observers that those meetings have to allow to attend to observe what is happening in those meetings. I am sure it feels great to have all those powers, but in our view they are not only far beyond any existing powers in relation to communities; they are powers that could — and, I would argue, almost certainly will, in some circumstances at least — result in arbitrary interventions in community affairs, far beyond the stated intent of the legislation.

Concerns have been raised that these powers are ambiguous because the unilateral variation of contracts via legislative authority is against the usual presumption against interference in contracts by the parliament — normally a fairly simple and fundamental matter when it comes to contracts. Triggers for ministerial discretion are ambiguous and indeed could capture services provided by volunteer organisations. The minister could be able, in some circumstances, to summarily acquire assets that were not funded by the Commonwealth. And because of the broad, sweeping and to some extent ambiguous powers — as always happens when you get sweeping powers, there is ambiguity about how they can be applied — there is significant potential for many unintended consequences.

Expressing concerns about this part of the legislation does not mean that the Democrats do not accept that there is a good case, indeed a valid case, for improving the situation
with regard to management of various aspects of communities. But we do not believe that giving such total, sweeping, unilateral powers is necessary, and we do not believe there are sufficient checks and balances in place to oversee how those powers are used and to provide adequate protection against misuse of those powers, whether deliberately or inadvertently. It really comes back to that broader issue of whether or not the Commonwealth actually thinks that it will get everything right all the time. Even the Prime Minister accepts that the government will make mistakes along the way. Again, that is inevitable—that is human nature. But the aim and purpose of the Senate in considering legislation is to minimise the amount of mistakes that are likely to be made along the way, rather than just saying, ‘Oh, well, some will happen; them’s the breaks.’ That is the real concern we have here: they are very broad, very sweeping powers.

Some of the concerns raised in the Alert Digest report from the Scrutiny of Bills Committee, which has been touched on a few times already in this debate, go to issues in this section. A lot of the feedback I have had from Aboriginal people in the Territory in this area is that they believe that there is potential for government to act in a way that will assist in an area that does need improvement, but it really is a matter of how you go about providing that assistance. The continuing inability of the government to provide that assistance and support in such a way that it is done in conjunction with people, instead of coming totally over the top and saying, ‘We’re running the show now; everybody out of the way—even with the meetings you are having, we’re going to appoint an observer to sit in and watch what you’re doing,’ is a completely disempowering model. I believe it is acknowledged even by the government that disempowerment is one of the reasons why there are serious situations here that we need to address.

So the Democrats’ concerns are not purely based on objecting to something on a philosophical basis. Our concerns are based on the fact that we believe these provisions are not likely to be effective, that they are not likely to achieve the goal that the government says they are going to achieve. That, to us, is the core issue. Our philosophical objections, our in-principle objections, are important, and those basic issues of empowerment, of control at community level and of business management within a framework are important principles that we stand by.

I am one who recognises that all principles come in competition with other principles at various times. If you can make a compelling case that the practical consequence of a particular course of action will provide a net benefit, I am willing to consider it. But that case has not been made. The only case has been: ‘We know best.’ Frankly, even without this government’s pretty bad record, where they have shown they do not know best when they have intervened in the past a couple of times, as Senator Evans has pointed out, the nature of governments is such that governments coming along saying, ‘We know best,’ is not something that fills me with a great deal of confidence. But that is basically what this section does. It allows the government to come in and say: ‘We know best. Get out of the way; we are running the show.’ I do not believe that is going to be effective. That is my core concern. Another concern goes to what happens after this phase when the framework of intervention and stabilisation is put forward and is then followed by a rebuilding. If the stabilisation phase involves total disempowerment of business management and community activities, you are going to make the re-empowerment 10 times more difficult.
I do not believe a case has been made as to why the Commonwealth needs to have these sorts of extreme powers. I am not at all surprised that the Commonwealth wants them. It is a natural feature of governments to want to take as much power as possible to themselves—not only in Australia across political parties but also around the world. It does not seem to matter what the initial philosophical approach is of various political parties; as soon as they get a significant amount of power, they seem to like grabbing more and more of it to themselves—always justifying it as being in the public interest, of course. Sometimes it is in the public interest, but the majority of times it is not. That is certainly one of the reasons that I find it all the more curious that any government that professes to have any interest in liberalism would be supporting approaches like this, which are total command and control, total government control, over very fine details of people’s lives.

It is a significant area of the legislation. I would not say it is as compelling a reason to vote against the legislation as the areas to do with taking over the land, but it is another area that does raise significant concerns. It is certainly an area about which a lot of concerns have been raised with me. I would assume that the government are aware of those concerns. I presume they open their ears to all views, not just the views of those who agree with them. It is another area where I believe the case has not been made that giving governments these sorts of powers is justified.

Let me restate the case and the core principle. For a parliament, and particularly for the Senate, which is the house of review, to give a government broad, sweeping powers and to take away power from individual people and give that power and control over their lives to a government in such a sweeping way, the case must be made, and it must be made in a credible way and in an evidence based way with sufficient details—not just on the basis of sweeping assertions and general statements about it being an emergency. I do not have a problem with people treating this as an emergency, but I do have a problem with using that as a catch-all justification for giving a government any amount of power they like—and I think that is the danger here.

Senator SIEWERT (Western Australia) (4.56 pm)—The Greens will be supporting the Democrats amendment. In fact, it is very similar to the one that we have. Ours is broader, opposing a number of parts; whereas the Democrats are opposing some of those parts individually. We find that the breadth of these powers are unacceptable, and I have a series of questions that I would like to ask the minister in order to clarify some of the points. On our reading, some of these proposals are extremely broad, and I am not quite sure of their intent and would like the government to clarify their intent. For example, with respect to the issue around which organisations they apply to, I would like to ask whether they include non-government organisation working in the prescribed areas in the Indigenous communities. Do these apply to all NGOs, including those that are purely voluntary? I would also like to confirm whether or not I understand correctly that services and assets that are included in this provision do not have to be directly funded under this provision. In other words, is it the case that, if you have assets that are funded by government, you are caught up under this provision even though they are not necessarily funded by the specific agreement?

Senator SCULLION (Northern Territory—Minister for Community Services) (4.57 pm)—The intent of this particular piece of the legislation is to deal with a number of the issues that we have seen very
clearly in these communities that add to their dysfunction. That is the basic principle of service delivery. We know that a number of the services that should be being provided are not being provided for a whole suite of reasons. It might be the way that the funding is being released. It might be the way that the funds are spent. It might be about the requirements for reporting about how the funds are spent, depending on the agreement. It might be the nature of the appointment of a particular person to control the funding. It might be the way that assets are acquired and how they are used. They are the fundamental parts of service delivery in communities in a whole suite of agreements.

Whilst Senator Bartlett indicated that there were a number of ways under which these powers could be seen as extreme powers, they are in fact seen by the Commonwealth as reserve powers. As we have indicated, these powers would be used only where negotiations to introduce these changes have in fact been unsuccessful. We have not just delegated these powers to officer level. These powers will be held at a very senior level of the Australian Public Service or solely by the minister. It is interesting to note that these powers will not actually apply to the Northern Territory shire councils, the town camps or outstations. In other words, they will apply to those areas that have been prescribed under the act.

A sunset clause applies to these powers—the same sunset clause that goes to the provision of the five-year lease. These powers would lapse at the same time the five-year lease does. We would hope that, by the end of the five-year period, the level of amenity in terms of infrastructure and the delivery of services that every Australian would take for granted has in fact been delivered. So it is important to note that these powers would lapse and, in fact, are limited to a five-year period.

The notion of this particular aspect of the legislation is that there will be a range of governance related powers that will ensure we have the necessary authority to implement the full scope of the improvements we intend to provide to these communities. As I have said, the scope of these powers is broad enough to cover the nature of service delivery in the communities, which—as honourable senators would be aware—is extremely broad. I cannot stress enough that this is in the event of a failure to provide a satisfactory outcome from negotiations. As part of our negotiations, we will be insisting that services delivered in these communities are delivered to an acceptable standard and in an acceptable way so that occupants in the prescribed communities will be getting a level of amenity that is satisfactory in terms of a benchmark with the rest of Australia. I think this level of amenity is parallel to the infrastructure amenities—of housing, behaviour and the shield of law and order—that we take for granted in so many other areas of Australia. I am not sure whether I have completely answered Senator Bartlett’s questions, but I hope I have contributed to his understanding of these issues.

Progress reported.

FIRST SPEECH

The PRESIDENT—Before I call Senator Cormann, I remind honourable senators that this is his first speech. I therefore ask that the usual courtesies be extended to him.

Senator CORMANN (Western Australia) (5.02 pm)—Thank you, Mr President. Congratulations on your election as our President and thank you for the advice and wisdom you have shared with me in the short time we sat together in this chamber. My very best wishes go to your distinguished predecessor and his family. I have very much appreciated Senator Calvert’s generosity towards me as a new senator.
I would also like to pay tribute to my predecessor, former Senator Ian Campbell. Ian became a great friend very soon after my arrival in Western Australia. Working with Ian in the Western Australian Liberal Party over many years, I have always admired his passion and his directness in standing up for what he believes in. Before he announced his decision to resign, I was in fact looking forward to serving alongside him as part of the Senate team from Western Australia. I am conscious that I have some big shoes to fill and I wish him and his family all the very best for their future.

Mr President, serving the people of Western Australia and the Liberal cause as a senator for Western Australia is a tremendous honour and privilege. Joining all of my now ‘fellow’ senators, many of whom I have observed over the years putting their heart and soul into making Australia a better place, is a truly humbling experience indeed. I am grateful to the Liberal Party in Western Australia for having put their trust in me. My commitment in return is to give it my best—to make a positive contribution, representing the Liberal cause and the people of Western Australia.

Let me pause here for a moment because by now I suspect senators have noticed—yes, a slight accent. The rumours are true: I was not born here. I chose a life in Australia very shortly after finishing my studies. Like many Australians, I am a migrant to this country. Australia is a great country and Western Australia is a great state, and I am proud to have become an Australian citizen.

As an Australian, I am proud to say to my fellow migrants: this is a country where, if you put your shoulder to the wheel, work hard, embrace the people and values and become an integral part of the community—in short, if you have a go—there is no limit to what you can achieve in your chosen field of endeavour. We all come to this place with a commitment to make a positive difference. Other than our energy and our enthusiasm, we bring to the table our background, our experiences and our values.

I was born in Belgium nearly 37 years ago. As a child, I grew up in Raeren, a village right near the Belgian-German border. My parents and my sisters and their families still live in the region I left behind when moving to Australia. They are watching us today on the live broadcast over the internet. Hello, Mama, Papa, Anita, Christel and Veronica.

Something my friends in Perth always find quite intriguing is that I was taught at primary school in German and at high school first in German and then in French, before spending two years at university in French and three years at university in Flemish—all of that in Belgium, a country less than half the size of Tasmania and with about half the population of Australia. In fact, it was not until I was 23, participating in a one-year student exchange program at the University of East Anglia in Norwich, that I actually first learnt how to speak English. The many weeks and months spent communicating with people through a dictionary continue to be an entertaining memory.

History, of course, has brought Belgium and Australia together in the most tragic of circumstances, when thousands of Australians lost their lives and many more were wounded in the Third Battle of Ypres towards the end of the First World War. The good people of Ypres in Belgium continue to this day to mark the courage, the sacrifice and the bravery of the Australian soldiers on their shores. Every night the traffic around the Menin Gate is stopped, while the Last Post is sounded beneath the gate by the local fire brigade.
Belgium, like Australia, is a constitutional monarchy, a system of government I wholeheartedly support. Belgium, like Australia, has enshrined in its constitution a federal system of government. Today, as a senator for Western Australia, I come to this place with a clear focus on our national aspirations and a commitment to our national interest; however, I also come to this place with a strong and dedicated commitment to representing the best interests of the great state of Western Australia and its people. I am a committed federalist. Much has been said in recent times about the evolution of our federal system of government in Australia. The reality is that no system of government remains static. I support the proposition that federalism in 2007 is necessarily different from the way federalism was understood and practised in 1901. Federalism in 2107 will in all likelihood be different again. Times change. The challenges and opportunities we face as a people change, and our various institutions necessarily have to evolve to respond to those changing needs. In that sense, federalism for me is not just about states rights; it is first and foremost about people’s rights. An effective federal system of government helps ensure that governments remain close to the people. It encourages the decentralised development of our very large country, allowing for unique and innovative ways for tackling social, economic and political challenges and it provides for important checks and balances on government power.

From a Western Australian point of view, it is true to say that we get nervous when people talk about centralisation of government power. The reason for that is that we know that much of government decision making is about prioritising the allocation of limited resources to unlimited demand. We know that at different times on some issues the needs and aspirations in different parts of Australia, though all legitimate from their respective points of view, will from time to time be different. In the face of that ultimate power in politics, the power of numbers, Western Australians understandably take great comfort from the checks and balances offered by federation. Over the coming decades as a nation, as a federation of states, let us ensure that we get the balance right. Let us ensure that we take into account both the requirements of the 21st century in a global world and the legitimate aspirations of people and states in all parts of Australia to representation that is responsive to their local and regional needs.

Mr President, we live in the greatest country at the greatest time in human history. Our challenge is indeed to make our great country even better, not just to sustain our current growth but to expand it further. In seeking to help meet that challenge, I support the principles of free enterprise, individual freedom, personal responsibility, reward for effort, low taxation, less regulation and incentives for people to stretch themselves and to reach their full potential. These are universal political values and principles which in countries around the world have proven to deliver better outcomes for people, their families and the community. Good government based on those values and principles will see people and communities flourish and prosper.

It is in that vein that the Australian government over the past couple of decades redefined the role of government, embracing markets, reducing tariffs, reducing government ownership, liberalising Australian workplaces and tax reform, promoting competition including in the government sector, shifting to a work focussed welfare system and putting stability back into macroeconomic management. These changes led to a more limited but more pivotal role for government. They laid the foundations for new opportunities, and Australians made the most
of those opportunities with breathtaking results.

While everyone’s home is special, Western Australia is truly special—indeed, unique. Not only does the sun go down over the ocean but it is the economic powerhouse of the nation. It is a state with an abundance of natural resources in a world increasingly hungry for them and a place of vast, open spaces and few people in an increasingly crowded world. One of our greatest challenges in Western Australia is a lack of people, not just workers with select skills but people of all skills, including people whose only skill is a willingness to work in Western Australia. Right now, we need cab drivers, meat workers, waiters, chefs, childcare workers and coordinators, cabinet-makers and hairdressers, bricklayers and painters, as well as architects, engineers, geologists, teachers, nurses, doctors and police officers. We are even short of lawyers. We are short of people in many other occupations. This is not a temporary state of affairs. The size and scope of the labour shortage, the strength of the economy and the ageing of the population all point to a continuing need for more people. This requires a different mix of policies in different parts of Australia, and clearly that is not a straightforward proposition. However, the demand for people and labour in WA is more urgent and quite different, I believe, than that in the more mature communities on the east coast.

From a national point of view, we will need to continue to come to grips with that challenge—that is, structuring our national immigration program in the face of different requirements at different times in different parts of Australia. Of course, the Howard government has done much to address the people shortage. It has more than doubled the immigration intake, it has introduced and expanded the range and volume of temporary visas, its welfare reforms are pulling people off welfare back into work and the Treasurer appears to have encouraged a new baby boom. Of course, the challenge is not only to get more people but to ensure that workers and workplaces have the skills, incentive and flexibility to make the most of the opportunities on offer. Without the flexibility provided by workplace agreements there would be no resources boom in Western Australia. Any proposition to remove workplace agreements and hand workplaces back to the tyranny of union bosses will put a stake through the heart of the Western Australian and the national economy. We cannot let this happen.

The growth Western Australia is experiencing is a great opportunity for the nation; however, it also comes with significant challenges, particularly when it comes to keeping up with all the necessary capital and social infrastructure requirements. Many parts of Western Australia are bursting at the seams. We need more people but are struggling to accommodate them. We have the potential to continue to grow at a rapid rate but are facing capacity constraints that will need to be addressed with all levels of government and the private sector on deck and working together. It is, I believe, in the national interest for WA to maximise its growth potential, which necessarily involves strategic investment in expanded infrastructure.

While the private sector does and should own, build and operate a large proportion of the infrastructure requirement, there is a growing demand for government funding for multi-user facilities. This need will grow as new areas open up. While the state government in Western Australia is currently flush with funds, thanks to the GST and excessive property taxes, and at this stage needs no more, this will change in a few years time, even if the boom continues.

The issue I am raising is not one of parochial self-interest but of the underlying dy-
dynamic in the system by which GST payments are allocated to the states. There is a school of thought that it is essentially a bit like a large welfare program, with all the typical distortional effects that come with that. It takes from productive areas such as Western Australia and redistributes to areas in decline. In so doing it redistributes scarce funds from high to low areas of return, encourages consumption over investment and discourages mobility and job creation. The system, in my view, needs adjusting. In the face of vested interests across individual states, this will require Commonwealth leadership. Equally, the states and the Commonwealth should work together to develop a national strategic approach focused on the infrastructure requirements across Australia, with a view to laying the foundations for our national economic prosperity over the next 50 to 100 years.

Climate change is a challenge we are facing as a global community. If we take a sensible and considered approach to meeting that challenge, Australia can play a pivotal role in facilitating the production of clean energy for the world. In the north of Western Australia some will tell you very passionately about the great potential of tidal energy, and I agree that we should continue to proactively explore its potential. However, we are blessed with immense reserves of clean energy in the form of gas and uranium. No other place in the developed world has such reserves. Moreover, the growing bulk of this energy is being exported directly or indirectly in the form of processed resources to China, the epicentre of the world’s growing energy challenge.

Our greatest possible contribution to addressing climate change is to export more energy. Each unit of clean energy exported from Australia reduces the consumption of less clean energy in China and elsewhere and, therefore, reduces greenhouse gas emissions. The Kyoto protocol failed to recognise the unique role that resource and technology intensive countries like Australia play in providing clean energy to the world. That is never more relevant than in a state like Western Australia. This, of course, was at the forefront of the Howard government’s decision not to ratify the Kyoto agreement.

The government’s recent announcement of a national emissions trading scheme, including offsets for trade exposed industries, is a positive and sensible approach to addressing global warming. Going forward we need to remain vigilant against pursuing one-policy-fits-all measures that fail to recognise our unique capacity, particularly in Western Australia, to use more energy and reduce global greenhouse gas emissions at the same time.

In concluding my remarks I would like to say some important thank yous. Firstly, from the bottom of my heart, to my parents for having given me the best possible start in life, even in the face of adversity and challenge. I will give it my very best to make you proud during my time in the Australian Senate. To my soul mate, Hayley, you are just awesome. Thank you so much for everything. We will make this work together, I promise. A heartfelt thank you to my many friends in Western Australia—those very special people I met when I first came to Australia and who adopted me as part of their family. Thank you to my many friends in the Western Australian Liberal Party; they are too many to mention individually but they all know who they are. Many of them made the long journey over to be here today, and I thank you so very much.

Politics at its best is a noble profession. It is a noble pursuit but it is ultimately also a profession. In any profession, as much as you may be keen and interested, you have to learn the ropes before you can become good at it. When I first came to Australia some-
body took a chance on me because he could see behind the raw enthusiasm perhaps some talent that deserved to be nurtured. All of us will have benefited over the years from the wise counsel of some friends and mentors on our journey to this place. I was very lucky. I ran into somebody special who started off as my boss, became my mentor and over the past 11 years has become a true friend. Thank you, Senator Ellison.

There is so much more that I would have liked to talk about today; however, mindful of the clock, Mr President, let me in closing just quickly reflect on some of the policy outcomes I would like us as a parliament to be able to look back on in 20 years time. Hopefully, by then: Australia will have become the most prosperous country in the world, with all Australians having the opportunity to share in the benefits of that prosperity; Australia will be benefiting from the significant commitment made to downstream processing and value-adding as an additional component to the striving resources sector in Western Australia; and Australia will have achieved a sustainable and secure water supply for our growing population and economy, including better use of water from the north—yes, done sensibly, after close consultation with the people and the communities in our north and after a creative Australian engineering company has come up with the most cost-effective way of achieving this challenge. Hopefully, in 20 years time: Australia will have become a world centre of excellence in the use and development of clean energy technology, including gas, clean coal, nuclear and geothermal—and, yes, why not tidal power; Australia’s successful and thriving uranium mining industry across the country will be credited for significantly contributing to both our prosperity and a reduction in global warming; Australia will continue to be a beacon of democracy and economic freedom in the world; and, yes, we will be living in an era of freedom and peace in the world.

Mr President, I believe I have just about run out of time. Thankfully, there will be other opportunities—I’ll be back.

VALEDICTORY

The PRESIDENT (5.25 pm)—Pursuant to the order of the Senate agreed to earlier today, I call on Senator Calvert to make a valedictory statement.

Senator CALVERT (Tasmania) (5.25 pm)—Thank you, Mr President. May I add my congratulations to your elevation and may I also ask that you give me the same protection from the chair that you gave the previous speaker, just in case someone decides to interject. At the outset may I offer my congratulations to Senator Cormann for a very impressive first speech. I wish him well at the beginning of his career. It was his first speech, and this is my last speech. C’est la vie. That is the Senate—some come and some go.

I certainly appreciate the opportunity that has been given to me to make some remarks today before I leave the Senate during the non-sitting period. The first debt of gratitude I have is to the Tasmanian division of the Liberal Party of Australia. Like most of us here—and as Senator Cormann referred to earlier—we owe our position in the Senate to the support of our party organisations, and my association with the men and women rank and file members of the party has been one of the most rewarding experiences of my life. These are people who do not themselves seek public office but toil behind the scenes on behalf of their political parties and, by extension, on behalf of our democracy. I recall 20 years ago being invited by the then Director of the Liberal Party, Clem Hoggett, to put my name forward in the double dissolution of 1987. I also remember former Senator Shirley Walters ringing my wife and tell-
ching her that I would spend only 20 weeks a year in Canberra.

The second debt of gratitude I have is to my colleagues in this place. In 20 years I have sat on these red benches—and those benches in the provisional Parliament House—with many fine senators and have been privileged when they have elected me to various positions, first as Deputy Opposition Whip, then as Government Whip and, finally, as a nominee for the presidency. I hope I have repaid their confidence.

I have been privileged to lead the Tasmanian Liberal Senate team. As many of you know, we meet every week whilst parliament is sitting and have made several joint representations on matters of vital concern to our state of Tasmania. We also have a joint newsletter. We regard imitation as the best form of flattery and note that some state colleagues, in both the government and the opposition, have started to follow our lead.

I have also been honoured to work with senators of all political parties, especially on committees and as whip. I am the first to say that not all wisdom resides in one particular point of view and I thoroughly enjoyed some of the debates and inquiries I worked on through our Senate committee system. As President, I have been fortunate to visit many other parliaments around the world. I have never found any legislature that matches the effectiveness of the Australian Senate, and I urge all senators to cherish what we have and not for one minute take it for granted.

I was very pleased to institute as President the Richard Baker Senate Prize for writing about the Australian Senate. I think that has contributed to raising the profile of thoughtful commentary on our activities—at least I hope it has—and I hope that it will continue. Since my election in July 1987 I have been impressed by the support I have had from Senate staff. There is no finer body of parliamentary officers, and I have also appreciated their support for me in the five years I have been President. In the Senate I mention particularly the attendants, the transport officers, the Table Office, the Parliamentary Education Office and the Black Rod’s office. And special thanks to Kathy Eliopoulos, who has acted as my attendant in the chamber.

My thanks are to cover everyone, but I do single out the Clerk for his advice to me in
the chair, and the Usher of the Black Rod for looking after so many things attaching to the President’s office, most of them unseen. I appreciate all that they have done for me.

I thank my electorate staff in Hobart, especially my long-serving office manager, Yvonne Murfet, and John Bowes, who is a friend and a great source of wise advice.

Many of you will know my media adviser, Vince Taskunas. Vince has given me loyal support not only as President but before that, when I was whip. He is also a very capable singer, as many of you may know!

I have had excellent staff—not too many, 29 in fact—over the 20 years, and every one of them has bettered themselves over their time. It is a statistic of which I am very proud. In my early days I was very well served by Les and Mary Glover, and I would like to make mention of them tonight. In my Canberra office, Margaret Pearson and Di Goodman—and, before her, Julie Meskell—are known to many honourable senators for the quiet and efficient way they have kept the President’s office running. I will miss them all as excellent staff and as friends.

I cannot let the matter pass without giving a special mention to my former senior private secretary, Don Morris. As most of you would know, he is almost the font of all knowledge as far as the history of this parliament is concerned, and I would sometimes wonder whether something had actually happened if Don did not know about it. Don’s advice, humour and personal friendship have been a part of the many pleasures I have had as President.

Home on the farm would be in a much worse state without the loyal support I have received from my neighbours Kevin and Olga Balsley. I thank them for all their work—and I certainly thank them for closing the gates when I have forgotten to!

I have been pleased to have contributed in some small way to public policy in this country over the last 20 years. One of the initiatives I am particularly proud of is the travelling school which provides tuition for the children of showmen and others who follow the annual round of agricultural shows. I thank sincerely Senator Ellison for the support he gave me on that project. I think it is wonderful to see those pantechnicons travelling the country, educating children who never had the opportunity of an education before.

I was also very pleased to have a hand in the raising of the beautiful Bellerive Oval to international test cricket standard. I hope the support of the government continues for that project. More recently, I was delighted when my call to the states to move towards harmonised time zones led to some small steps in the right direction. I was also pleased to see the development of a $15 million wastewater recycling irrigation scheme in the Coal River Valley. I had a lot of help from former senator Robert Hill in that exercise, and I earnestly hope that water reuse is followed by local governments around Australia.

When I was warden of Clarence, I decided that the best way to run any meeting is to let everyone have a fair hearing. I have tried to apply the same standard to the Senate, and I have been pleased to have the cooperation of almost every senator. I have mentioned the support of my Deputy President over the past five years, Senator John Hogg. I reiterate what a great colleague he has been, and I will certainly miss our daily interaction.

I would also like to take the opportunity to thank the temporary chairmen of committees for their wise work. Often time in the chair is thankless, but I do believe that all of those people who take the opportunity to be temporary chairmen gain a unique perspective of
the Senate from the vantage point that you, Mr President, hold at the moment.

Above all, of course, we are supported in this place by our families. In my maiden speech on 28 October 1987, I said:

There is no doubt, as other senators have said, that the support of one's wife and family is so important. I appreciate them very much. Therefore, I take this opportunity of expressing publicly my gratitude to my wife Jill and to my children, Anna, Kate, Belinda and William.

As someone who knows more about me than anyone else looking down from the gallery, I echo those words tonight, 20 years on! In my time in the Senate, three of those four children have married and started their own families—and I use this public opportunity to tell my son to get a move on! They have been great. The joy they bring to Jill and me and the opportunity to see our five grand-children grow up are good reasons for my decision to retire. Jill has been my best companion and fairest critic over the last 43 years—a typical wife, I might add—and she has been a particularly wonderful confidante and partner to me as a senator and particularly as President. She has stood shoulder to shoulder with me and represented this place and Australia magnificently. In fact, over the last 20 years she has not only been mother to the family but many times she has also been father.

When I am released from senatorial duties, Mr President, I am looking forward very much, as you would know, to joining several of my former colleagues in the Shearwater Health and Fitness Club—a more misleading name would be hard to find!

I wish all honourable senators well for the future. I know we will shortly be facing an election, which will be conducted freely and fairly. We do not realise how lucky we are to be able to take that fact for granted—it is a privilege many other countries are still to attain. We must never forget that we are the fourth longest lasting democracy in the world, and every Australian, young or old, not only should be proud of that but must realise that tradition must be maintained and nurtured. I thank the Senate.

Senator MINCHIN (South Australia—Leader of the Government in the Senate) (5.37 pm)—For many of us on this side, at least, today is a day of mixed blessings. We have had the enormous pleasure of formally welcoming to our ranks Senator Cormann, who made one of the best maiden speeches that I have heard in this place. But we also face the sadness today of losing our good friend Paul Calvert. This sadness is compounded by the regrettable fact that Paul is the fifth Liberal senator to depart our ranks just this year. On behalf of all coalition senators, I want to congratulate Senator Calvert on an absolutely outstanding career representing in this place the state of Tasmania.

Paul has provided meritorious service to this Senate for, as he said, some 20 years. It has been my privilege to serve here with Senator Calvert for 14 of those 20 years. In that time, I have been able to observe a senator dedicated to diligent representation of the people of Tasmania. He has brought to this place fantastic enthusiasm for his state and its future. If there was only one thing that we knew about Paul Calvert it would be that he is a Tasmanian. It is a time to reflect on the fact that one of the great things about the Senate is that as a result of the wisdom of the founding fathers we do have equal representation from all the states. If you think about it, if we did not—if the Senate was chosen on the same basis as the House of Representatives—this chamber would probably have two or at most three senators from the state of Tasmania, and people like Paul Calvert might not have had the opportunity to serve in this place and represent that great state. It is a reminder of the great heritage we have of
equal representation from all states, a heritage that must be preserved.

Senator Calvert has also been a dedicated and loyal representative of our great party, the Liberal Party of Australia. He has enriched, in my view, the federal parliamentary Liberal Party throughout his 20 years here, especially and most particularly because he brings to the Liberal Party a strong background in rural affairs and rural production and a background in local government. We noted with some amusement Senator Cormann noting that Western Australia needed not only more butchers, bakers and candlestick makers but more lawyers. If there is one thing that this place probably does not need it is more lawyers, and I say so as one myself. Paul, to his great credit, is not a lawyer and has brought other fine and more noble qualities to this place.

Paul has also brought to this place great and endearing personal qualities: a tremendous generosity of spirit, a sense of humour and a warm, friendly and welcoming personality. It is those personal qualities that have enabled Senator Calvert to rise through coalition ranks, first to Deputy Whip, then to Chief Government Whip and then to the highest office that any senator can aspire to, that of President of the Senate. For the last five years, which is nearly half the period that we have been in government, Senator Calvert has presided in this place with what I would regard as the appropriate degree of independence, fairness and resolve. Senator Calvert has earned the respect of all senators in all parties in this place based on his professional conduct in the role of President. On behalf of all coalition senators, I thank Senator Calvert for his enormous contribution to the state of Tasmania, to the Liberal Party of Tasmania and of Australia and to the Senate. I wish Senator Calvert and his most loyal and devoted wife, Jill, all the very best in their post-parliamentary life.
Paul and I retain secrets of those times. I recall once losing my temper a bit with him when, under enormous pressure from one of his backbenchers—who will remain nameless—to get a pair when pairs had all been allocated, Paul said, ‘Don’t hassle me; go in and see Evans.’ He sent his irate backbencher to see me. I made it very clear that I dealt with ours and Paul dealt with theirs and if they had a problem to take it up with him. We established that process and things worked well after that. I always respected Paul’s work. He always dealt with you honestly and fairly. I enjoyed that time dealing with him as whip.

On his promotion, he brought to the presidency a light touch and a capacity to work with everyone in the Senate. He treated people with respect and worked with them behind the scenes to resolve any difficulties, rather than trying to impose his will. There have been in the past—and I do not mean this of his predecessor—some Presidents who developed airs and graces and an inflated opinion of themselves and their authority. Paul has not been one of those. He has always taken the role seriously but has not taken himself too seriously. I think that is an important attribute in any profession but certainly in politics. I know that I and other opposition senators have tried his patience, particularly in question time, but that is part of the job; it is certainly part of the opposition leader’s job. What I have always respected is that Senator Calvert has accepted that it was not personal and that we always showed respect for the chair even if we were trying his patience on occasions. When he has lectured me and addressed me on my allegedly poor behaviour, I have always accepted that it was not personal, and we have always been able to have a chat about it afterwards. Paul is well regarded throughout the Senate for the way he deals with people. I think his terrible jokes are things that are best forgotten, and many of them are too risque to recount in the Senate.

I was interested in the observations about the pressures of the Senate presidency—all those lunches and dinners and international travel. I am very sympathetic, Paul, to the pressures you have been under in recent years. I know your colleagues are very concerned for you! But I have great faith that the new President will be able to handle those pressures, as he has put in a strong apprenticeship. I am sure he will not have any trouble in dealing with it.

I am very pleased to wish Paul and his family all the best for the future. I have enjoyed his company and his contribution to the Senate. We wish him well for his future. It is a really good thing to see someone go out having had a successful and rewarding career and having made a contribution to the Senate, and it is good to see someone go out in good health at the time of their own choosing. I wish him well.

Senator HOGG (Queensland) (5.47 pm)—Mr President, I rise this evening to convey my thanks, through you, to Senator Calvert on his retirement for the warm friendship he has given to me since I was elected five years ago as his Deputy President. At the same time as Paul was elected as President, I became the Deputy President of this place. I have listened to the words before and, in my own mind, I have one word that describes Paul, and that is ‘decent’. Paul has always been a decent person in the way he has treated me, in the way he has treated my staff and in the way he has treated the members of this chamber. I think that is a very important thing, because, in an era when so many people have so little respect for their fellow human beings, Paul has the enduring quality of being able to treat people as people. I think, Paul, that that is an outstanding quality and something that you brought to
the chair. I am not saying that it was not ex-
hibited by your forbears, but in your role you
have been exemplary in the way you have
treated people and the dignity of people. You
have respected not only the people of this
chamber but also the people of your state.

In my time serving as Paul’s Deputy
President, we developed a friendship that did
not know political bounds. It was a genuine
friendship, a friendship that matured over the
years. All I can say is that that friendship will
be missed, because we have been good
friends. We have had very many private
chats which others have not been privy to—
and I would not want them to be—but nonethe-
less we have taken each other into each
other’s confidence and we have enjoyed that
confidence. I believe that confidence be-
tween us has never been broken at any stage.
Paul, I have appreciated your unending and
untiring support of me. I have never been
placed in a position in my five years where I
have felt that I was exposed to the forces of
good or evil. I have always felt that you were
there in your role as President to support me
in my role as Deputy President and, for that,
I thank you very much indeed. Paul’s support
for this chamber, and for me in particular as
his deputy, was extended to my staff, through
his staff, and of course that was deeply ap-
preciated. Paul, that would not have hap-
pened unless you were the person that you
are, so I thank you very much indeed.

The other friend I have made out of my
friendship with Paul is Paul’s wife, Jill. A
very true statement was made by Paul and by
others that you are a product of your family
in this place. If you do not have the unending
support of your family, you will find yourself
in all sorts of trauma and difficulties indeed.
Jill has obviously been an unending source
of support for you, Paul, and I think you are
very fortunate. I do not know whether she
will say that once you retire, because I have
heard the opposite said in that many people,
once they move into retirement, find that
they become a nuisance rather than a mecha-
nism that needs support. But I am sure that
you have a loyal and faithful person in your
wife. I have never had the pleasure of meet-
ing your children but I am sure that they
have been a support to you, and undoubtedly
that is reflected in your attitude to people in
this chamber.

Last but not least, I want to wish you well
in retirement. I want to wish Jill and your
family all the best as well, because, as my
good friend Senator Evans has said, you are
very lucky indeed. You have chosen the mo-
ment of your retirement, unlike so many oth-
ers in this place. You are able to go without
any recriminations, without any fear that you
have been pushed or any other general asper-
sions that are cast on people who leave poli-
tics from time to time. You are fortunate,
indeed. I am sure you will enjoy your retire-
ment, I am sure you will enjoy the friendship
of your family and I hope that you enjoy the
wealth that will come out of your grandchil-
dren, because that is something that is pre-
cious and something that my kids have not
yet got to. Both I and my wife formally ex-
tend our thanks to Senator Calvert and his
wife for their friendship, because my wife
has enjoyed his company as well as Jill’s. All
the best for the future.

Senator SCULLION (Northern Terri-
tory—Minister for Community Services)
(5.52 pm)—Unfortunately, Senator Boswell
was unable to attend. He was taken away
suddenly.

Honourable senators interjecting—

Senator SCULLION—He is lurking. The
Hon. Paul Calvert, President of the Senate,
has left his seat after 20 years of serving
Tasmania, the place he has always been so
proud to represent. Even in my short time
here, he has regaled me with plenty of sto-
ries—in fact, it was often in the company of
him undertaking the very hard work that he
does in the Senate that has been spoken of so
fondly by Senator Evans. Tasmania is not a
place that many of us from Northern Austra-
lia get to visit, and one of the great things
about the collegiate nature of this place is
that we are able to visit communities in a
way through the stories we share and rela-
tionships we have with other representatives
in this place.

I was very surprised to learn that Senator
Calvert was born in 1940 in Hobart, Tasma-
nia. He tells me his youthful looks and good
health are down to a Boags beer every now
and again and a number of the other fine
products of Tasmania. When I first got here I
told him I was as an orchardist in the North-
ern Territory. He told me that before he came
to politics he was an orchardist. Making your
living on the land, Senator Calvert, firstly on
your father’s orchards and moving on to pur-
chase your own property, gave you the funda-
mentals for your ethics and hard work. I
am not only talking about the hard work in
terms of being the last to leave but also of
ensuring that your wider congregation of the
Senate was so well served. You purchased
your own property with Jill and you had four
children and you now have three grandchild-
ren that you are obviously deeply devoted
—

Government senators interjecting—

Senator SCULLION—five—according
to the most recent instructions delivered to
your son today that number will change very
shortly, I am assured.

Like many who come to this place, Sena-
tor Calvert was a representative of an indus-
try through his presidency of the Royal Agri-
cultural Society of Tasmania. The fact that he
is such a great people person is reflected in
that background: he is not only a hard
worker but rose through the ranks of industry
to become the President of the Royal Agri-
cultural Society of Tasmania. When you have
been in that position, it is often because of
the great frustrations we feel with every level
of government that we are continually fight-
ing that we say, ‘If you can’t beat them, join
them.’ I am sure that had a fair bit to do with
Senator Calvert then being elected into local
government.

He served very capably, I am told, as a
councillor in the municipality of Clarence for
12 years, four of which he was a warden. I
am quite sure that the skills that the good
senator learnt during that particular time en-
abled him to find a balance. I often say under
my breath, ‘Throw them out!’ It is so impor-
tant in this place that the very few senators
who become President find the very careful
balance that ensures that we do not overstep
the mark. The frustrations that I sometimes
feel on this side were never reflected and,
Senator Calvert, I am very glad you did not
do any of the sorts of things I felt you should
do. It shows that you were completely impar-
tial and independent. It is important that you
were able to find that balance so that the re-
lationships between the sides in this place
continue to be affable.

You were first elected in 1987 and you
have continued to be re-elected in the years
until 2001—20 years in this place. You have
made an absolutely incredible contribution.
You have been a member of both Senate and
joint committees and had plenty of prestig-
ious titles during your time in parliament,
including Deputy Opposition Whip in the
Senate, Deputy Government Whip in the
Senate, Government Whip in the Senate and
most recently President of the Senate.

Having only served a relatively short time
in parliament myself, I note that over that
time you have found a great balance between
your unwavering devotion to the Senate and
to your own community and you have con-
tinued to lobby for the people of Tasmania
on the issues that affect them, while at the same time under the continuous pressure in your role as leader obviously still maintaining a very happy family life. This reflects again on those wonderful balances that you have managed to find. You are leaving this place at a time of your own choosing, and I think your instructions to your son indicate that your family values are extremely important. Although you will be sorely missed as a colleague and a friend to those in this place, it is pleasing to know that you are leaving the stresses behind you and will be concentrating on the great values in your life with your wife and family. Senator Calvert, you have made a great addition to this government, and we can all learn from your contribution and your time in the Senate.

Senator MURRAY (Western Australia) (5.58 pm)—Senator Paul Calvert had been in the Senate for nine years when I became a member of the Senate on 1 July 1996. He was then the Liberal deputy whip. Thirty senators are left standing of the seventy-six that were there on 1 July 1996. This is a place of fast turnover, so lasting 20 years is quite a feat. Paul leaves the Senate as the immediate past President, the 21st holding that office and the third President of the Senate from Tasmania. Senator Calvert is only the third President to resign the office to leave at a time of his choosing.

In the order of preference at occasions of state, President Calvert held position No. 3, after the Governor-General and the Prime Minister. Thankfully, there was no sign that it ever went to his head. For a while I thought the President had exalted constitutional status, stepping in if the first two got run over by a bus, but that is not true. But the President’s constitutional status does come into play in ensuring that the Senate meets as required. By far the most significant provision in the Constitution relating to the office of President is section 23, which is the keystone of the federal compact and the mechanism which guarantees the equal representation of the original states in the Senate. The President’s vote is the same as the vote of any other senator. Because it is a deliberative vote and not a casting vote—as is the Speaker’s vote when the House of Representatives is equally divided—it has no greater or lesser value than any other senator’s vote. In this place the President is truly first among equals under the Constitution.

Any President should be assessed at the professional and personal level. They are equally important. Tasmanian politicians are peculiar for the intensely combative tribal and personal nature of their politics. As a typically one-eyed south islander, Paul freely admits to hunting in a pack when necessary, generally as Tasmanian Liberals but if necessary with all the other Tasmanian pollies. That trait did not harm his presidency. He was indeed a fair President. He was patient to a fault at the antics of some senators and diligent in the application of his duties. Throughout his presidency the Senate has continued to run efficiently, productively and on a fully serviced basis. No more can be asked of any Presiding Officer. He was also, may I add, served by an able and helpful staff.

Paul carries with him the wisdom of long service, long experience and a varied, practical and successful life. Such a life has taught him tolerance, an essential requirement of a good President. I have heard Senator Calvert criticised in estimates for not standing up enough to an over-mighty executive, but I take the view that trying to be Canute would have got him nowhere. I said earlier that in this job the personal is as important as the professional. A President without the personal characteristics of warmth, good humour, stamina and tolerance—which you have in great measure—would not be able to
achieve the consensus and support that Senate progress requires.

In some respects the Senate is like an office block. An essential human need is to bond and to fraternise. The opportunity to relax and socialise in an intimate environment with your peers from all parties is really only provided via the President and his office, and the reasonably regular functions there have contributed materially to the attachments and affections that mark many relationships in the Senate. As President, Paul was a warm, generous and at times irreverent host. Paul was sent on 26 conferences, delegations or visits in his Senate service, 17 of those as part of the job of President. I was lucky enough to go on two of those with him and Jill, and Pam and I had a ball, in large part thanks to them—working hard and playing hard.

As a person, Paul, I am careful with my feelings but I have been drawn to you and Jill, as has Pam, and we count you both good friends. We have had truly great, memorable and very funny times together. My friendship with Paul, and not many would know this, has been helped by a common interest in spiritual matters—preferably with water and a little ice! As a tribute to Jill, I can say that as a couple the whole is indeed greater than the sum of their parts. Senator Lyn Allison, our leader, the Australian Democrat senators, and Pam and I wish you both well in your future life and thank you for your service and good offices.

Senator FIELDING (Victoria—Leader of the Family First Party) (6.03 pm)—Family First wants to record its appreciation and best wishes to Senator Paul Calvert as he leaves the Senate. I know that after 20 years in the Senate, Paul and his wife, Jill, will enjoy a well-earned retirement with their daughters, son and grandkids. After so many years travelling between Hobart, Canberra and many other places, I am sure you will appreciate more time with your family. Senator Calvert performed his duties as President professionally and with courtesy. He leaves the office of President with that office held in high regard and that is no mean feat. On every occasion I have approached Senator Calvert for advice he has always been helpful, insightful and fair, and I thank him for that. Given that senators can be an unruly bunch from time to time, he has done a good job in keeping things more or less in order. In fact, in this political system, Senator Calvert has been fair, although I do admit to holding a slight grudge that he has asked me on a couple of occasions to remove a couple of video blogs from my website!

I am not going to comment on the rumour that Senator Calvert is leaving because of the strong showing of Family First and our lead Senate candidate, Jacquie Petrusma in Tasmania. Paul, I have really enjoyed working with you. It has been a pleasure. You have approached things fairly and I really appreciate that every time I came to see you, your office was open and you were more than willing to allow me to share my thoughts and you were able to share your thoughts with me. I have enjoyed the times when we have caught up as well getting to know your wife. I wish you and your wife the very best in retirement.

Senator ABETZ (Tasmania—Manager of Government Business in the Senate) (6.05 pm)—First of all, can I congratulate Senator Cormann on an excellent first speech. He may well have been born on the wrong side of the border, but he is clearly on the right side of the fence when it comes to politics. Today the Senate quite properly pauses to pay tribute to one of its own. Senator the Hon. Paul Henry Calvert has served this chamber for 20 years, progressing from humble backbencher to committee memberships, deputy whip and whip, through to the
highest office this Senate can bestow, namely the Presidency. But I think our campaign for the deputy whip’s position was the best! I am honoured to speak on behalf of the Tasmanian Liberal Senate team, my Senate colleagues Senators Colbeck, Parry, Watson and Barnett and, if I may be so bold, Senator elect Bushby as well.

Senator Calvert will be remembered by us all as a friend, a team player and a contributor who, at all times, advanced Tasmania’s interests. Twenty years ago there were no mobile phones, and blackberries were those things that Senator Calvert had to spray once a year on his farm, but now they are communication devices.

I am told that first speeches are a useful insight and often provide a benchmark against which a career in this place can be assessed. If so, Senator Calvert’s first speech is a classic. In the very second paragraph of his first speech, after dealing with formalities, Senator Calvert was already on his favourite theme—his wife and family. And those of us who have known him over the 20 years that he has been in politics know that that to this day continues to be the most important part of his life. In that first speech he also spoke of his farming background, his rural youth, the Royal Agricultural Society of Tasmania, being president of the local farming organisation, his involvement in local government and his love for the city of Clarence. All those loves were pursued throughout his successful career, be it in fighting for farmers on biosecurity issues or in being involved with show societies and his beloved Bellerive Oval, which is no longer just a municipal oval but a world-class facility.

His passion for Tasmania was nailed down when he said, ‘I will be using my position to protect Tasmania’s interests and its people.’ He crossed the floor to do so and, lately, as president, had a bronze statue of a Tasmanian tiger in his presidential office as a talking piece to remind people where he came from. He helped deliver the highly successful Bass Strait Passenger Vehicle Equalisation Scheme, the Antarctic Airlink, the restoration of St Mary’s Cathedral, the Orielton water recycling project and also community projects, such as the Huon Valley Police and Citizens Youth Club.

Senator Calvert also spoke at length in his first speech on the fishing sector, and I may have a bit more to say about that tomorrow, other than I think his predictions on aquaculture growth were quite conservative, although I note as an aside—and Senator Ian Macdonald will also enjoy this—that research into Bass Strait scallops was an issue raised 20 years ago and it still remains an issue today. He concluded his first speech by saying:

I pledge myself to upholding the traditions of this most honoured place and fighting to retain the very important position the Senate holds in the parliamentary system of Australia.

As Senator Calvert leaves this place, he can be well satisfied that he has fulfilled the pledge that he made those 20 years ago. He can also be satisfied that he has been a faithful servant to the people of Tasmania and the Liberal Party. I know that his insights and views are highly valued by our Prime Minister and all my ministerial colleagues. He was at all times professional, courteous and polite, with a joke for all occasions. But he also knew how to be deadly serious. When liberties were taken which broke the bounds, Senator Calvert could be just as robust as any of us. I recall a particular meeting that, I think, was held in my office where Senator Calvert actually surprised me with his robustness and I was very thankful that I was not the subject of that particular robustness.

In short, Senator Calvert has been a contributor and has genuinely added value to
public policy and decision making. Tasmania and Australia are better off because of his contribution. On behalf of the people of Tasmania, the Tasmanian Liberal Senate team and the Tasmanian division of the Liberal Party, I thank Senator Calvert for his sacrifice of service over 20 years.

Finally, to Jill and his family: thank you for lending Senator Calvert to us so he could make this astounding and memorable contribution. To Senator Calvert, we say: enjoy your family, your children, your grandchildren, your farm, your golf and the Shearwater Health Club and, as you do, look back on the 20 years that you have served here with pride and satisfaction. To use the colloquialism: ‘You’ve done good—real good.’ You leave at a time of your choosing with our very sincere best wishes and we wish God bless.

In my role as Manager of Government Business in the Senate, I seek leave to incorporate speeches by Senator Barnett, Senator Ian Macdonald, Senator Colbeck and Senator Coonan, who wish to have their thoughts and comments on Senator Calvert’s excellent career incorporated in Hansard.

Leave granted.

Senator BARNETT (Tasmania) (6.12 pm)—The incorporated speech read as follows—

Mr President, today I pay tribute to outgoing Senate President Paul Calvert as a great warrior for our home State of Tasmania and for his party. In his 20 year career Paul Calvert has represented Tasmania with enormous distinction and influence. In his easy and persuasive style he has provided great leadership and we will miss his vast experience.

Mr President, every so often the Parliament is witness to the retirement of a rare breed of politician—a person with real charm, leadership, both a raconteur and passionate representative for average Australians, and of course a thoroughly decent human being.

I have no hesitation in crediting Paul Calvert with all those attributes, and I am sure that they in no small measure figured in his elevation to the Senate Presidency in 2002.

He has been a force for stability during his time as a Senator, as Government Whip in the Senate and as Senate President since August, 2002.

Paul Calvert’s Senate career has done so much to restore the credibility and standing of those in public life in Australia. He has done much to restore the basic credentials of a politician, and that is to serve your electors and represent their best interests no matter what side of politics they hark from.

As deputy warden and then warden of the Clarence Municipality between 1981 and 1987 Paul remains a highly respected community leader, showing great leadership in his home community on Hobart’s Eastern Shore and indeed across Tasmania.

As a farmer and Show Society representative, he was as much at home with constituents in his own community as he was at home as Senate President in Canberra, receiving visits from royalty and Heads of State from countries like the United States and China.

Mr President, a great warrior and a first rate representative is departing these hallowed precincts, and I feel both proud and privileged to be here as a fellow Tasmanian Liberal Senator to mark and to hail his send off.

I know political spouses carry a heavy load and Jill Calvert has been supreme in this role.

I warmly wish Paul and his wife Jill and family a well deserved happy retirement.

Senator IAN MACDONALD (Queensland) (6.12 pm)—The incorporated speech read as follows—

Unfortunately the Legislative Program before the Senate has necessarily curtailed the number of speakers able to say farewell to the parliamentary career of a great parliamentarian and great President, Senator Paul Calved.

By incorporating this very short speech I did want to associate myself with the remarks made by Government Leaders.
Senator Calvert has been a wonderful representative for Tasmania but more importantly his experience, understanding and genuineness have made a very significant contribution to the work of the Senate and indeed of the Government of Australia.

As well he has been a personable, generous and genuine friend to most of us in this place and has always carried out his duties in a manner that is a great example to all other Senators.

I and my wife Lesley wish Paul and Jill all the very best in their future life together.

I believe that our country is a better place because of Senator Calvert’s work in the Senate over his term here. His time as President has been distinguished and professional and his demeanour and leadership have significantly added to high regard in which the Senate is held.

Well done, Paul.

Senator COLBECK (Tasmania—Parliamentary Secretary to the Minister for Finance and Administration) (6.12 pm)—The incorporated speech read as follows—

It is with a mix of emotions that I make my contribution to the valedictory debate in honour of my very good friend and colleague Senator Paul Calvert.

To say that Paul has been anything less than a terrific colleague would be an understatement. When I arrived in this place, in February 2002, following my election at the 2001 poll and subsequent early retirement of another very distinguished Tasmanian, Senator Jocelyn Newman, I had already enjoyed the cut and thrust of the campaign with Paul as ticket leader. His sense of humour and real grass roots method of campaigning.

I don’t think that either of us will forget the evening we spent with a group of fishermen at St Helens on the East Coast of Tasmania. Nothing out of order, but it was a long and convivial night. And Paul did retreat a little earlier than some of us, indicating that he had confidence that we could manage the situation.

When I was sworn in to this place, Paul in the pivotal position of whip, set me up perfectly in respect of my committee appointments, directed me toward other possible opportunities and generally and generously gave me guidance in respect of the workings of the Senate.

I don’t think that any senator could have received a better entree into the senate than I received from Paul, and I will be forever grateful for the assistance and guidance that he provided.

It is obvious that he is highly regarded by his colleagues, you would have to be to hold the positions that he held. As whip in the engine room of daily operations of the Senate and then five distinguished years as president of this chamber.

And while conducting these duties, Paul still maintained his connection to the issues of importance to Tasmania, the agriculture sector in particular including, importation of apples and Atlantic Salmon, the Tasmanian Freight Equalisation Scheme, recycling of wastewater into the Richmond area and a passionate interest in ensuring that the facilities at the Bellerive Oval were of a standard that would be suitable for first class cricket.

Paul deserves to leave this place with all the accolades that come his way, he has well and truly earned them, and the respect that comes with them.

He can be justly proud of his contribution to his party, his state, country and this place over his twenty years service to the senate.

I wish him, his wife Jill and his family all the very best in retirement, he deserves to enjoy his time on the tractor and with his family. I trust that his retirement is a long enjoyable and prosperous one.

All the best, Paul.

Senator COONAN (New South Wales—Minister for Communications, Information Technology and the Arts) (6.12 pm)—The incorporated speech read as follows—

It has been a great privilege to know and work with Senator Paul Calvert since my election to the Senate in 1996.
Of course, Paul’s service to the people of Tasmania and Australia more broadly spans a period of twenty years since he was first elected in 1987 and subsequently in 1990, 1996 and 2001.

His distinguished contribution to numerous committees and seminal work on the Select Committee Inquiry into Animal Welfare—Intensive Livestock Production has been commented on by others and I will not repeat these milestone achievements.

Rather, I want my comments and my reminiscences to be about Senator Calvert the man, whose personal qualities equipped him superbly to be the Government Whip in the Senate from February 1997 to August 2002 and the crowning achievement of his career, becoming President of the Senate from August 2002 until yesterday.

It was as Deputy Whip to Paul from 1998 to 2001 that I had the opportunity to get to know him well. We became known Mr & Mrs Whip. We ran an efficient team much like the webbed feet beneath the swan!!

We knew each other’s strengths and weaknesses and we complemented each other very well. I know that I had reached a significant juncture in our relationship when the locked door between our two offices got unlocked suddenly and we worked seamlessly thereafter.

We had a lot of fun and as much as I enjoy being a Minister and Deputy Leader of the Government in the Senate, I do look back with a great deal of affection on our days spent together as Whips.

Paul was very well suited to assume the Presidency and he has as expected acquitted himself superbly. His hospitality is legendary and his warmth and his engaging personality stood him in good stead to receive numerous foreign delegations and make them feel welcome.

Paul is the real deal, the genuine article, with the ability to listen to the concerns of his constituents and the capacity to do something to address those concerns.

With his background in Local Government and rural activities he truly represented the heartbeat of Australia.

Throughout his long and distinguished career he has been supported and loved by Jill, his children and his grandchildren.

As they contemplate their future, the Calverts can be well satisfied that they have given of their best and that they have made a real difference to public life in Australia.

I will sincerely miss you Paul and will always regard our time in the Senate with great affection. Good luck and enjoy!!

Senator O’BRIEN (Tasmania) (6.12 pm)—ParlInfo Web tells us a lot about Senator Calvert, as one of 12 Tasmania’s Liberal senators from Tasmania. But it does not quite tell us enough. It does not tell us that he shares two things in common with the honourable former senators Henry Turley and Justin O’Byrne. They, along with Senator Paul Calvert, are the three Tasmanian senators who have occupied the chair as President of the Senate. It is a fairly high bar and a very exclusive club that Senator Paul Calvert has joined and now leaves, with the respect, I can assure this place, of his colleagues from this side of the chamber from Tasmania.

I had dealings with Senator Paul Calvert during my time as a whip in this place, as Senator Evans referred to. I suppose some of the whips’ arts are dark arts in a sense, but I think the relationship that I developed with Senator Calvert was based upon honourable dealings, understanding and respect for position and, ultimately, respect for the democracy of this place. By working on those principles and operating in as principled a way as I could with Senator Calvert, I think this place worked well and the needs of senators were attended to as far as they could be.

We saw those principles carried through by Senator Paul Calvert into his role as President in this place, in the way that he dealt with the debate conducted in this chamber on the basis of the principles of a fair hearing, democracy and respect and tol-
erance—up to a point—for all senators. But we have seen, on occasions, comments from the chair which demonstrated a degree of annoyance, disappointment and anger in relation to the behaviour of certain senators.

I think it is probably pretty true to character that Paul as President never actually got to the point of naming anyone. I suspect on occasion he was close. I suspect on occasion that some of those close to being named sat close to me! But it is a difficult job to preside in this chamber, to hold the respect of all senators and to control the performance of the chamber to the point where its business can be done. On behalf of my colleagues I think I can say that we respect the way that Senator Paul Calvert conducted that job.

People have talked about Senator Calvert’s 20 years of service. If you look at ParlInfo you will see it is actually over 30 years service, because it refers to the local government service of Senator Calvert. He is recorded as having commenced his service in 1976, so it is over 30 years of public service in one form or another—as an alderman, as a warden, as a senator, as a whip and as the President in this place—accumulating a case for recognition for exemplary service to the public.

Whilst we do not agree on a lot of political issues, I can say that parochialism for Tasmania is one of Senator Calvert’s special talents. He is also very parochial about the south over the north from time to time, particularly in relation to the AFL games at his beloved Bellerive Oval. They are not going to happen, Senator; they are not going to happen! He has made a couple of disparaging remarks about the atmospheric conditions around Launceston. Can I say that I respect all parts of the state—and I am sure you will come to respect them all as well, Senator!

I had a look at other aspects of the information on ParlInfo, and I think I’ve Been Everywhere is probably your theme song, Senator. There is a record of your traversing of the continents of this globe, and I am sure you have done service in all the states and territories, the parts of Australia that we as senators are privileged to have the opportunity to experience as part of our job. The downside of that is that on many occasions we are alone, away from our families—and we can only do that with the leave of our families. I know that we all pay a price for that separation, and I am sure that Senator Paul Calvert has paid that price—or, probably more accurately, his family has, just as all our families do from time to time. I am sure he has on many occasions expressed his gratitude for that. On behalf of my colleagues, I express our gratitude for his family giving him the support that he needed to do the job here. Being the person that he is, I think he has added to this place and our experience of this place. I wish him well. I hope he enjoys sitting on his tractor or on the porch of the new house that he is going to build, looking out over the water. I hope the new house is splendid, it is a worth while enterprise and it will not distract you from the things you really enjoy.

Senator PATTERSON (Victoria) (6.19 pm)—Sadly and reluctantly, having being sworn in on the same day as Senator Calvert, I seek leave to incorporate my speech, which I would rather have given.

Leave granted.

The speech read as follows—

If a week is a long time in politics then twenty years is almost a lifetime. The 11 July 1987 election seems, on the one hand, like only yesterday and yet in other ways it seems like an eon. I don’t think when Senator Paul Calvert and I were sworn into the Senate in the old parliament house on the 14 September 1987 we could have ever imagined we would still be here 20 years later.
We have seen enormous changes in that time – we moved from our shoe box office in the provisional parliament house (those last elected got the smallest offices) into our brand new parliament house offices on the hill.

Over that 20 years we have experienced the roller coast ride that is politics. The lows of losing elections, the highs of winning elections. We have seen senators go, and we have seen a large number of senators come and go. Over that 20 years we have experienced personal highs and lows.

One of those highs for Paul Calvert must have been his election to the very important office of President of the Senate.

Paul has undertaken his role as President just as he has carried out his role as a senator – with diligence, dignity and with his own endearing form of humour. The latter a quality which has never deserted him even if the going has been tough. I first experienced this humour very early on when I was in the old parliament house. I had to keep dashing in and out of question time on the day of my maiden speech. I sat across the aisle from Paul and he diagnosed what was wrong. I won’t disclose the nickname he gave me but it is one he has not forgotten and will regale people with the story given half, or even a quarter, of a chance.

I can’t let this opportunity pass without emphasising the strain that service in this place places on spouses, partners and family. I know Paul’s role has meant long periods of time away from home. Before he became President he was for 15 years a very active and committed member of senate committees and this and parliamentary sittings has meant weeks and weeks in any year away from home. Throughout those 15 years and the five as his role as President, Jill his wife has been there – a rock, a source of comfort and encouragement. Theirs is a true partnership and I know how much Jill’s support has meant to Paul.

Not many people can leave this place unscarred and unscathed but I think I can say that Paul is no different from when he first entered this place. He is happy on his tractor as he has been mixing with Lords, Ministers, Kings and Ambassadors. Rudyard Kipling’s “If” - if you can walk with kings and not lose the common touch’ applies to Paul.

Paul has not lost the common touch – he has served Tasmania, the Senate and the Australian people and his family should be rightly proud of him.

People say you don’t make friends in politics. Well I can say that they are wrong. I count Paul and Jill as friends – I thank him for that friendship – and wish them both well in the next phase of their lives.

Senator STEPHENS (New South Wales—Parliamentary Secretary to the Leader of the Opposition) (6.20 pm)—For the completeness of the record, I seek leave to incorporate ‘A farewell to the Hon. Paul Calvert, whose carnival is over this week’.

Leave granted.

The speech read as follows—

A farewell to the Hon Paul Calvert whose Carnival is over this week.

Well, farewell Paul Henry Calvert
As we say our last goodbyes
And consider when we lose you
Fergie’s sure to take a rise
Like a drum, your beat’s been steady
From the day you first arrived.
Two whole decades in the Senate-
And how well you have survived!
It’s a long way from the farm-gates
To this big house on the hill
But you showed us how in parliament
You could use your farming skill:
Inquiring into Animal Welfare
Your experience made you wise;
Some folks tried, but failed completely
To pull the wool over your eyes.
Like a drum, your beat was steady
As you steered the senate ship.
And your knowledge from the paddocks
Taught you how to wield the Whip!
Your expertise on Whistleblowing
Was made clear for all to see.
And you pruned five senate departments
To a neat and tidy three.
When you examined Intelligence Services
You didn’t need to rely on a hunch:

CHAMBER
As an orchardist you’d learned to pick
The one bad apple that spoiled the bunch;
Like a drum of fertilizer
You’ve helped young roosters reach their goals
Grooming ministers in waiting
Making sure they keep their souls!
Not at all a simple home boy
You have travelled near and far!
Sampling Guinness, eels and roll mops
Blue fromage and caviar.
Have you dined on shark and sushi?
Did you try Mongolian yak?
Lithuania and Estonia
Russia, Turkey, France and back
Now your home state lights are calling
And it’s time to say farewell.
What you’ll do in your retirement
Only Jill and kids can tell.
High above the dawn is breaking
Over Tassie Fields of green
Where we wish you a long life
That’s contented and serene
(With apologies to The Seekers)

Senator ELLISON (Western Australia—
Minister for Human Services) (6.20 pm)—I seek leave to incorporate my speech.

Leave granted.

The speech read as follows—

Senator Paul Calvert not only fulfils a distinguished 20 year career in the Senate but one as President of the Senate for five years. In his substantial contribution to the Parliament and Australian politics he has been strongly supported by his wife Jill and family. Senator Calvert’s family can indeed be proud of his achievements. A fierce Tasmanian Paul has represented his State with great vigour.

One cause which he supported and I remember only too well was the education of the children of the travelling showmen who ran the Royal and Agricultural shows which form a part of Australian culture. As a result of Paul’s efforts these children now have a formal education in stark contrast to the past where they had none.

As President of the Senate he has carried out his duties with distinction. From a personal point of view I have enjoyed his support as President and like many others am sad to see him go. I take this opportunity to wish Paul, his wife Jill and his family all the very best and hope they can now enjoy more time together. Thank you Paul and on behalf of my wife Caroline and myself, all the very best.

The PRESIDENT (6.20 pm)—I have the opportunity to conclude these remarks in relation to my good friend Senator Paul Calvert. Senator Murray was talking about the transient nature of this place. One of the things I did prior to becoming President was to check how many senators I had served in this place with. I have been in the Senate for just over 15 years. There have been, I think, around 500 senators since Federation, and I have served in this place with 159 of them. It makes you wonder how many senators Senator Calvert has served with, having been here for five years longer than me. It would certainly be well over a third of the senators that have ever served the Australian people in this place. It is a very transient place.

I will be losing someone who is, aside from some of my South Australian colleagues, probably the best friend I have ever had in this place. I am friends not only with Paul but also with Jill and the family. I can promise you that Paul, when he retires, will be a good grandfather, as he has always been. I hope that Jack and Ben run him off his feet. He is going to build himself a new house on the beach in Tasmania. You are all invited, and I can promise you, having seen the plans, you will nearly all fit in at once! Some of my colleagues have been unkind enough to say that Senator Calvert’s leaving will improve both my health and my wallet!

Paul, you have been a wonderful servant of the Senate. The one thing that we will remember most about you is the pride that you have in your state and the way in which you have promoted all things Tasmanian. I have been to dinners with Paul and visiting dele-
You have been a wonderful servant for your state, Paul, and you will long be remembered in this place for a number of things. You will long be remembered because of the respect that you have had and your ability to get on with all people. You said that you got on with nearly every member you served with in the Senate. I think that is a real achievement. Amongst us there are always some who we like more than others, but you never let that show. I think that is tremendous, and you will be remembered for that.

The other thing that Senator Calvert will be remembered for is being a magnificent host—far too generous a host at times. He has had the ability to move amongst circles of people on both sides of the chamber, visiting delegations and people in the House. It does not matter where he has represented the Senate as President—and even prior to his election to the presidency—he has always been a very generous and convivial host who treated people so well. When Paul invites people to dinner very few ever say no. I think that is a tribute to him. Jill has been alongside of him for most of those times; she has performed the role of President’s wife and Paul has performed the role of President in a manner than I can only hope to emulate.

I am losing a friend who has chosen his time to retire. I think it is just wonderful, Paul, that you have decided that this is the time of your life when you want to move on and do other things. I think that is a tremendous credit to you because it is true that this place can become a little addictive. People find it difficult to leave. I know of very few people who have left the Senate and have not said, at some stage after leaving, that they miss the place. I know you will be moving on to other things and your life will be very full, with the big circle of friends that you have in Tasmania. Spare a thought for us back here just occasionally.

You had a wonderful attribute of being able to choose very good staff. Your staff have been wonderful to you. Some of them are here today. I know Vince is moving on but your staff are so good that I have chosen to retain the rest of them. They have proven what a wonderful asset they can be. I know you consider them to be an asset and one of the recommendations that you made to me was that, because your staff had been so good, I would be a very wise person to keep them on.

I am not going to repeat all the things that have been said about your career here. I will have a chance to do that privately and in some other places. You will be remembered for a very long time for your contribution to this Senate. Thank you, Paul.

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
Debate resumed.

NORTHERN TERRITORY NATIONAL EMERGENCY RESPONSE BILL 2007

Senator SIEWERT (Western Australia) (6.26 pm)—When we adjourned the debate on this bill the minister had just finished an answer which I would like to follow up. He did not answer the question about who is covered under this particular section. I am sorry; I am fiddling around looking for the definition because I want to specifically ask about the definition of a community services entity.

The question I asked before related to whether non-government organisations are caught up under this provision. My reading of the definition is that they are and my reading of the definition gives this series of sections quite substantive powers in terms of how they can direct organisations, how they can take their assets and require them to be used, and how they can put observers on their boards and in their meetings. I want some answers to some fairly specific questions about who this covers and whether it covers non-government organisations as community service organisations. The bill says:

(d) any other person or entity:
   (i) that performs functions or provides services in a business management area; and
   (ii) that is specified by the Minister (whether by reference to a class of person or entity or otherwise), by legislative instrument, for the purposes of this paragraph.

I am seeking detail about this because I am concerned that it has quite significant ramifications for organisations that choose to work in prescribed areas. In fact, certain organisations, because they may be covered by these provisions, may choose not to work in a prescribed area, because of the powers it gives the minister.

Senator SCULLION (Northern Territory—Minister for Community Services) (6.28 pm)—Perhaps I can put my answer this way. The nature of a non-government organisation is pretty broad so I will just put it in the context of the intent. An NGO would be affected if it was the community government council. So, if the NGO is a community government council, an incorporated association delivering services in the community or an Aboriginal and Torres Strait Islander corporation it will be affected. The reason I say that is that there are, as you would be aware, Senator, quite a complex set of governance arrangements. Those arrangements relate to NGOs if the NGO is a community government council or acts as a community government council, is an incorporated association or is incorporated as an Aboriginal and Torres Strait Islander corporation and is operating within one of the prescribed communities.

Senator SIEWERT (Western Australia) (6.29 pm)—That helps to clarify it. I will come back to it. Under the definition of a community services entity, it says:

(d) any other person or entity:
   (i) that performs functions or provides services in a business management area; and
   (ii) that is specified by the Minister ...

My understanding of that definition is that the minister can prescribe ‘any other person or entity’. The minister could, by legislative instrument, prescribe one of those organisations as meeting that criteria. Is that correct?

Senator SCULLION (Northern Territory—Minister for Community Services) (6.30 pm)—In the parlance of this place, Senator Siewert, I want to ensure that the
you and I are reading off the same song sheet. I am looking at (d) under part 5, and the (d) that you have referred to has no context here. Perhaps you could give me the reference.

The TEMPORARY CHAIRMAN—Senator Siewert, what page is it on?

Senator SIEWERT (Western Australia) (6.30 pm)—I am referring to definitions on page 4 of the bill. It is the definition of a community services entity, which is what I understand we are talking about. I have gone to the definition of what constitutes a community services entity. As I understand it, they are the organisations that we are talking about under part 5.

Senator SCULLION (Northern Territory—Minister for Community Services) (6.31 pm)—That is correct.

Senator SIEWERT (Western Australia) (6.31 pm)—I am glad we have established that fact. Minister, I am going to put a scenario to you, and you can tell me whether it would be possible—I am not talking about what the intent is—under the bill. A non-government organisation—I should pick a mythical one rather than a specific one—is providing a community service. Community service organisation X is providing health services in a business management area. From my reading of this legislation, it would be subject to these provisions. In other words, the government could put observers on its board and take any asset. Even though the organisation is not funded by the government, under the provisions in this bill the government could take any of the organisation’s assets.

Senator SCULLION (Northern Territory—Minister for Community Services) (6.32 pm)—My reading of this is very clear. On the same page 4 that you are referring to, under the heading ‘Definitions’, part (d) says:

(d) any other person or entity:

(ii) that is specified by the Minister (whether by reference to a class of person or entity or otherwise), by legislative instrument, for the purposes of this paragraph.

This clearly indicates that the model that you have described may come under that purview. But, again, if I could just stress my previous contribution: it is the intent that some negotiation would happen prior to that and certainly before these reserve powers would apply. It is very clear in the definition that the minister could do that by reference to a class of person or entity. So the scenario that you paint is in fact correct.

Senator SIEWERT (Western Australia) (6.33 pm)—People need to be very clear about what the minister can do once that situation occurs. This could happen to an incorporated organisation, as defined under the associations act, without it having to be prescribed under the legislation because that only applies to ‘any other person or entity’. The bill states:

(2) The Minister may give a direction, in writing, to the entity to do any of the following for the purpose of providing funded services in the business management area ...

I think we have clarified that assets do not have to be funded for the specific provision of that service. The bill goes on to say:

(c) if the asset is in the entity’s possession—transfer possession of the asset to:

(i) another community services entity; or
(ii) the Commonwealth; or
(iii) a specified person;

(d) if the asset is owned or controlled by the entity—transfer ownership or possession of the asset to:

(i) another community services entity; or
(ii) the Commonwealth; or
(iii) a specified person.
As I understand it, that asset does not have to be funded under the funding agreement that we are specifically referring to in part 5.

Senator SCULLION (Northern Territory—Minister for Community Services) (6.34 pm)—I have been informed that that is not the case. These reserve powers are to ensure that the services are delivered in a community to a specific standard.

Senator SIEWERT (Western Australia) (6.35 pm)—Could you clarify that? The government’s position is that this part refers only to assets that are funded under the specific funding agreement that the government is seeking to alter under part 5, clause 65.

Senator SCULLION (Northern Territory—Minister for Community Services) (6.35 pm)—Again, for clarification: if those assets were owned, in the circumstances that you describe, by an NGO, a community government council, an incorporated association or an Aboriginal or Torres Strait Islander corporation incorporated under the act, yes, that would be the case. Perhaps I can paraphrase your question: if an NGO has an asset that is not owned or funded by some Commonwealth process, what is our capacity to direct that asset? Can I take that on notice and get back to you in a few moments?

Senator SIEWERT (Western Australia) (6.36 pm)—I would also like clarification on clause 68(1), which says:

This section applies if:

(a) a community services entity owns, controls or possesses an asset; and

(b) the entity provides services in a business management area; and

(c) the Minister is satisfied that:

(i) the asset’s use is required for providing services in the area; and

(ii) funding has been provided by the Commonwealth or the Northern Territory that could be used to provide those services ...

Would you please provide an answer with respect to that clause?

Senator SCULLION (Northern Territory—Minister for Community Services) (6.37 pm)—As you suspect, it is any asset that belongs to those bodies, as previously described, delivering services within the community.

Senator SIEWERT (Western Australia) (6.37 pm)—These are very significant powers that, I think, will put organisations off wanting to work in prescribed areas. For example, if I am an NGO and the government can decide to off my assets—and let’s get very particular here—and think that they might be good for providing some services—

Senator Stephens interjecting—

Senator SIEWERT—Thank you, Senator Stephens, a bus is a very good example. The government could say: ‘That bus can provide the services. We’ll require you to give it to another community service organisation or to the Commonwealth’—which means take it to the Commonwealth—or to another specified person.’ If this is about delivering services in communities, there is a lot of power here and an awful lot of things for community organisations to be very worried about, because it is not limited. My interpretation is—and I think I have just had that agreed—that, if an organisation has an asset that may be used in one of these business management areas, it can be taken. This is astounding! If I were running an organisation, like I used to, I certainly would not be providing services in these areas because the government can come and take any of the other assets that it thinks might be useful to deliver services in that area.

This is way beyond what the government was talking about earlier in trying to improve services. I understand what the minister was trying to say earlier. I do not agree with it, but I understand that what the minister was
trying to say earlier was that this is about improving delivery of services in the business management areas. As I said, I do not agree with it, but this is way beyond what the government was talking about earlier. I would be really happy to be told and shown in this bill where the brakes are put on this. You have just agreed with my interpretation that it is wide open for the government to come in and require community service entities—because the definition is very broad—to do things and use their assets in ways that those community service organisations may not want to, as well as put observers into the organisations to spy on them. I understand that applies to any community service entity that may want to put up its hand to carry out services in the business management or prescribed areas. This is another huge disincentive for any organisation that wants to provide services into these areas, yet the government keeps saying they are trying to improve services. This is a huge disincentive to that.

Senator SCULLION (Northern Territory—Minister for Community Services) (6.40 pm)—Perhaps for further clarification, I could go to clause 68(1)(c) where it states that the minister has to be satisfied that the asset’s use is required for providing services in the area, but most importantly subclause (c)(ii) states that funding has been provided by the Commonwealth or the Northern Territory that could be used to provide such services.

I have been at some pains to explain that these are reserve powers. The notion from Senator Siewert is that suddenly this will be a disincentive for people coming there to provide services. This is simply a mechanism to ensure that a service paid for by either the Commonwealth or others is supplied. The underpinning process of this whole matter is that the intent is to provide a service to a high level of amenity and provide a sense of wellbeing throughout the community so that the community can enjoy access to amenities available to every other Australian. That is the intent of this and, as I have gone to some pains to explain, this is a reserve power that enables the minister to take action in the circumstances where other negotiated processes and arrangements have not reached agreement.

Senator STEPHENS (New South Wales—Parliamentary Secretary to the Leader of the Opposition) (6.42 pm)—Minister, in relation to the questions that Senator Siewert is pursuing, will you comment on this: where a homeland association may have been a CDEP provider, is it the intention under this legislation that, with the withdrawal of CDEP, the resources in that community which are related to it and have been raised through the CDEP could be acquired and directed to other employment programs, therefore stripping the homeland association of the capacity to tender for something like Work for the Dole?

Senator SCULLION (Northern Territory—Minister for Community Services) (6.43 pm)—I recognise you were not present during some of my earlier submissions, Senator. The homeland process and movement principally deals with outstations, and this only refers to the prescribed communities, which, generally speaking, excludes outstations, town camps and those organisations that are operating within a current municipal shire.

Senator STEPHENS (New South Wales—Parliamentary Secretary to the Leader of the Opposition) (6.43 pm)—Thank you for the clarification. Let’s take the homelands out of it. In relation to a current CDEP
provider—and there are many successful providers who are underpinning the social and community services in those communities—is it an effect of this legislation, given your explanation to Senator Siewert, that some of those CDEP providers could lose the assets that are within their organisations, thereby preventing them from successfully meeting the tendering requirements for other programs such as Work for the Dole?

Senator SCULLION (Northern Territory—Minister for Community Services) (6.44 pm)—I will accept that we are trying to find some sort of exemplar to carve the argument around. If the providers were providing services as a community government council, an incorporated association or an Aboriginal and Torres Strait Islander corporation within one of the prescribed communities—and I am assuming that you are referring to the fact that they are also providing some sort of service outside the community—then, yes, that would be the case in that scenario. But, as I say, these powers are specifically reserve powers to be used within prescribed communities and not within the outstations. The CDEP is not a matter for this legislation at the moment.

Senator CHRIS EVANS (Western Australia—Leader of the Opposition in the Senate) (6.45 pm)—I indicate on behalf of the Labor opposition that Labor will not be supporting Democrats amendment (5), which is to oppose part 5 of the bill relating to business management areas. We see this as part of what is essential to the emergency intervention. Labor will be supporting the government on the question that part 5 stand as printed. So we will not be supporting the Democrat amendment. I just thought I would indicate that, as that is the matter before the chair.

Senator SIEWERT (Western Australia) (6.46 pm)—I want to go to another clause in part 5 as well. Division 2, subdivision A, clause 67(2) states:

(2) The Minister may give a direction, in writing, to the community services entity to do all or any of the following:

(a) provide the service—which is fair enough—

(b) provide the service in a specified way (including directing that a specified person is to do, or is not to do, any specified thing in relation to the provision of the service) ...

Does that mean that the level of micromanagement that will go on is actually where the government, through the minister, will be specifically directing what people will be doing and who does what?

Senator SCULLION (Northern Territory—Minister for Community Services) (6.46 pm)—Consistent with the remainder of this aspect of the legislation, this is a description of a reserve power. At the end of the day, if the minister thinks that we can provide further protection to children and families through ensuring that this reserve power can ensure that the services are delivered, or that the outcomes that the minister intends to deliver through this emergency intervention are delivered, then that indeed is just another reserve power.

Senator SIEWERT (Western Australia) (6.47 pm)—Saying that these are reserve powers is a very cute way of fooling people into thinking that it is all okay, this is not really going to happen. It is absolutely outrageous legislation. You are giving yourselves the power—whether it is reserve or not, the fact is that it is in the legislation and it can happen—to virtually take control of a non-government organisation, put observers in there and take their assets, if you are funding them. If you are providing an organisation with a service you are now writing into legislation that you can take their assets and give them to yourselves, to another organisation...
or to another person. It is absolutely extraordinary. As I have already articulated, we will be supporting this amendment. In fact, it is also incorporated in one of the amendments that we will move, which is to oppose parts 3 to 6. This is an extraordinary piece of legislation. The government is trying to be cute, to tie it up by taking this power, micro-managing communities—because that is what it is—and calling them ‘reserve powers’. It is absolute nonsense. It is a furphy trying to disguise the fact that you are taking these extraordinary powers. We will be opposing this.

Senator BARTLETT (Queensland) (6.48 pm)—As there is some desire to extend to 20 past seven, I wanted to ask one more question rather than just put the vote. I presume we would need to move out of committee first.

The TEMPORARY CHAIRMAN (Senator Moore)—We will be reporting progress at 6.50 and there will be a procedural motion to continue in committee, which is imminent.

Senator BARTLETT (Queensland) (6.49 pm)—Perhaps I will ask the minister in the 45 seconds available. He can ponder the answer while he is moving the procedural motion, because we all know he is multis skilled. The broader issue, which I think goes to a key issue raised in the Scrutiny of Bills Committee report, is the exercise of all these reserve powers, which Senator Siewert has just been outlining. What sort of scope is there for any sort of review or appeal of any decision that is made using these reserve powers? Is there any scope for anybody who is affected by them to have any sort of standing or any sort of enforceable right of appeal or review of those decisions?

Progress reported.
partment in the first place. I will not speak to the report, since we are not speaking to documents, but I did want to highlight the consequence of not proceeding to documents. Nonetheless, given the imperatives before it, the Democrats will not stand in the way of the motion.

Question agreed to.

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

In Committee

Consideration resumed.

NORTHERN TERRITORY NATIONAL EMERGENCY RESPONSE BILL 2007

The TEMPORARY CHAIRMAN (Senator Moore)—The committee is considering the Northern Territory National Emergency Response Bill 2007. The question is that part 5 stand as printed.

Senator SCULLION (Northern Territory—Minister for Community Services) (6.52 pm)—I thank Senator Bartlett for his question. Before I provide an answer on the appeal process for the use of these powers, I should once again reiterate the circumstances around the powers. These are reserve powers and they are intended to ensure the swift and smooth implementation of reform measures. They will be used only when negotiations to introduce these changes have been unsuccessful. The principle reason that we require these powers is that having a range of these sorts of powers is going to ensure that the Australian government has the necessary authority to implement the intended scope of improvements in prescribed communities. We have not just said, ‘We’re going to give ourselves some more powers.’ These are reserve powers but, if we cannot get service delivery into the communities and important infrastructure improvements, the full scope of measures that we know are absolutely essential to achieving the outcomes that the children and families in these communities deserve may not be able to be implemented. In terms of the appeal process, the normal appeal process through the courts would apply.

Senator BARTLETT (Queensland) (6.54 pm)—I do not want to prolong debate on this particular measure, but I do think a point needs to be made. You can use a term like ‘reserve powers’ all you like, but you will be given the powers and there will then be minimal constraints on how they are exercised. You can decide for yourself whether or not an incident warrants the use of reserve powers—to adhere to the minister’s own language. I know we are calling this an emergency—and in one context I accept and agree with that terminology being used—but I do not accept and do not agree with some of the analogies that are often used, saying it is akin to a cyclone et cetera. This is a very different circumstance. Everything has not been wiped out or cut back to the ground. There are organisations in place. Many of them are underresourced but there are people there, there is expertise there and there is leadership there.
I appreciate that the minister is saying that the government will only use these powers as a last resort if they cannot get agreement. But you will have those powers in your back pocket all the way along. So, if not reaching agreement means not getting your own way, as soon as you are not getting your own way you will pull the reserve powers out of your back pocket. That is human nature. That is why parliaments guard against these sorts of things. If you know you have the ultimate trump card in your back pocket, no matter what the situation, you have the total power. Sometimes people will be able to resist just using the trump card and will be able to operate effectively, but at other times they will not be able to. They will get impatient, they will get passionate and, with the best of intentions, they will use that trump card.

The reason that this is a serious concern goes not just to the principle but also to the practical consequences. Again, from the Democrats’ point of view, our interest is in evidence on what is going to work and what is not. When you believe you have all the answers, it is very easy to say: ‘Give us all the power. We know what needs to be done. This will work.’ But those of us who do not have such universal faith in the complete all-knowing wisdom and ability of government officials and government ministers of any political persuasion—frankly, I do not have that much faith in human beings at all to give anybody that sort of absolute power—want to look at other evidence. We have plenty of evidence within Australia, let alone elsewhere, that even people who have the absolute best intentions, if given absolute control over other people’s lives, make some serious mistakes. And, because they have that much power, the mistakes can have very serious consequences.

So to say, ‘It’s okay; you can go to a court,’ (a) ignores the obvious reality that the court process is not accessible for many people in this sort of context and is a completely unrealistic option; and (b) ignores the fact that the courts can still only interpret the law and, if the law gives you absolute power, all the courts can say is, ‘You’ve got absolute power.’ The court option has become fairly meaningless anyway, as we have seen in other areas, such as the Migration Act—which I would have spoken to if I had been speaking to government documents. The framing of the law in the way that gives absolute power means that the courts are basically cut out of all but the narrowest scope for review. There is no meaningful merits review at all. It may be all right if you had a whole bunch of people teetering on the edge of a cliff and you had to do something to stop them sliding over the cliff in the next minute, but, when you are talking about prolonged implementation of a range of measures relating to organisational decisions, implementation of infrastructure and all that sort of thing, the practical intent of the government’s approach is: ‘We are the only ones who know best; we need all the power at the end of the day.’

If you can show me anywhere in the world where that approach has worked in any context I would like to see it. That is a classical definition of authoritarianism. Again, for a government that claims to have even a shred of liberalism in its philosophy, it is extraordinary—not just because of the philosophical debate but also because we know it does not work. Long term it does not work. You might be getting lots done now, because you can do it, but long term it does not work. Governments the world over like to say, ‘We need more powers so that we can do things swiftly and smoothly.’ Of course you can do things swiftly and smoothly if nobody else can get in your way, but that does not mean you are going to do the right things swiftly and smoothly. That is why we have these sorts of checks and balances and protections.
Senator STEPHENS (New South Wales—Parliamentary Secretary to the Leader of the Opposition) (6.59 pm)—Minister, in relation to the powers and your capacity to draw on those powers, could you advise the extent to which those powers can be delegated and whether or not the use of those reserve powers is required to be reported in any way?

Senator SCULLION (Northern Territory—Minister for Community Services) (6.59 pm)—I am advised that delegation of these powers will only be at a very senior level within the Australian Public Service or be solely by the minister.

Senator STEPHENS (New South Wales—Parliamentary Secretary to the Leader of the Opposition) (6.59 pm)—The second part of my question was about reporting the use of those reserve powers.

Senator SCULLION (Northern Territory—Minister for Community Services) (6.59 pm)—A further clarification of your first question: for external managers, it cannot be delegated. I would imagine that, when the government reports plans—both six monthly and 12 monthly—it would be a part of that process. I will take that aspect on notice and get back to you very shortly.

The TEMPORARY CHAIRMAN (Senator Moore)—The question is that part 5 stand as printed.

Question agreed to.

Senator BARTLETT (Queensland) (7.00 pm)—The Australian Democrats oppose clauses 90 and 91 in the following terms:

(6) Clause 90, page 68 (lines 2 to 32), TO BE OPPOSED.

(7) Clause 91, page 69 (lines 1 to 11), TO BE OPPOSED.

These clauses relate to customary law. When the issue has been presented in a very shallow way, it can seem quite appealing, but when you look at the substance of the issue it is a very serious problem. These two clauses basically prevent a bail authority or a court from having any regard to customary law or cultural practices when considering bail applications or sentencing—so Aboriginal people in the Northern Territory are prevented from having customary law or cultural practices taken into account when bail applications or sentencing occurs. We had this debate with regard to a piece of legislation, I think it was last year, to amend the Crimes Act. It was opposed by the Democrats and I am fairly sure it was opposed by the Greens—if not, I am sure I will be corrected. I am also fairly sure that it was opposed by Labor—and I am sure they will correct me if I am wrong. It was opposed because it was unjust and discriminatory, and there was no evidence that it was necessary.

One or two examples of what would appear to be unreasonable sentencing have been pointed to over the years—where a judge had given undue weight to what was presented as a cultural practice. Decisions such as these are usually overturned on appeal to a higher court, which is the court process doing its job; however, we could all point to sentencing decisions made in courts all around the country where the sentence did not seem adequate, where it was either too extreme or too lenient or where issues were taken into account such that people thought that undue weight had been given to other issues.

These clauses mean that Aboriginal people in the Northern Territory are the only ones in the country who cannot have their cultural practices taken into account. I can have my cultural practice taken into account if I ever end up being sentenced—fortunately, my cultural practices are rather more embedded in the assumptions that are usually taken into account by courts, not that I am planning to be before one! The practical
consequence is that cultural practices are not able to be taken into account, and this is a specific intent which produces a discriminatory result.

It also means a weakening of the tradition of customary law and cultural practice. Again I would point to commentary by Indigenous people, including those who have in the broad supported the government’s actions here but have said that it is crucial that Aboriginal culture be strengthened through this intervention process because that is an essential part of this process. The intervention will not work in the long term unless Aboriginal culture and norms are strengthened, not weakened. These two clauses clearly weaken Aboriginal culture by dismissing it as a factor even deserving of acknowledgement. That, I would argue, is counterproductive. These clauses implement the government’s ideological agenda, which was already in place anyway, and the government is using them as an excuse.

This is about sentencing and bail, so it will not in any way prevent child abuse in the short term. One can argue about whether the lengths of sentences may or may not have a longer term impact on reducing child abuse. One could have not just a philosophical debate but, more importantly, an evidence based debate about what works and what does not in reducing recidivism in child abuse offenders. For that reason, I would ask the minister a question in this section which I think is relevant to these items. I have made the case about why these clauses should be removed but the other point I would make—because I do recognise that the court process does have a role, whether it be bail or sentencing—is that I simply do not believe that cultural practices should be excluded from things that can be taken into account.

The other point that has to be made is that there is a lot more to it than that. One question I would ask the minister, because it does link to this topic, is about the resources and the plans that are being developed for the rehabilitation of offenders. I am not saying they should not be locked up; I am asking what programs are being funded to rehabilitate the offenders, whether they be child sex offenders or others, for that matter. I appreciate that is a very difficult area but, amongst the many people I have spoken to about this issue in the last month or so, some have pointed me to what appear to be very successful programs with indigenous peoples in Canada. They work on a range of processes to reduce the risk of people reoffending, whether they are child sex offenders or perpetrators of other acts of violence. So that is an important part of achieving long-term success in this area. Eventually, no matter how long you lock people up for—whether or not it is as a consequence of these sections going through—eventually most of them come out at the end of it and they are likely to go back into the communities. We need to have programs in place not just for offenders but also for communities to help them to deal with people after they have been released.

**Senator CHRIS EVANS** (Western Australia—Leader of the Opposition in the Senate) *(7.07 pm)*—Labor will not be supporting the Democrat attempt to oppose this part of the legislation. This is a difficult issue. The parliament wants to respect Aboriginal culture and traditional law and recognises that sometimes that culture and law comes into conflict with European law. It is a challenge for us to get the balance right and to deal with that clashing of the two cultures. This has come to a head in the current debate, in which there has been serious concern about Aboriginal law defences in bail or sentencing hearings for crimes involving violence and child abuse.

The first thing to say is that most Indigenous people are very quick to tell me that
there is nothing in Aboriginal culture that condones violence against women or child abuse. We need to be very clear about that: Aboriginal people do not condone violence against women or child abuse, and they do not claim that that is a cultural practice. That is the first thing to say in this debate. In terms of working out how one allows Indigenous culture and law to continue to have some value and recognition within the broader European law, there has been a lot of work done over recent years by various law reform commissions and attorneys-general. A lot of work was done by a colleague of mine in Western Australia, Mr Jim McGinty, the Attorney-General, on serious attempts to try and better integrate the two sets of laws.

We need to work to ensure that we do something about the terrible incarceration rates that exist in this country. We are talking about one national shame at the moment, which is the prevalence of child abuse and violence in some of these communities. One of the other great national shames is the rate at which we incarcerate Aboriginal people in this country. It used to be just Aboriginal men, but now we are getting pretty good at incarcerating Aboriginal women as well. The figures, which I do not have to hand, are staggering. Our failure to respond to that is a severe criticism of Australian society. There have been attempts to try and deal with some of those issues, and part of those attempts has been to try and look at law reform to ensure that we take account of Indigenous culture and law so that Indigenous people are not banging up against the European legal system as much, are not coming before the courts as often and are not being incarcerated as often. Those efforts have been quite helpful, and some progress has been made.

Following the concerns about the child abuse and violence in some Indigenous communities coming to a head, there has been a lot of focus on the attempt that seems to have developed in some jurisdictions to use argument about cultural practice and traditional law to somehow excuse what are abhorrent crimes or to seek to reduce sentencing or access to bail. As I said, every Indigenous person I have spoken to about the issue starts from the premise that there is no defence under Aboriginal cultural law for violence against women or children or for sexual abuse of children.

Trying to deal with these conflicting priorities is a difficult issue. The Labor Party is prepared to support the government’s changes in this bill because there is a problem that needs to be addressed but also because on this occasion the government has gone about it the right way. It has consulted with state attorneys-general and has gone through the forum of COAG to look at a national response. It did not just decide that, because the Commonwealth minister woke up one morning and wanted to take some action, he could unilaterally do it. On this occasion the state governments, who are responsible for those legal systems and the running of the courts that deal with these issues on a day-to-day basis, came together under COAG and at the July 2006 meeting made a decision. That decision in part reads that they agreed:

The law’s response to family and community violence and sexual abuse must reflect the seriousness of such crimes. COAG agreed that no customary law or cultural practice excuses, justifies, authorises, requires, or lessens the seriousness of violence or sexual abuse. All jurisdictions agree that their laws will reflect this, if necessary by future amendment.

So we have a joint agreed approach for dealing with the growing seriousness and occurrence of violence and child abuse in these communities. Those responsible for administering the laws, the state governments, see that this sort of response is required. A number of them are keen to point out that this
does not prevent them continuing to pursue measures that give, for instance, Indigenous law and justice committees and elders the ability to develop their own systems of authority. But it will stop the courts from being able to consider these outside actions as a mitigating or aggravating factor in sentencing.

Given the leadership shown at the COAG meeting and the agreement of all the states in moving down this path, it is not unreasonable for parliament to give effect to that. At the same time, I am mindful of ensuring that we as far as possible provide respect and support for the practice of Indigenous culture and traditional law. That is why I was very disappointed that the earlier amendments about ensuring access to land in the face of the land tenure changes was not supported by the government. Labor will be supporting the bill as it stands and will not be supporting the Democrat attempt to strike out those clauses.

Senator BARTLETT (Queensland) (7.15 pm)—I want to throw one more question on the table for the minister. He will probably have all night to cogitate on it, because we have to finish up soon. I will not respond at length to Senator Evans; it is a complex area. The rate of imprisonment for Indigenous people is an absolute scandal, but, unlike others, I do not pretend to have all the answers to that. I think it is an incredibly difficult issue to deal with, particularly when you are talking about the rate for young Indigenous people. It is absolutely extraordinary. I think it is over 25 per cent, which is just horrendous. As Senator Evans said, the percentage of women in prison who are Indigenous is, I think, over 50 per cent in some states, which is mind-blowing. It goes far beyond what the government could hope to achieve through these amendments. But I do not think that taking out the scope for cultural practices to be taken into account in sentencing is going to help reduce that problem. I think it is quite a separate issue, frankly.

As was pointed out last year when we had this debate, and in terms of the amendments to the Crimes Act, the amendments and the resolution that Senator Evans read out regarding the COAG agreement talked about making amendments to the law if necessary. The key point that needs to be emphasised is that customary law does not excuse child sexual assault. So, if you are talking about sentencing for a child sexual assault offence, customary law is not going to be relevant as a mitigating factor anyway if it is properly put forward and considered by a court. I concede that, on rare occasions, it has not been properly considered but, as far as I know, that has always been remedied via an appeal process. That is why I think it is an area where, on face value, it may make some sense, but on closer examination it does not; it is actually discriminatory and unhelpful. Those are precisely the sorts of points that have been made by many of the Law Reform Commission reports and the like that have looked at this sort of area, and none of them has recommended going down this path. All of them have seen the equity. This is not a special measures treatment; this is an equity treatment—that cultural practices for Indigenous people should be considered.

I know the minister was fairly disparaging about the recommendations of the Little children are sacred report, but there are four recommendations in there that go to offender rehabilitation. Is the government going to take any of those into account? What else is it doing with regard to offender rehabilitation? With regard to this wider issue, given that it is an issue for the long haul, what else is the government planning to do with regard to some of the other activities that have been tried in various states? I will not go through them all now; I do not have the time. In Queensland we have things like the Murri
Court, which seek to involve elders and others in the sentencing process and in the rehabilitation process. Is any consideration being given at this stage to those sorts of things? Obviously we are talking about reducing child sexual assault and other violence, and those sorts of things have to be part of the package. One of the problems, certainly at state level—and I presume in the territories—is resourcing, apart from anything else.

Senator SCULLION (Northern Territory—Minister for Community Services) (7.19 pm)—In the short time that I have left I thought I would try to answer the last question briefly. I have some information with regard to rehabilitation. As part of the law and order summit, we provided $15.9 million for rehabilitation. That rehabilitation was in the context of substance abuse and sexual offenders. We are working on a number of initiatives that will have to be in place, but those initiatives have not yet been completed. As you can imagine, it is a very complex area. But, initially, the $15.9 million has been provided.

In the very short time that I have left, I would have to say that there seems to be some confusion with regard to how you see these amendments. These amendments do not prevent customary law or cultural practice from ever being taken into account in bail and sentencing decisions. They reflect absolutely—they are in parallel to—the changes we made to the Commonwealth Crimes Act.

Progress reported.

ADJOURNMENT

The DEPUTY PRESIDENT—Order! It being 7.20 pm, I propose the question:

That the Senate do now adjourn.

President

Senator WATSON (Tasmania) (7.20 pm)—When Paul Calvert arrived in Canberra to take up his seat as a Tasmanian senator, we had high hopes that the former Warden of the Clarence Council would bring a wealth of experience and vitality with him. We were not disappointed. Senator Calvert was not a high-flying lawyer or a corporate heavyweight but a man who had made his living from the land and who had shown his practical approach through the school of hard knocks—local government leadership, the Royal Agricultural Society of Tasmania and rising to the position of President of the Senate. This background has shone through brightly during his 20 years of service to the people of Tasmania and, more recently, in his national status as President of the Senate. Senator Calvert has always kept his feet firmly on the ground, resisting the temptation to believe that high office brought special airs and graces, always remaining highly approachable and applying a large dose of common sense and practicality to his parliamentary service.

Paul Calvert has also been a close friend of mine over many years, and that friendship has been something I have greatly valued. His advice has always been positive, and his willingness to consider issues has been driven by a thorough knowledge of his home state and of the parliamentary process. His ready smile and friendly approachability have been hallmarks of his personality, and I know that this has been appreciated by his colleagues, in particular his junior colleagues who have been feeling their way into new jobs here.

For some years, he has also been loaded with additional responsibilities to help his colleague Senator Eric Abetz to provide a good level of representation for the Liberal Party in the southern area of Tasmania. Because Tasmanian voters have recently supported Liberals better at a federal level in the northern half of the state, we now see six of our eight federal Liberal parliamentarians
based in the north. While this imbalance may be rectified at the coming election, it has meant that Senator Calvert and his staff have had a heavy workload to bear, and I congratulate them on their sterling effort.

The past 10 years has seen Senator Calvert exert his quiet and firm style of personal leadership through these roles, firstly as Government Whip and secondly as President of the Senate. In both roles, he has earned additional respect from those around him by his ability to deal with challenging tasks in a calm and measured way and by his ability to draw respect for his roles through the way he personally has done his work in an efficient and positive manner. But this is a measure of Paul Calvert in his life; it is the measure of what this institution is going to lose now that he has decided it is time to retire.

I know that Paul has said it has been a privilege to have been able to hold the special role of President of the Senate. I would also like to say it has been a privilege to have him in that role, and he has carried out his duties with dignity, leadership as well as honour. He has brought respect to the institution he has represented both here and overseas. To Paul and his wife Jill, I personally wish you both a long and healthy retirement and I sincerely thank you, Paul, for your outstanding contribution to the life of the Australian parliament and your dedicated representation of Tasmanian interests in this place.

Festival of Light Australia

Senator BERNARDI (South Australia) (7.23 pm)—During the debate on 14 June 2007 on the Pregnancy Counselling (Truth in Advertising) Bill 2006 in a parliamentary speech, Senator Webber referred to the evidence given by Mr David d’Lima and Mrs Roslyn Phillips on behalf of Festival of Light Australia to the Senate Community Affairs Legislation Committee. This evidence was given in Adelaide on 20 July 2006. Senate Hansard records Senator Webber on that date as saying:

I recall the Festival of Light in Adelaide getting very defensive about the services they offer, because they do provide some of the advice I was alluding to earlier.

It is my opinion that this reference suggests the Festival of Light has been involved in pregnancy support counselling services. The Festival of Light is a community group promoting Christian family values. At no stage during the group’s 34 years of existence has it ever provided a pregnancy support counselling service. The Hansard record shows neither Mr d’Lima nor Mrs Phillips claimed to have done so while giving evidence to the Senate Community Affairs Legislation Committee. The Senate during the debate was also told that:

... the Festival of Light—in Adelaide in particular—did not like ... the idea that they may actually be compelled to use professional counsellors who are registered with their relevant professional body—counsellors who have recognised tertiary qualifications in how to provide non-judgmental, non-directive counselling ...

... ...

People like the Festival of Light do not like that idea at all.

I believe these statements do not accurately reflect the record of evidence which Senator Webber heard as a member of the Senate Community Affairs Legislation Committee. The Hansard record from 20 July 2006 does not include any statement by Mr David d’Lima or Mrs Roslyn Phillips opposing the use of professional counsellors. I raise this not in any way to reflect on Senator Webber but simply to ensure that the integrity of the evidence is retained and that the Festival of Light is not misrepresented as anything but a community organisation promoting Christian and family values.
Sandakan Death March

Senator McEWEN (South Australia) (7.26 pm)—Today marks the 62nd anniversary of the end of the war in the Pacific and the end of World War II. On this day in 1945, the Japanese emperor announced his nation’s unconditional surrender. It was the end of a six-year war that had claimed the lives of 39,366 Australian soldiers and during which a devastating 72 million persons in total were killed.

We are all aware of the many atrocities that occurred around the globe during World War II. But one that is particularly tragic, and not often referred to, is the story of what happened to Australian prisoners of war in Borneo. During 1942 and 1943, more than 2,400 Australian and British prisoners of war were transferred by the Japanese army to Sandakan following the fall of Singapore. Of the 2,400, nearly 1,800 were Australians. Sandakan is a coastal town in the Malaysian state of Sabah on the island of Borneo.

The POWs were sent there to construct a military airfield and were held in prison camps. Their living conditions began tolerably but deteriorated rapidly. Soon they were trying to survive on approximately 85 grams of rice a day. With little or no medical attention, our soldiers suffered from beriberi, tropical ulcers, malaria, scabies and countless other diseases as they worked all day, every day before falling asleep on their lice-infested bedding.

In early 1945, the Japanese began moving the fittest prisoners to Ranau, another small settlement inland from the coast. The intention was to take the prisoners to Jesselton, now called Kota Kinabalu, to work as labourers, but allied air activity on that side of Borneo meant they were stopped at Ranau. The prisoners were forced to walk the 250-kilometre track from Sandakan to Ranau through dense jungle and extremely difficult terrain with hardly any food. Three groups of prisoners—approximately 1,000 men—all of them starving and sick, embarked on the trek from Sandakan to Ranau. Those who could not keep up were killed by their guards.

Around half the prisoners survived the march only to die at Ranau of illness, malnutrition and abuse from their captors. Of the 2,434 Australian and British prisoners of war who were originally interred at Sandakan, all but six either died in the camps or on the so-called death marches. It was the highest death rate in any prisoner of war camp. The survival rate was only one per cent. Of the six who did survive—all of whom were Australians—two escaped along the route to Ranau and the others escaped into the jungle there.

The survival of these men despite such awful circumstances is astounding. Their survival was made possible by their own courage and strength, by the support of their mates and with assistance from villagers. The first two Australians escaped with the help of locals and the last four, who had endured the entire 250-kilometre walk, were cared for by them. The local people were also suffering extreme deprivation and brutality because of the war, yet they reached out to our soldiers and helped them.

Sixty years on, the track walked by Australian and British soldiers had become completely overgrown or built over by roads and development. The original path was difficult to find; however, a number of people in both Sabah and Australia were determined to recreate the death march route and to use it as a living memorial to the story of the Australian and British POWs and to the people of Malaysia who helped them. Two people who have done much to bring this part of Australia’s history to life are Mr Tham Yau Kong and Lynette Silver. Mr Tham is a Malaysian, a Sabahan, whose family helped the Austra-
lian POWs in the 1940s. Mr Tham is a successful, award-winning tourism operator with a passion for preservation of the remaining beautiful jungles of Sabah. He has a love of trekking and an unwavering determination to bring attention to the story of the death marches. Lynette Silver is an Australian historian and investigative writer who has published a considerable amount of her research, including her well-known book *Sandakan—a Conspiracy of Silence*.

Lynette and Mr Tham worked diligently and in 2006 opened up the path the soldiers had followed. Their work made it possible for others to walk in the footsteps of our POWs. In July this year I took the opportunity to walk 100 kilometres of the POWs route from Sandakan to Ranau. There were 20 people in my group, 19 South Australians and one Victorian. Many of us had already successfully completed the Kokoda Track in Papua New Guinea, but that did not prepare us for the death march. The walk was tough for 20 reasonably fit, healthy, well-rested and extremely well-fed Australians who did not have to worry about being shot or bayoneted if they fell behind the rest of the group. It is almost impossible to imagine what it must have been like for a starving, tired and terrified soldier watching his mates being killed because they could not keep up.

Along the trek, we met some local Sabahans who were children during the time of the death marches. We met an old man who told us that he was about 14 years old when the Japanese made him ferry POWs across a river on the way to Ranau. He told us the prisoners ‘looked like skeletons’. He said that he did not know how they managed to still be alive. While the trek was, for us, physically challenging because of the terrain and the heat, it was emotionally challenging because, as you plodded along, you were always aware of the incredible waste of young life that occurred on that path and in the camps at either end of it. As you walk along you cannot help but ask why it was that 1,787 young Australians had to die there. Was there more that the Australian authorities could have done to save those Australian soldiers? The answer to that is, yes, we could have done more. We now know that a plan to rescue the remaining prisoners of war in April 1945 failed because the intelligence that came out of Borneo to the Australian military command was wrong and not enough effort was made to check that intelligence. The plan of rescue was shelved. Our soldiers were basically abandoned and left to die. To make things worse, the families of those who died in Borneo had to fight for many years to find out what had happened to their brothers, fathers and husbands, and why it happened. There was indeed a ‘conspiracy of silence’. Silence about military and government mistakes during wars does no-one any good. Learning from mistakes is a maxim that is never more important than when we are talking in the context of war.

There are now a number of memorials in Malaysia and Australia that acknowledge the story of the POWs in Borneo. Today there would have been services held at many of those memorials. For example, there was a memorial service at the Sandakan Memorial Park, a beautiful place funded by the Commonwealth War Graves Commission on the site of the old POW camp in Sandakan. Whilst in Sabah in July, I had the honour of joining Datuk Masidi Manjun, the Sabah tourism, culture and environment minister, in unveiling a commemorative plaque for one of the Australian POWs who died on the death march, Private Allan Quailey. Private Quailey was a tough young man from Redfern in Sydney. He tried hard to survive, but on 16 February 1945, at just 24 years of age, he was killed on route to Ranau. Quailey was starving and, despite the best efforts of his mates to help him, he just could not go on.
The spot where he was murdered was identified by Lynette Silver and Tham Yau Kong and is located within the privately owned Sabah Tea Garden, a working tea plantation. The extraordinary efforts of the management and staff of the Sabah Tea Garden to create a memorial on their property to an Australian POW who died 62 years ago was very much appreciated by my group and particularly by Private Quailey’s family. My group was privileged indeed to be included in the ceremony of dedication and I urge any senator who has the good fortune to travel to Sabah to visit Private Quailey’s memorial. I thank my 19 fellow trekkers, Lynette Silver and Mr Tham Yau Kong and his team for their respect for our prisoners of war. I thank all the people I met in Sabah who never forgot what happened to our POWs during World War II and who are helping the rest of us to remember. Finally, I quote the words of Jenny Sandercock, a South Australian who organises a small ceremony in Adelaide each year to remember the POWs of Sandakan. Jenny said to me:

It is hard to live with the fact that our men were deserted in their darkest hours and such a half hearted effort by our military and government meant the unnecessary loss of so many lives.

**Climate Change**

*Senator ALLISON* (Victoria—Leader of the Australian Democrats) (7.35 pm)—In 2005, James Hansen, the Director of NASA’s Goddard Institute for Space Studies in New York, said:

We are on the precipice of climate system tipping points beyond which there is no redemption. We may only have one decade and one degree of warming before the monsters are fully awake.

CSIRO advises that climate change is the direct result of worldwide increases in anthropogenic emissions of greenhouse gases—in other words, man-made emissions. Indeed CO₂ increases have contributed approximately 60 per cent of the additional heat that is trapped in the atmosphere, and the underlying long-term global CO₂ growth rate has increased since the mid-1970s in response to increases in international fossil fuel use.

If we stopped emitting all greenhouse gases now so that atmospheric greenhouse emissions remained constant at current levels, the gases we have already released would continue to have an effect for some time to come. This committed warming effect is between 0.2 and one degree centigrade, in addition to the temperature increase already of 0.7 degrees. That is all according to CSIRO in their submission to the Prime Minister’s Task Group on Emissions Trading. They state that this puts the world into dangerous climate change levels which, according to recent studies, will occur with temperature increases of from 0.9 to 2.9 degrees above preindustrial levels. The best available models suggest that, without substantial action to reduce emissions, temperatures could rise by up to six degrees.

Greenhouse gas concentrations are currently around 377 parts per million by volume and the general consensus is that to avoid dangerous climate change it will be necessary to stabilise concentrations at between 375 and 550 parts per million. The Stern report recommended that it should be 450 to 550 parts per million and modelling suggests stabilisation at or below 450 parts per million will be necessary to keep warming at or below two degrees.

What does that mean? Many people imagine that climate change is already here and that there might be a few more droughts and floods but that we can get by or that it will not make much difference to our lives or our economy. Others reassure themselves that CO₂ levels have gone up and down, that ice ages have come and gone and that all this is natural. Certainly, the government must think
this because the pace of change to achieve stabilisation is very slow and is, in fact, going backwards.

Fred Pearce recently wrote a book entitled *The Last Generation: How Nature Will Take Her Revenge For Climate Change*. For 20 years he was a reporter for *New Scientist*. He said, ‘Nature’s revenge for man-made global warming will very probably unleash unstoppable planetary forces, and they will be sudden and they will be violent.’ I cannot do justice to his very considerable book, but I want to draw from it in a number of ways. Fred Pearce goes back five billion years to when the earth was formed and he demonstrates how higher CO₂ concentrations in the atmosphere have typically led to warming and how changes in climate have usually been catastrophic for life on earth.

What make these planetary forces unstoppable are what are known as feedback mechanisms, and these are not entirely predictable or understood. But the chances are they will release massive quantities of greenhouse gases into the atmosphere or stop the ocean conveyor belt, which brings warmth to Europe and produces vast quantities of krill, for instance, or raise sea levels by metres through glacial melts. Six hundred million years ago our snowball earth entered a warm era and 200 million years later was the start of long-term cooling. That cooling was interrupted by a meteorite 65 million years ago and methane from the oceans 55 million years ago that warmed the earth. Fifty million years ago greenhouse gases from these events started to diminish and 25 million years ago the first modern ice sheet started to form on Antarctica. Three million years ago was the start of regular ice ages and the most recent one lasted for 80,000 years. Some 14,500 years ago there was a sudden warming, causing sea levels to rise 20 metres in just 400 years. Two thousand years later another ice age was followed by warming, then 8,200 years ago a massive undersea landslide, triggered by methane releases, added to greenhouse and a new warm era. Some 5,500 years ago, the Sahara dried up. Some 4,200 years ago, the Middle East became arid and civilisations collapsed. From 1,200 to 900 years ago there was a medieval warm period in the Northern Hemisphere and megadroughts in North America. There was a little ice age in the Northern Hemisphere from 700 to 150 years ago.

In 1896 one of the earliest climate scientists, Arrhenius, calculated how rising carbon dioxide levels raised global temperatures. He predicted—accurately, as it turned out—that a doubling of carbon dioxide in the atmosphere would increase temperatures by between five and six degrees. This almost mirrors the IPCC’s prediction.

In 1992 the Earth Summit promised to prevent dangerous climate change. In 1998 we had the warmest year on record, accompanied by a strong El Nino and major carbon releases from burning peat and forests in Borneo. In 2003, 30,000 people died in Europe in the heatwave. In 2005 we had evidence of positive feedbacks, with an exceptional hurricane season in the Atlantic, melting Siberian permafrost, possible slowing of the ocean conveyor, more loss of Arctic sea ice and faster glacier flow in Greenland.

We have to ask ourselves: how much time have we got? The drastic environmental change in Siberia, which could release billions of tonnes of greenhouse gases from the melting permafrost—the world’s biggest bog—is looming as a very large threat. There are huge river systems of meltwater beneath the ice sheets of Greenland and Antarctica. Snow reflects 80 per cent of heat from the sun and so, when snow melts, more heat is absorbed. The oceans, for instance, only reflect 20 per cent of the heat from the sun.
This heat is trapped by gases such as water vapour, carbon dioxide and methane. Without them the earth would be frozen.

1998, as I said, was the warmest year of the 20th century and, possibly, the millennium. It had wild storms, rainforests received no rain, forest fires spread through the tinder dry jungles of Borneo and Brazil, Peru and Tanzania, Florida and Sardinia. Papua New Guinea had the worst drought for a century and East Africa had the worst floods for a century in its dry season. Mongol tribesmen froze to death as Tibet had its worst snows in 50 years. In Peru, a million were made homeless by floods. Ice storms in Canada left people without power for weeks, coffee crops failed in Indonesia and fish catches collapsed in the eastern Pacific. There was widespread coral bleaching, including on our Great Barrier Reef.

The damage was caused by El Nino, a natural climate cycle that happens every few years where the winds and the ocean currents go into reverse and change weather patterns. However, El Ninos are getting stronger and more frequent because of global warming. The percentage of the earth’s land area in serious drought has more than doubled in 30 years from 15 to 30 per cent. A specialist in Pacific weather says: ‘The medieval warm period a thousand years ago was a very small force, compared with what is now going on with global warming. The pattern of dryness is beginning to look less like local short-term aberrations and more like a long-term trend.’

The author points out that the Sahara was not always a desert. It had vast lakes and swamps and rivers. Indeed, the whole of North Africa was watered by monsoon systems like those in Asia. The big fear is that the American west, North China and southern Africa, right up to the Mediterranean, may well be going that way too. What we know is that whole civilisations have disappeared in the past due to climate change. So the point I want to make tonight is that we have much to fear from climate change. It is not going to be business as usual unless we take action and we take action very, very fast.

Hindmarsh Electorate

Senator BIRMINGHAM (South Australia) (7.45 pm)—I commence by adding to the record my tributes, firstly to Senator Cormann, one of my colleagues as a newer senator in this place, on his outstanding first speech today; and secondly to Senator Calvert on his last speech, and on his career—and I thank him very much for the welcome he has extended to me since my arrival here. In particular, as this is the first opportunity I have had, I place on the record my very warm congratulations to Senator Ferguson on his elevation to President. As a fellow South Australian, it is wonderful to see another South Australian occupying the presidency of this chamber.

In my first speech, a couple of months ago, I made mention of the electorate of Hindmarsh and paid tribute to the Liberal Party members in that electorate who worked so hard at the last federal election to attempt to get me elected to the other place. It is a matter of record, and the reason that I am standing here, that they were unsuccessful in that venture—narrowly so. But I wish to reflect a little more on the electorate, and not just on the Liberal Party members in that electorate but on the electorate more broadly and some of the activities that go on within Hindmarsh.

It is a seat very special in Adelaide, stretching from Somerton Park in the south to Semaphore Park in the north, going inland to include such suburbs as Torrensville, Mile End, where I have my electorate office, Kurralta Park and Plympton. It stretches along some of the most scenic parts of Adelaide’s coastline, incorporates some important areas...
of light industry, is very much a part of the tourism industry in suburban Adelaide, particularly around the Glenelg area, and of course takes in Football Park, the home of the mighty Adelaide Crows.

It is an electorate with a high proportion of aged people, an older population, and a high proportion of people of multicultural background, particularly from the Italian and Greek communities. Being a candidate was a great opportunity to work with the people of Hindmarsh, and one of the benefits of my appointment to this place recently has been the opportunity it has brought to continue that work from my time as a candidate and to reacquaint myself with many of the good community groups and organisations within the electorate.

I am very pleased to see that, despite the loss of the seat from government hands at the last election, the good support and great work of the government in Hindmarsh continues, such as the Investing in Our Schools funding provided to the St Peter’s Woodlands Grammar School at Glenelg. I had the pleasure of opening its new facilities the other day. It is a school where, whilst the federal government has provided some funds to upgrade the tennis courts and provide new soft landings under play equipment, the school itself has undertaken significant renovations. While it is pleasing to see government making a small contribution, I want to place on record my congratulations to the school community there for all that they have done, particularly in providing a great atmosphere for their students, in renovating the buildings there and in developing a new early learning centre which provides wonderful facilities for preschool children.

I diverge from Hindmarsh for a moment to pay tribute to some young Sudanese girls I had the pleasure of meeting at the South Australian Youth Parliament recently. In attending that event I was most impressed by their enthusiasm and their articulate nature. These young women, some of whom had only been in Australia for a matter of months, were standing up and taking part in a parliamentary debate not unlike that which happens here and representing their community so wonderfully. I really do acknowledge all that they are achieving and wish them and their community well. I am very pleased that things such as our support for the Australian Refugee Association play a big role.
In terms of supporting young people the government continues to support excellence. I was pleased that a Hindmarsh resident, Izabel Gibson, a student from University Senior College, recently received a Lord Florey Student Prize—formerly known as the Australian Students Prize. Izabel is a Year 12 student who is a resident of Henley Beach and I congratulate her on her outstanding academic achievement in 2006. It was certainly an honour to see her awarded for that achievement.

There are many groups that do not rely on government funding who I have also had the pleasure of working with since my appointment. Such groups include the Camden Community Centre, where I had the honour of being a director until recently, supporting them in their work. The centre provides childcare services and support for the elderly and the disabled—through the HACC program—and is a very good provider of Work for the Dole services. It is an integral part of the local community. Camden Community Centre is owned by the community, through an incorporated association within the local Camden Park community. It owns its own land and goes out and fundraises. It relies on its own membership to provide these critical services for young people in child care right through to the elderly, by providing day programs. I acknowledge, on the record, the outstanding work of Camden Community Centre’s staff, board and members.

I also mention Henley and Grange RSL, where I recently attended commemorations for the anniversary of the cessation of hostilities in Korea. I note the great work that the people there are doing, in particular Don McLaren, who works very hard with the Korean veterans to give them the type of recognition that they deserve. The Korean War is often dubbed the forgotten war, but it is important that those veterans are recognised. I was very pleased to be part of their celebrations marking the cessation of hostilities.

I am also very pleased to advocate on behalf of the electorate of Hindmarsh. There are certainly things that I would like to see the government and others do more of. Recently I received from Councillor Barry Blackwell, in the City of West Torrens, a petition from 3,000 local people for the establishment of a post office at Kurralta Park in Hindmarsh. The Centro Plaza shopping centre in Kurralta Park, one of the largest centres in the electorate, is without the facilities of a post office. I have written to the Managing Director of Australia Post, Mr Graeme John, forwarding, on behalf of the petitioners, the petition that they made out to him seeking the establishment of a post office there and arguing that, as a central popular route on Anzac Highway with regular public transport services, it was critical—particularly for the elderly population of that area—to establish a post office there. I would certainly hope that Australia Post will look closely at the benefits of that. Whilst there are nearby services, they are certainly not in areas or shopping centres that are as frequented or as easily accessible as the centre at Kurralta Park. As a centre earmarked for further expansion I would hope very much that Australia Post will take note of that.

I would also like to see support for the West Lakes Community Centre upgrade, which has been advocated to me, as well as additional funding to extend the Marine Discovery Centre at the Star of the Sea School. I am very pleased to be joined by Rita Bouras, our outstanding Liberal candidate for Hindmarsh, in advocating these programs. She is an excellent candidate—a young Greek woman who has lived in the electorate her entire life. She is a woman who studied law but runs a local family small business. She is doorknocking hard and is an active champion of the electorate. She is somebody who
the electorate deserves to have as their member and I look forward to working with her and the community on these projects.

**Senate adjourned at 7.55 pm**

**DOCUMENTS**

**Tabling**

The following documents were tabled by the Clerk:

*Legislative instruments are identified by a Federal Register of Legislative Instruments (FRLI) number*

- Customs Act—Tariff Concession Orders—
  - 0701754 [F2007L02517]*.
  - 0703580 [F2007L02477]*.
  - 0704854 [F2007L02508]*.
  - 0705201 [F2007L02506]*.
  - 0705494 [F2007L02492]*.
  - 0705496 [F2007L02494]*.
  - 0705505 [F2007L02495]*.
  - 0705685 [F2007L02496]*.
  - 0705863 [F2007L02488]*.
  - 0705864 [F2007L02490]*.
  - 0706102 [F2007L02500]*.
  - 0706105 [F2007L02486]*.
  - 0706106 [F2007L02487]*.
  - 0706158 [F2007L02499]*.
  - 0706222 [F2007L02498]*.
  - 0706223 [F2007L02537]*.
  - 0706227 [F2007L02516]*.
  - 0706304 [F2007L02513]*.
  - 0706311 [F2007L02538]*.
  - 0706384 [F2007L02484]*.
  - 0706455 [F2007L02511]*.
  - 0706457 [F2007L02540]*.
  - 0706695 [F2007L02505]*.
  - 0706740 [F2007L02509]*.
  - 0706837 [F2007L02515]*.
  - 0706855 [F2007L02519]*.
  - 0707018 [F2007L02547]*.
  - 0707021 [F2007L02503]*.
  - 0707024 [F2007L02504]*.
  - 0707215 [F2007L02510]*.
  - 0707358 [F2007L02502]*.
  - 0707608 [F2007L02407]*.
- Higher Education Support Act—Other Grants Guidelines 2006—Amendment No. 4 [F2007L02425]*.
- Privacy Act—Select Legislative Instrument 2007 No. 236—Privacy (Private Sector) Amendment Regulations 2007 (No. 3) [F2007L02440]*.
- Telecommunications (Consumer Protection and Service Standards) Act—Regional Telecommunications Independent Review
Committee (First Review Starting Date) Determination (No. 1) 2007 [F2007L02560]*.


Select Legislative Instrument 2007 No. 239—Veterans’ Entitlements (Special Assistance — Motorcycle Purchase) Amendment Regulations 2007 (No. 1) [F2007L02214]*.


Governor-General’s Proclamations—Commencement of Provision of an Act

Native Title Amendment (Technical Amendments) Act 2007—Items 1 to 83 of Schedule 1—1 September 2007 [F2007L02416]*.

* Explanatory statement tabled with legislative instrument.
QUESTIONS ON NOTICE

The following answers to questions were circulated:

**Tharwa Bridge**

(Question No. 3193)

**Senator Lundy** asked the Minister representing the Minister for Defence, upon notice, on 8 May 2007:

(1) Has the Minister, the Minister’s office, or the department had contact with members of the Australian Capital Territory Legislative Assembly Opposition in relation to the provision of Australian Defence Force (ADF) personnel and/or assets to provide a temporary crossing of the river at Tharwa; if so (a) what was the nature of the contact, that is, was it by paper or electronic correspondence, telephone conversation or meeting; (b) who instigated the contact and when; (c) what was the purpose and outcome of the contact; and (d) when did the contact occur.

(2) If the contact referred to in paragraph (1) was a meeting, who was present at the meeting and in what capacity.

(3) Do written records of the contact exist; if so, can the records be provided; if not, why not.

**Senator Ellison**—The Minister for Defence has provided the following answer to the honourable senator’s question:

(1) Yes, the Minister for Defence, the Hon Dr Brendan Nelson MP, has had contact with a member of the Australian Capital Territory Legislative Assembly, who is a member of the ACT Opposition, in relation to this matter.

(a) The Minister for Defence received a letter.

(b) Mr Steve Pratt MLA, Member for Brindabella, on 28 November 2006.

(c) The letter requested a loan of a Bailey Bridge for the river at Tharwa, ACT following the closure of the current bridge.

Dr Nelson wrote back providing information on options that may be available to the community of Tharwa for the temporary replacement of the Tharwa Bridge and how the ADF may be able to provide support with equipment and construction. Dr Nelson’s letter stated that further information and a formal request from the community would be necessary before the commitment of ADF resources could be considered.

(2) See the response to (1) (a) above.

(3) As it was private correspondence, it would be inappropriate to publish the letter.