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RADIO BROADCASTS

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- **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-SECOND PARLIAMENT
FIRST SESSION—THIRD PERIOD

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

Senate Officeholders

President—Senator Hon. John Joseph Hogg
Deputy President and Chair of Committees—Senator Hon. Alan Baird Ferguson
Temporary Chairs of Committees—Senators Guy Barnett, Thomas Mark Bishop, Carol Louise Brown, Patricia Margaret Crossin, Concetta Anna Fierravanti-Wells, Michael George Forshaw, Gary John Joseph Humphries, Annette Kay Hurley, Stephen Patrick Hutchins, Barnaby Thomas Gerard Joyce, Gavin Mark Marshall, Claire Mary Moore, Stephen Shane Parry, Hon. Judith Mary Troeth and Russell Brunell Trood

Leader of the Government in the Senate—Senator Hon. Christopher Vaughan Evans
Deputy Leader of the Government in the Senate—Senator Hon. Stephen Michael Conroy
Leader of the Opposition in the Senate—Senator Hon. Nicholas Hugh Minchin
Deputy Leader of the Opposition in the Senate—Senator Hon. Eric Abetz
Manager of Government Business in the Senate—Senator Hon. Joseph William Ludwig
Manager of Opposition Business in the Senate—Senator Hon. Christopher Martin Ellison

Senate Party Leaders and Whips

Leader of the Australian Labor Party—Senator Hon. Christopher Vaughan Evans
Deputy Leader of the Australian Labor Party—Senator Hon. Stephen Michael Conroy
Leader of the Liberal Party of Australia—Senator Hon. Nicholas Hugh Minchin
Deputy Leader of the Liberal Party of Australia—Senator Hon. Eric Abetz
Leader of the Nationals—Senator Barnaby Thomas Gerard Joyce
Deputy Leader of the Nationals—Senator Fiona Joy Nash
Leader of the Australian Greens—Senator Robert James Brown
Leader of the Family First Party—Senator Steve Fielding
Government Whips—Senators Kerry Williams Kelso O’Brien, Donald Edward Farrell and Anne McEwen
Liberal Party of Australia Whips—Senators Stephen Shane Parry and Judith Anne Adams
The Nationals Whip—Senator Fiona Joy Nash
Australian Greens Whip—Senator Rachel Mary Siewert
Family First Party Whip—Senator Steve Fielding

Printed by authority of the Senate
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(1) Chosen by the Parliament of South Australia to fill a casual vacancy vice Amanda Eloise Vanstone, resigned.
(2) Chosen by the Parliament of Western Australia to fill a casual vacancy vice Ian Campbell, resigned.
(3) Term expires at close of day next preceding the polling day for the general election of members of the House of Representatives.

PARTY ABBREVIATIONS
AG—Australian Greens; ALP—Australian Labor Party; CLP—Country Liberal 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—A Thompson
RUDD MINISTRY

Prime Minister
Hon. Kevin Rudd, MP

Deputy Prime Minister, Minister for Education, Minister for Employment and Workplace Relations and Minister for Social Inclusion
Hon. Julia Gillard, MP

Treasurer
Hon. Wayne Swan MP

Minister for Immigration and Citizenship and Leader of the Government in the Senate
Senator Hon. Chris Evans

Special Minister of State, Cabinet Secretary and Vice President of the Executive Council
Senator Hon. John Faulkner

Minister for Finance and Deregulation
Hon. Lindsay Tanner MP

Minister for Trade
Hon. Simon Crean MP

Minister for Foreign Affairs
Hon. Stephen Smith MP

Minister for Defence
Hon. Joel Fitzgibbon MP

Minister for Health and Ageing
Hon. Nicola Roxon MP

Minister for Families, Housing, Community Services and Indigenous Affairs
Hon. Jenny Macklin MP

Minister for Infrastructure, Transport, Regional Development and Local Government and Leader of the House
Hon. Anthony Albanese MP

Minister for Broadband, Communications and the Digital Economy and Deputy Leader of the Government in the Senate
Senator Hon. Stephen Conroy

Minister for Innovation, Industry, Science and Research
Senator Hon. Kim Carr

Minister for Climate Change and Water
Senator Hon. Penny Wong

Minister for the Environment, Heritage and the Arts
Hon. Peter Garrett AM, MP

Attorney-General
Hon. Robert McClelland MP

Minister for Human Services and Manager of Government Business in the Senate
Senator Hon. Joe Ludwig

Minister for Agriculture, Fisheries and Forestry
Hon. Tony Burke MP

Minister for Resources and Energy and Minister for Tourism
Hon. Martin Ferguson AM, MP

[The above ministers constitute the cabinet]
RUDD MINISTRY—continued

Minister for Home Affairs
Assistant Treasurer and Minister for Competition Policy and
Consumer Affairs
Minister for Veterans’ Affairs
Minister for Housing and Minister for the Status of Women
Minister for Employment Participation
Minister for Defence Science and Personnel
Minister for Small Business, Independent Contractors and
the Service Economy and Minister Assisting the Finance
Minister on Deregulation
Minister for Superannuation and Corporate Law
Minister for Ageing
Minister for Youth and Minister for Sport
Parliamentary Secretary for Early Childhood Education and
Childcare
Parliamentary Secretary for Defence Procurement
Parliamentary Secretary for Defence Support
Parliamentary Secretary for Regional Development and
Northern Australia
Parliamentary Secretary for Disabilities and Children’s Ser-
vices
Parliamentary Secretary for International Development As-
sistance
Parliamentary Secretary for Pacific Island Affairs
Parliamentary Secretary to the Prime Minister
Parliamentary Secretary for Social Inclusion and the Volun-
tary Sector and Parliamentary Secretary Assisting the
Prime Minister for Social Inclusion
Parliamentary Secretary to the Minister for Trade
Parliamentary Secretary to the Minister for Health and Age-
ing
Parliamentary Secretary for Multicultural Affairs and Set-
tlement Services

Hon. Bob Debus MP
Hon. Chris Bowen MP
Hon. Alan Griffin MP
Hon. Tanya Plibersek MP
Hon. Brendan O’Connor MP
Hon. Warren Snowdon MP
Hon. Dr Craig Emerson MP
Senator Hon. Nick Sherry
Hon. Justine Elliot MP
Hon. Kate Ellis MP
Hon. Maxine McKew MP
Hon. Greg Combet AM, MP
Hon. Dr Mike Kelly AM, MP
Hon. Gary Gray AO, MP
Hon. Bill Shorten MP
Hon. Bob McMullan MP
Hon. Duncan Kerr MP
Hon. Anthony Byrne MP
Senator Hon. Ursula Stephens
Hon. John Murphy MP
Senator Hon. Jan McLucas
Hon. Laurie Ferguson MP
SHADOW MINISTRY

Leader of the Opposition            Hon. Malcolm Turnbull MP
Deputy Leader of the Opposition and Shadow Minister for Employment, Business and Workplace Relations Hon. Julie Bishop MP
Leader of the Nationals and Shadow Minister for Infrastructure and Transport and Local Government Hon. Warren Truss MP
Leader of the Opposition in the Senate and Shadow Minister for Defence Senator Hon. Nick Minchin
Deputy Leader of the Opposition in the Senate and Shadow Minister for Innovation, Industry, Science and Research Senator Hon. Eric Abetz
Shadow Treasurer Hon. Malcolm Turnbull MP
Manager of Opposition Business in the House and Shadow Minister for Health and Ageing Hon. Joe Hockey MP
Shadow Minister for Foreign Affairs Hon. Andrew Robb MP
Shadow Minister for Trade Hon. Ian Macfarlane MP
Shadow Minister for Families, Community Services, Indigenous Affairs and the Voluntary Sector Hon. Tony Abbott MP
Shadow Minister for Agriculture, Fisheries and Forestry Senator Hon. Nigel Scullion
Shadow Minister for Human Services Senator Hon. Helen Coonan
Shadow Minister for Education, Apprenticeships and Training Hon. Tony Smith MP
Shadow Minister for Climate Change, Environment and Urban Water Hon. Greg Hunt MP
Shadow Minister for Finance, Competition Policy and Deregulation Hon. Peter Dutton MP
Manager of Opposition Business in the Senate and Shadow Minister for Immigration and Citizenship Senator Hon. Chris Ellison
Shadow Minister for Broadband, Communications and the Digital Economy Hon. Bruce Billson MP
Shadow Attorney-General Senator Hon. George Brandis
Shadow Minister for Resources and Energy and Shadow Minister for Tourism Senator Hon. David Johnston
Shadow Minister for Regional Development, Water Security Hon. John Cobb MP

[The above constitute the shadow cabinet]
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<td>Shadow Minister for Justice and Border Protection; Assisting Shadow Minister for Immigration and Citizenship</td>
<td>Hon. Chris Pyne MP</td>
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<td>Shadow Special Minister of State</td>
<td>Senator Hon. Michael Ronaldson</td>
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<td>Steven Ciobo MP</td>
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<td>Shadow Minister for Environment, Heritage, the Arts and Indigenous Affairs</td>
<td>Hon. Sharman Stone MP</td>
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<tr>
<td>Shadow Assistant Treasurer and Shadow Minister for Superannuation and Corporate Governance</td>
<td>Michael Keenan MP</td>
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<tr>
<td>Shadow Minister for Ageing</td>
<td>Margaret May MP</td>
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<tr>
<td>Shadow Minister for Defence Science and Personnel; Assisting Shadow Minister for Defence</td>
<td>Hon. Bob Baldwin MP</td>
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<td>Shadow Minister for Veterans’ Affairs</td>
<td>Hon. Bronwyn Bishop MP</td>
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<td>Shadow Minister for Employment Participation and Apprenticeships and Training</td>
<td>Andrew Southcott MP</td>
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<td>Shadow Minister for Housing and Shadow Minister for Status of Women</td>
<td>Hon. Sussan Ley MP</td>
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<td>Senator Hon. Ian Macdonald</td>
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WEDNESDAY, 17 SEPTEMBER

Chamber
The Nationals—
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The PRESIDENT (Senator the Hon. John Hogg) took the chair at 9.30 am and read prayers.

THE NATIONALS

Leadership

Senator JOYCE (Queensland) (9.31 am)—by leave—I would like to inform the Senate that there has been a change in arrangements with the National Party. As of an election this morning I am now Leader of the National Party in the Senate. I would like, right at the outset, to thank Senator Scullion for the way he has conducted himself and for the fact that we managed to keep this thing quiet and efficient. I would like to commend all of you for the words of encouragement that you have given me. I hope that between all of us we manage to do an exceptionally good job for this Senate and for our nation.

GOVERNOR-GENERAL'S SPEECH

Address-in-Reply

Senator LUDWIG (Queensland—Minister for Human Services) (9.32 am)—I move:

That—

(a) the address-in-reply be presented to Her Excellency the Governor-General by the President and such senators as may desire to accompany him; and

(b) on Monday, 22 September 2008, the Senate suspend at 5 pm, for the purposes of presenting the address-in-reply to the Governor-General.

Question agreed to.

ARCHIVES AMENDMENT BILL 2008

BROADCASTING LEGISLATION AMENDMENT (DIGITAL RADIO) BILL 2008

First Reading

Senator FAULKNER (New South Wales—Special Minister of State and Cabinet Secretary) (9.32 am)—Pursuant to notice and at the request of the Minister for Broadband, Communications and the Digital Economy, Senator Conroy, I move:

That the following bills be introduced: A Bill for an Act to amend the Archives Act 1983, and for related purposes; and a Bill for an Act to amend the law relating to broadcasting, and for other purposes.

Question agreed to.

Second Reading

Senator FAULKNER (New South Wales—Special Minister of State and Cabinet Secretary) (9.33 am)—I table the explanatory memoranda relating to the bills and 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 FAULKNER (New South Wales—Special Minister of State and Cabinet Secretary) (9.33 am)—I table the explanatory memoranda relating to the bills 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—

ARCHIVES AMENDMENT BILL 2008

The Archives Amendment Bill 2008 (the Bill) proposes changes to the Archives Act 1983 (the Act) that will implement certain recommendations of the Australian Law Reform Commis-
The Bill inserts an objects clause which confirms the role of the National Archives of Australia (the Archives) as identifying and preserving the archival resources of the Commonwealth and providing for their access by the public. The clause also acknowledges the Archives’ role in overseeing Commonwealth recordkeeping by determining standards and providing advice to Commonwealth institutions.

This Bill recognises the fact that there can be compelling reasons why archival records should be retained by their agency of origin, or in some other appropriate place. For example, records may be created or accessed through particular technologies not available at a central archives, or, similarly, specialised skills may be required to retrieve, interpret or manage data. For this reason, the Bill introduces the concept that archival records can be considered to be in the care of the Archives, and therefore subject to the provisions that apply to all archival material, even when they are not in the physical custody of the Archives.

Accordingly, the Bill amends the definition of material of the Archives, removing references to records or other archival material being in the custody of the Archives and replacing them with references to being in the care of the Archives.

The Bill also deals with the nature of the arrangements which are to be put in place where records in the care of the Archives are in the custody of others. Importantly, it provides that such records, if in the open access period, are to be available for public inspection. The arrangements must also provide for the protection and maintenance of the records, for inspection by the Archives, for access by institutions as required and for the records to be transferred to the custody of the Archives if so directed by the Director-General of the Archives.

In the 25 years since the Act was drafted, emerging technologies have dramatically changed the way in which affairs of government are transacted and information is recorded. While the Act attempted to allow for the electronic creation, capture and management of records, it did so in a very format specific way. The Bill reflects technological developments and provides for further advances by substituting a new definition of a record as a document or an object in any form that has been kept for the information it contains or its connection with any event, person, circumstance or thing. The new definition also gives legislative authority to a policy direction issued by the Archives in 1995 that accorded the same status to electronic records as to paper records.

As the new definition of a record includes objects, the provision within the Act giving the Minister responsible for the Archives the power to declare an object that is Commonwealth property to be an object of archival significance would become obsolete, and will thus be removed, when the changes proposed in this Bill are enacted.

The Bill inserts a provision such that the Director-General of the Archives may determine that a record or other material is part of the archival resources of the Commonwealth. This formalises existing administrative arrangements for identifying records as of archival value and complements existing provisions within the Act whereby the Archives can give permissions relating to the handling of Commonwealth records.

The earliest possible transfer of archival resources enables the Archives to determine conservation requirements before records begin to deteriorate. This is particularly important in the case of electronic records so that preservation measures can be taken before changes in software and data formats render records inaccessible. The Bill therefore requires that records identified as being part of the archival resources of the Commonwealth be transferred to the care of the Archives as soon as practicable after they are no longer required to be readily available for the business purposes of the relevant agency, but in any event, within 25 years of their creation.

While a key responsibility of the Archives is the identification and preservation of records of archival value, the Archives is not the most appropriate repository for all archival resources. The Bill therefore provides the Archives with the power to decline to accept the care of records that are not part of the archival resources of the Commonwealth. Where such records are currently in the custody of the Archives, records may
be returned to institutions or their successors only in accordance with arrangements agreed between the institution and the Archives.

The changes to the Archives Act 1983 proposed by this Bill, while relatively minor, are an important step towards improving government record-keeping and public access arrangements. In introducing the Archives Amendment Bill 2008, the Government sets in motion a process of reviewing and modernising the Archives Act 1983 to enhance the effectiveness and efficiency of the operations of the National Archives of Australia.

BROADCASTING LEGISLATION AMENDMENT (DIGITAL RADIO) BILL 2008

Digital radio offers the promise of a range of new, diverse and innovative services that will further enrich the experience for radio listeners. It will operate alongside the existing analogue radio services so valued by Australians.

The Broadcasting Legislation Amendment (Digital Radio) Bill 2008 makes amendments to the legislation providing a framework for the introduction of Australia’s first digital radio services next year.

The first two of these measures amend the Broadcasting Services Act 1992 and relate to the legislated deadline for the commencement of digital radio services in the six state capitals. Commercial radio broadcasters in these markets are currently required to have commenced their digital radio services by 1 January 2009. Failure to do so could expose them to sanctions including the cancellation of their right to broadcast in digital.

It has become apparent that due to a range of reasons broadcasters will be unable to comply with this deadline. In this regard, I note that the commercial radio sector recently announced that the national switch-on for digital radio will take place on 1 May 2009.

To facilitate this, the Bill will extend, by six months, the deadline for start-up. The new deadline of 1 July 2009 will give commercial broadcasters additional flexibility to resolve any further infrastructure issues relating to the rollout of transmission equipment as they prepare for the launch of the new digital services.

The Bill will also remove Hobart from the list of markets where broadcasters are required to commence digital radio services from the new deadline of 1 July 2009. Hobart’s commercial radio broadcasters have expressed strong concerns that they would not be in a position to commence digital radio services at the same time as services in the larger mainland state capital cities. The Bill will allow digital radio services to start in Hobart at the same time as other, similarly sized markets such as Newcastle, Geelong and Wollongong.

The final measure in this Bill amends the Radio-communications Act 1992 and gives the community broadcasting sector an opportunity to participate in the ownership of the transmission infrastructure that will be used to broadcast their digital radio services.

The Government is supportive of the community broadcasters’ participation in digital radio and considers that community broadcasters play a vital role in promoting diversity, local content and grassroots participation in the media sector. However, in a tight fiscal environment, the Government decided to take a more cautious approach to the introduction of digital radio by re-profiling the community sector’s funding to commence in the 2009–10 financial year.

As a consequence, the community sector was unable to claim a share in the joint venture companies, formed in 2008, that own digital radio transmission infrastructure. This amendment will restore to the community broadcasting sector an opportunity to participate in the joint venture companies in line with the original intent of the legislation introduced in May 2007.

The benefits of digital radio to both broadcasters and listeners are enormous and the Government looks forward to a successful launch of Australia’s first digital radio services on 1 May 2009.

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.
Debate resumed from 4 September, on motion by Senator Carr:

That this bill be now read a second time.

Senator BERNARDI (South Australia) (9.34 am)—In rising to make my contribution to this debate I would like to preface my comments by acknowledging that all people in this chamber want to see a meaningful difference in the lives of Indigenous people, particularly with regard to some of the conditions that young people and children find themselves confronted with. We are all working towards that aim. The coalition obviously initiated the emergency response last year in the Northern Territory and this was supported by the Labor Party—albeit there are some differences between us. However, I am concerned that the government is now intent on watering down the intervention, which I believe will have an adverse impact on the intervention’s effectiveness. Many parts of this bill seek to do exactly that.

When the Little children are sacred report was released it highlighted to all of us in a stark manner the extensive and tragic incidence of abuse and neglect, especially of Aboriginal children in many Indigenous communities. When confronted with this horrific reality, what did the coalition government do? Well, it did not set up myriad reviews and inquiries. It did not um and ah, and sweep this under the carpet, so to speak. It did not shy away from making very bold and decisive decisions—decisions that had to be made. They were tough decisions but we took immediate action to redress what was, and what continues to be, an emergency situation. Anything less would have failed the Aboriginal people of the Northern Territory, particularly those who have suffered horrific abuse.

The coalition stepped in, and I am very pleased to say that we did it because we wanted to ensure that the victims or potential victims could be saved from a life of abuse and degradation. Due to the extensive, widespread nature of the abuse and some of the conditions facing some of these individuals and communities in the Northern Territory, there was a need for immediate protection of children. I do not shy away from the fact that there was a requirement for very tough and very strict action. So everything the coalition government put in place through the intervention was to break the cycle of poverty and abuse that has been a part of everyday life for far too many Indigenous people.

This change can only be achieved through tough measures like blanket bans on pornography, by reopening or providing access to parts of communities through a partial rollback of the permit system. I do not believe that this legislation that has been put forward by the now government will be effective in managing the ongoing problems that we have in some Indigenous communities.

While some positives have come out of the intervention so far, I believe and the coalition believes that we should still regard the conditions that are facing too many children as a national emergency. Whilst it has been just over a year since the intervention started, I do not want us to lose sight, and the coalition does not want us to lose sight, of the fact that the urgency of the situation was reflected in the initial measures. As time goes on, it may become easier to become a bit more complacent about the tragedies and the initial shock that we all faced when confronted with the Little children are sacred report that prompted these emergency meas-
ures to be put in place. I am concerned that this bill is an example of the government losing sight of the urgency that confronted us and the continuing urgency that is there to save so many children. As Mr Morrison said in the other place:

We have a retreat and a revision from the government, rather than the resolve that is needed to follow through.

I would like to address some of the coalition concerns in regard to the schedules of this bill. Schedule 1 relates to pay TV. It deals with the regulation of pay TV services in regard to pornography. Essentially, this part of the bill allows pay TV porn to continue in these communities. The Little children are sacred report made it clear that exposure to pornography helped to create the environment of sexual abuse of children. This was reflected at a luncheon that I went to recently conducted by an organisation that was dedicated to protecting children from all sorts of abuse. It was sponsored by Minister Macklin—coincidently the minister responsible for this bill. The title of the lunch and the marketing campaign to protect children was ‘Children See. Children Do.’ We support that. We know that children mimic what they see. If they see an abusive parent, alcohol abuse or regular degradation of people through pornography and sexual violence, they sometimes become subject to it themselves but they also copy. How on the one hand we can advocate the campaign ‘Children See. Children Do.’ and then on the other hand say that it is okay to stream pornography into communities where there is horrific child sexual abuse is beyond me. The Little children are sacred report noted on page 65:

... children in Aboriginal communities are widely exposed to inappropriate sexual activity such as pornography, adult films and adults having sex within the child’s view. This exposure can produce a number of effects, particularly resulting in the ‘sexualisation’ of childhood and the creation of normalcy around sexual activity that may be used to engage children in sexual activity. It may also result in sexual acting out and actual offending by children and young people against others.

According to the report, pornography was one of the main factors that led inexorably to family and other violence and then onto sexual abuse of men and women and finally of children. The schedule in this bill also requires that a community must request to have the service restricted. But many victims of abuse are simply not empowered. They feel powerless and often not in a position to stand up and speak out against their abusers and those who use pornography as a means for ultimately evil ends. It is ridiculous to say that we will only ban pay TV porn if the community actually asks for it. Under this bill they have to go to the minister and ask for a restriction. The minister then has to conduct an inquiry, which is consistent with what the Rudd Labor government does with everything. But who is going to come forward and request this? The person who has been horrifically abused in a culture of cover-up and deceit? Such a person would probably not feel they could go to anyone and ask for these sorts of restrictions.

If a victim of sexual abuse cannot often bring themselves to tell their family or their local police about the abuse they are subject to, how on earth will they be able to tell a federal minister or stand up in front of a community consultation, especially if their abuser is most likely in the crowd? It may be that in some communities one of the figureheads of the community is the perpetrator of the abuse. This is not unknown. In fact it can also be a family figurehead rather than a community figurehead. How could women and children speak out against a leading figure in the community? It does not make a lot of sense. The coalition supports a blanket ban on pay TV pornography in these communities. It is a tough but very necessary
measure that aims to break the hold that pornography has in some Indigenous communities. Victims of abuse, such as women and children, should not have to run the risk of further abuse to make their opposition to pornography known.

I believe that this government is a slave to the political correctness that has caused so many problems for Indigenous communities. This government prefers to bow down to this political correctness rather than protect the women and children who have the most to lose from the changes to the emergency response. A complete ban is the best way to ensure that all possible is done to stop exposure of children to pornography. By even allowing a little bit of porn in, we are putting adult lusts ahead of the long-term wellbeing of children and their protection. The coalition will not support this schedule and, accordingly, I foreshadow that we will be moving some amendments to reflect the coalition’s aim of having a blanket ban on pornography that prohibits all R18+ television in the prescribed areas.

Schedule 2 of this bill deals with the transportation of pornography. Similar arguments can be used for schedule 2, which seeks to allow the transportation of pornography through prescribed areas to somewhere outside of the prescribed area. Of course, the devil is always in the detail, because under this bill the transportation of pornography into a prescribed area or community could actually fuel an excuse to distribute it here. It gives a very clear out to those who peddle this pornography in these communities, who make a living out of it and who profit from porn.

So the question is: how will this matter be policed? If a person with a large amount of pornography in the boot of their car says that they are headed to Alice Springs, who is going to make sure that they do not distribute the pornography along the way? Are the police going to follow them and escort them to Alice Springs to make sure that the pornography arrives at the stated destination? We do not support this schedule. Once again, it waters down the emergency response. I believe it opens the door to further potential abuse and will only fuel the continued cycle of desensitising children and fuelling sexual activity against children. We will be seeking an amendment to this government’s bill that allows the transportation of pornography through prescribed areas. Our amendment today will seek to continue the blanket ban on the transportation of pornography in these areas.

Schedule 3 of this bill deals with the permit system. It attempts to repeal the permit system amendments put in place by the coalition government last year. There are many arguments that will be espoused over the course of the second reading debate, and I am sure in the committee stage, about the relevance of the permit system. People will argue that the permit system protects communities from predators, from alcohol abuse and from people who would seek to potentially exploit some of the members of the communities. This is what I believe the government will argue, and they will do it in an eloquent manner, but it will miss the point. If the permit system had actually worked and protected the Northern Territory communities from predators, we would not have needed the emergency response, which was supported by the Labor Party last year. The intervention simply would not have been necessary. If the permit system was so fantastic, if it truly served the interests of policing and the conduct of people within those communities, how come these communities experience such horrific levels of abuse?
When the *Little children are sacred* report was released, the shock and surprise felt among the public and most members of this parliament was extraordinary. How could this happen? That was the question that was confronting all of us. How could we allow this to happen in this country? How could these conditions—child sexual abuse, physical violence, emotional abuse and poverty—exist on this scale in modern-day Australia? Importantly, why didn’t we know about it? And, if we knew about it, why didn’t we do anything about it? I have to say that I believe we did not know about how horrific this was in the main because the permit system had kept this tragedy hidden. The permit system had closed up communities and that literally fostered decades of abuse and poverty. It was a self-perpetuating cycle.

So the coalition government decided to lift this shroud of secrecy by repealing the permit system to 0.2 per cent of Aboriginal land. We repealed it in the larger public townships, in the connecting road corridors and in the common land that was within community land. It is very hard to argue why this is not the right thing to do, because the same access exists on public lands throughout the country. As Dr Stone stated in the other place:

> One of the first emergency responses of the John Howard government was to normalise access to the Northern Territory prescribed communities. We did not say, ‘It’s open slather now.’ We normalised the situation by saying, ‘What is acceptable and commonplace in the rest of Australia should apply here.’

The aim of removing a small part of the permit system was to remove the climate of fear and intimidation, to help promote economic activity, to start lifting these communities out of the depths of poverty. One way to help alleviate the poverty is to encourage the growth of and to help build economies in these communities. This cannot be done successfully if the communities remain effectively a closed shop.

Supporters of the permit system will also claim that it stops grog runners from wreaking havoc. Only yesterday it was reported in the *Australian* that the majority of people arrested for bringing alcohol into prescribed communities were Aboriginals who did not actually need a permit. Ninety-eight Indigenous people have been summonsed, according to the *Australian*, since July 2007 for bringing alcohol into prescribed areas compared with just five non-Indigenous people, and 41 Indigenous people were arrested for consuming alcohol in a prescribed area compared with one non-Indigenous person. The permit system does not stop grog runners and those who consume alcohol illegally in these communities but it keeps these problems hidden. As I have said before, criminals will flout the law, but a modest removal of the permit system means that the right people can get access to ensure that these communities become safer places for people to live.

Schedule 3 of the bill states that ministerial discretion will be used to allow or not to allow journalists to enter Aboriginal lands. I do not believe it is right that the media should be banned from large parts of Australia except on the issue of a ministerial permit. The *Little children are sacred* report, which I keep coming back to, was so shocking because no-one had any idea that such abuse was happening. The media can actually help us with this. If you are aware of something, you have a better chance of dealing with the situation. Otherwise, it is the old saying: out of sight, out of mind. A reinstatement of the permit system would just lead to further sexual and physical abuse. This is not just the coalition’s position. Warren Mundine, the former ALP president has stated:

> The permit system didn’t stop crime. In fact, if you look at all the reports that have come out in
the last few years, crime has flourished under the permit system, so it’s a fallacy to say that it helps law-and-order problems.

Alison Anderson stated:
I think it—
the permit system—
has been used as a tool by some people in communities to reject certain people they disagree with or don’t want out there.

She also said:
My people need real protection, not motherhood statements from urbanised saviours … My people need the help and want the help from this intervention.

An anonymous ALP MP made an interesting comment about the permit system. The MP said:
We don’t want to get into a debate about this before the election but we’ll have a relook at it now.
Why didn’t they want to debate this? Because I think it is out of touch with mainstream Australia. We will be moving some amendments in regard to schedule 3 because we want to continue the repeal of the permit system put in place by the coalition government.

Schedule 4 deals with roadhouses and allows for a roadhouse to be licensed as a community store if the community is substantially dependent on the roadhouse for the provision of groceries and drinks. This part of the bill mirrors the bill introduced by the coalition government in late 2007. The coalition will be supporting this schedule.

I understand this is a very sensitive issue and many people feel very passionately about it. I truly believe that every member of this parliament wants to see a massive change to the cycle of abuse and poverty that takes place in many communities, but most starkly in some Indigenous communities where it appears to be quite widely prevalent. In the course of this debate we are going to have a lot of different opinions. The coalition remain committed to the tough measures that we think are having a great deal of success, and we believe that any watering down of the legislation that was enacted last year with the support of this chamber is a process that effectively sweeps under the rug the vile nature of some of the transgressions against children and adults in these communities. I do not want to see that happen. We will argue our case and I hope that the government ultimately will see wisdom and will support our amendments accordingly.

Senator SIEWERT (Western Australia) (9.53 am)—The Greens, as I think this place would be fully aware, did not support the nature of the intervention that the previous government put in place just over a year ago. We absolutely agreed that there needed to be a vast improvement in the amount of resources that were spent and the way things were done in the Northern Territory, but for the coalition to put the argument that everyone was shocked when the Little children are sacred report came out means they were not paying attention. There is a pile of documents this high that, over the last 20 years, have tried to point out the issues that were at stake here, the level of abuse that was going on in Aboriginal communities, the disadvantage of Aboriginal communities, the lack of access to proper education, the lack of access to adequate health resources. Where have they been? Where were they for those two decades? Where were they for the 11 years they were in government? At one minute to midnight, just before an election, they suddenly discovered that there was a problem, that there was a 17-year gap in the life expectancy of Aboriginal and non-Aboriginal people. I have been shocked for 20 years; they were shocked in June 2007. What a lot of nonsense! To use that as justification for taking people’s land away, for taking people’s rights away, for undermining
and exempting what they were doing from the Racial Discrimination Act is absolutely disingenuous—I must point out that is one of my favourite words at the moment.

Senator Bernardi interjecting—

Senator SIEWERT—Ask me how to spell it later. The Australian Greens are therefore disappointed that this bill represents only a number of minor legislative amendments instead of a clear overhaul of the intervention legislation that we believe is warranted. We are also disappointed that the government has failed to make any effort to ensure that the implementation of emergency measures in NT Aboriginal communities is consistent with its oft-stated commitments—that is, evidence based policy and the principle of social inclusion. The Greens are particularly disappointed that, now the ALP are in government, they have failed to address the issues which they clearly articulated in opposition during the debate on these series of bills, the issues around the Racial Discrimination Act and the fact that the whole of these provisions are exempt. I will note that, quite clearly, they recognise these issues because the issues around the R-rated material are in fact not being exempted from the RDA. So while they acknowledge that problem, and I will give them credit for that, they do not then seek to deal with the bigger issue around the whole of the legislation, and I will deal with that a bit later. I have circulated amendments on the issues around the RDA.

In the course of the Senate inquiry into this bill a large number of witnesses and submissions presented evidence that went beyond the immediate provisions of this bill. They raised a lot of concerns about the on-ground impacts of the intervention. This evidence reflects a high level of community concern with the on-the-ground impacts of the intervention. Some of the concerns raised were the suspension of the Racial Discrimination Act; the practical problems with implementing the income-quarantining regime; the large amount of money being spent on measures which do not address the underlying causes of Indigenous disadvantage, child abuse and neglect; the wastage of money on income quarantining and administration; the failure to implement any of the recommendations of the Little children are sacred report—and I note that Rex Wilde spoke last week about his concern that the intervention is not addressing the recommendations of his report. People also raised concerns about the increasing levels of urban drift from remote communities into population centres and the establishment of new camps around Alice Springs, for example; the corresponding increase in demand for emergency response support from charitable organisations—some reported an increase of 300 per cent; the lack of community consultation and rights of appeal; the failure to build new houses or schools or to employ more teachers, health workers and child protection workers; and so on. As I said, there was a long list of concerns. I know that they are being considered in the government’s 12-month review. I am looking forward to seeing that report on 30 September.

On the issue of the suspension of the RDA—and, by the way, the Northern Territory Anti-Discrimination Act and the Northern Territory (Self Government) Act—the relevant policy question is whether the measures are right from a human rights perspective. The Greens do not believe the RDA issue needs to wait until the 12-month review has been undertaken because the fact is it needs to be taken from a human rights perspective. We believe it is inappropriate for the government to exempt these measures. There is no justification to exempt these measures from the RDA, so it is a fallacious argument for the government to say, ‘We’ll
wait and see until the 12-month review has been carried out. It is not an issue that needs to be dealt with through that review. From a human rights perspective, the government needs to be moving to fix that.

We believe that the actions taken under the emergency response need to have the intention of benefiting Indigenous communities. They should be able to stand or fall, therefore, on their own merits. They should be able to fit the definition of special measures under the RDA and not need to be exempt from the RDA. We believe that that is pretty simple and that the government should move immediately to reinstate the application of the RDA to the emergency response legislation and to require that actions taken as part of the NT intervention are for the benefit of Aboriginal people and therefore compliant with the RDA.

I think it is fair to warn the government that in repeating ‘wait for the 12-month review’ there has been a significant build-up of expectations. The government keeps saying, ‘Wait for the review,’ but now there is a significant build-up in the community of the expectation that the review will actually deliver. We have some concerns around the review: the majority of the submissions being kept secret, the task force being hand-picked by the minister and the lack of public forums and discussions. The government may have a job on its hands managing the community expectations if the review fails to deliver.

I find it strange that the government has produced a nice booklet. I would be interested to know how much it cost—they can take that on notice. They will be asked at estimates about the cost of this booklet, which is more like a propaganda exercise about the NT response. It is strange that it has been produced before the review has been carried out. Telling us how wonderful the NT intervention is before the review has been carried out seems to me—call me cynical—to pre-empt the outcomes of the review. By the way, I think the money should have been spent delivering real outcomes for Aboriginal people in the Northern Territory rather than producing glossy documents like this.

At the same time as we have the review being carried out, this legislation is before the Senate. I put on the record that we support the reinstating of the permit system. It was our position all along that the legislation should not have sought to take away the permit system. There was no evidence presented by the government at the time that taking away the permit system would address child abuse. It was plain to everybody that the previous government wanted to get rid of the permit system, and this was just a handy vehicle to do so. There was never any evidence that linked the permit system to child abuse, and there was no evidence presented to the committee inquiry that the level of child abuse has gone down as a result of taking away the permit system.

There was also evidence presented to the committee about statements the previous minister had made in relation to the permit system. People will recall that, before the permit system was changed under the NT response legislation, the government was in a consultation period. The minister at the time said that that consultation process supported taking away the permit system. The majority of submissions presented to the committee in fact did not support the taking away of the permit system. A justification was given that taking away the permit system would be supported by the community, but we do not believe that statement was justified. It was not true—the majority of the submissions did not support taking away the permit system.
The committee heard evidence from the NT police that they found the permit system useful. There was very strong evidence given to the committee about how the Aboriginal communities regard the permit system as important because it relates particularly to their being able to protect property rights and make decisions about who is on their land and who is not. Evidence was also given about the ability to protect visitors in remote locations. If they know that people are in remote locations on Aboriginal land, they can help with their safety.

As I said, we support the restoration of the permit system. We also acknowledge that the government took on board recommendations that were made during the committee inquiry process about the need to address amendments around the issues of sacred sites. We acknowledge that the government is amending the legislation to deal with that. However, we have strong reservations—and we expressed them in the minority committee report on this legislation—about the provisions empowering the minister for Indigenous affairs to unilaterally declare a person or a class of persons exempt from the need to obtain a permit under section 70(2BB) or to delegate this power to an officer of FaHCSIA.

The Australian Greens do not believe that it is either necessary or desirable for the minister or the delegate to issue permits without consultation with the traditional owners. The Australian Greens note the concern expressed by the NT government that these provisions potentially open a back door by which a future minister could seek to remove the permit system, in effect, through a series of administrative decisions. I would also like to let the government know, so that it is on record, that I will be seeking assurances from the government during the committee stage of this debate—or the minister may want to address this in his comments in closing the second reading debate on this bill—that such a move would be against the intention of this legislation.

I also note concerns given in evidence by the Central Lands Council that this provision has the potential to create a parallel permit system which bypasses community consultation and encourages applicants to shop around. This has the potential to create confusion and undermine the effectiveness of the on-the-ground implementation of the permit system. If communities are not being consulted and are not informed when the minister issues permits, there will be no way of knowing who should or should not be within their area and no way of knowing who is there. So we have some concerns about that discretion and I will seek clarification from the minister about the extent to which that discretion will be applied and a commitment that consultation will be carried out with the traditional owners of the land.

The next part of this bill that the Australian Greens have some concerns and reservations about is the likely impact and cost-effectiveness of the proposed amendments regulating pay TV narrowcasts of R18 materials. Having said that, the Australian Greens are deeply concerned about access to these sorts of materials, but we are not necessarily convinced that this is going to be effective in controlling access to some of this material. Quite frankly, the Australian Greens think it is a good idea to limit the exposure of all Australian children to this type of material. It is not just damaging to Aboriginal children. I also must point out that it is not just Aboriginal children who are being abused in this country. Again, we need to be looking at how we implement some of these measures in the broader community to see how we can restrict access or educate all children on the impact of this sort of material.
We are concerned that by focusing just on this sort of narrowcast concept we are actually using resources that could be better applied to dealing with these issues in a more effective way in communities. These resources could be spent in more effective ways addressing this issue in communities. I am inclined to think that this is almost an issue of being seen to be doing the right thing because it is an obvious issue rather than looking at what is the best way to spend our resources. Banning R18+ programming narrowcast into prescribed areas is quite technically difficult and expensive—and, from evidence given to the committee, it looks like we are talking about between 50 and 70 households. In all of these communities we are talking about 50 to 70 households. We are going to a lot of trouble to restrict access to this material for 50 to 70 households—we do not know who those households are, from what I understand—when there is a fairly effective prevention mechanism already in place.

We are not saying that this material is acceptable. I do not want one person to run away thinking that the Greens think that this is acceptable material. We are saying that we think that resources could be spent in achieving better outcomes in communities. The *Little children are sacred* report noted that it was unlikely that access to violent and sexually explicit material could be prevented. Recommendation 67 notes that intentionally exposing children to indecent material is a criminal offence with a penalty of up to 10 years imprisonment and suggests a concerted effort to increase community awareness about that. Implementing an education campaign to inform community members of the harm done to children by viewing sexually explicit material needs to be strongly considered, and the illegality of intentionally exposing them to indecent material is more likely to be effective in protecting children.

Such an education campaign could also address the harm caused by exposing young children to violent programs as well as to sexually explicit ones. This, we believe, should also be supported by culturally appropriate education programs for children that tackle personal safety issues and clearly define what is inappropriate sexual behaviour and how best to respond to threatening situations—talking to our children and getting them to understand how to tackle these issues. As Olga Havnen noted in evidence to the committee:

It has been extremely distressing to note that, given the great haste and the great focus that was originally placed on this thing around child protection and the need to tackle child sexual abuse, so little appears to have been achieved to date by way of the employment and engagement of child protection workers.

Very few new workers have actually been put on the ground in response to the intervention. We believe that that needs to be urgently addressed. So, while the Australian Greens will be supporting this particular measure, we strongly urge the government to move to implement some more effective child protection strategies like the community education and training measures I have just mentioned and actually putting more child protection workers on the ground.

This bill also seeks to allow roadhouses upon which prescribed communities are substantially dependent to be licensed as ‘community stores’ and hence able to receive quarantined moneys. The Australian Greens are concerned that there is not a clear definition of what counts as ‘substantial dependence’ and that the accreditation system fails to tackle the larger issues of the cost and nutritious value of the food provided. We will be seeking to clarify what ‘substantial dependence’ means. We think there needs to be a more rigorous accreditation scheme applied to these stores in a manner that encourages
them to lift the quality of food. We support
the suggestion put forward by the Central
Land Council in evidence to the inquiry that
stores should be encouraged and required to
train and employ local community members.
We do not in principle object to local road-
houses being licensed as community stores
where there is a substantial dependence on
these stores in the absence of a viable alter-
native, but we believe that the first priority
should be to build community capacity and
enterprise by establishing or supporting
community stores where there are sufficient
economies of scale to make them viable. So
we will be supporting this particular meas-
ure. As I said, the Greens will be introducing
amendments around the exemption of all of
the NT response to the RDA.

Senator MOORE (Queensland) (10.12
am)—The bill before us, the Families, Hous-
ing, Community Services and Indigenous
Affairs and Other Legislation Amendment
(Emergency Response Consolidation) Bill
2008, is actually what is stated in the title,
which is sometimes unusual in this place. It
is a consolidation bill which looks at a num-
ber of specific issues which have been out-
lined by some of the previous speakers. It is
not a response to the overall NT intervention.
It is not a statement about how appalled we
feel about the horrors of child abuse—and I
hope the debate will not degenerate into
some kind of contest about who cares more
about child abuse in the Northern Territory
and who is tougher and stronger and there-
fore needs more personal commendation.

The four core elements of this bill relate to
permits, access to pay TV that may contain
elements of pornography, provisions for tak-
ing pornography across designated areas and
also the licensing of roadhouses as commu-
nity stores. They are the elements as set out.

I do want to concentrate on the issue of
permits because as you know, Madam Acting
Deputy President Crossin, through our Sen-
ate Standing Committee on Community Af-
airs hearings that caused the greatest discus-
sion. I think one of the things that continues
to impress me is how willingly and openly
people come and talk with Senate commit-
tees about the things about which they feel
strongly. Through the preparation of this
committee report we found people who
wanted to talk about all the issues around the
NT response. They wanted to talk about their
experiences, their concerns and their fears
for the future but, most particularly, they
wanted to talk about the wellbeing of their
communities and the protection of their kids.
That came forward clearly. I really hope
people take the opportunity to look at some
of the Hansard evidence and also at some of
the detailed submissions that people gave to
us with generosity and openness.
The issue of the permits dominated most of the submissions and the evidence that we got, with the possible exception of that from Austar, but I will get to that later. There is a long history around the issue of permits in the Northern Territory. An ongoing matter of concern for me was the fact that there is so much ignorance and lack of real understanding about how they work. We tend to throw terms around with great ease and people in the committee hearings spoke about their knowledge—or, indeed, lack of knowledge—of exactly how the permit system operated.

It was very worthwhile to receive evidence from Professor Altman, who put the whole issue of permits into the context of the history of legislation in the Northern Territory. He talked about the different reviews—of which there have been many—how permits operate and also some of the philosophical differences. It came down to a clear difference that was expressed by the people who lived in, worked in and supported communities in the Northern Territory and by other people. There was a clear difference about what constituted openness and what constituted an effective interrelationship between communities and people who were not resident or working in those communities. The permit system was held dear by many of the communities and the community organisations that came to our committee. A number of submitters talked to us about this, but I will quote from one because I think it is important to quote from the evidence that we were given. The Central Land Council addressed the positives of the permit system stating:

... our overall view is that the permit system is an effective and appropriate tool under the Aboriginal Land Rights (Northern Territory) Act 1976 (Cth) (Land Rights Act) for negotiating third party access to Aboriginal land for miners, pastoralists, developers and visitors.

The CLC added:

... the permit system has not impeded the provision of services.

And:

... is an important policing tool in remote communities.

Senator Bernardi said that there would be people who would speak eloquently about the importance and the process of the permit system. I do not claim to be able to speak eloquently on this topic. What I do claim is that I listened to the people who came to the community affairs committee hearings. Also, having read the evidence of a series of committees over the years about how the permit system operates, it seems to me that it is a protocol. It is in place within the Northern Territory to require people who wish to visit a community’s land to ask permission to do so. There are people who apparently find this to be an unbearable imposition. What we need to work out is how clearly and how easily it works.

At the committee hearings the National Land Council stated that 32,010 permits were granted by land councils and the Northern Territory government during 2005 and 2006. It is a simple process which visitors to the Northern Territory can obtain information about by asking a question: what is the protocol for actually going to Aboriginal land in the Northern Territory? What are the processes that you have to follow? It is quite simple. With respect to the protection element, we will hear—the term is probably ‘eloquent arguments’—about why this is too difficult, but the process operates in a straightforward way.

A whole series of provisions have been made by the Northern Territory government whereby people who work in these areas are able to visit without restriction. What we have is an ongoing system which respects the dignity of the people who live there and ac-
tually allows people knowledge of the land they are visiting. I know that Senator Siewert has spoken about the way that this works. An interesting argument that I had not heard before I was part of this committee was around the issue of safety. The permit system actually operates to ensure the safety of people travelling through the vast areas of Northern Territory, allowing them to know exactly where they are.

The opposition has had a deeply held view that the permit system is actually the root of all evil in terms of creating closed communities. Then there is this wonderful jump in logic which links the permit system and respect for land and community with child abuse. This argument rolls off the tongue with such ease but is actually so damning and so condemning. In fact, there was not a skerrick of evidence put before our committee that demonstrated a direct link between child abuse and criminal activity and the permit system. It is way too easy to make simplistic statements and then not have to justify them.

There was evidence, and it is in the committee report, from the Northern Territory Police Association, who said that they actually worked effectively with the permit system and communities as a way of having some security with respect to who was moving around the area. No-one claims that it is a single way to stop all crime and no-one at any time has claimed that the permit system stops child abuse. That would be an impossible argument to maintain just as it is an impossible argument to maintain that having a permit arrangement, which is open and transparent, does in any way encourage or enable crime or child abuse to happen.

As we all know, much of the activity that was created was stimulated by the Little children are sacred report. I think—in a good way, in a sense—it actually forced the confrontation of what was happening in the Northern Territory by the local community and across our country. This is a wonderful report. It is a shocking report; although that does not mean that people were not previously aware that there were problems because, as Senator Siewert has said, there have been many reviews and reports over the years that have pointed out the evils that have occurred in a number of communities, amongst them those in the Northern Territory. Sometimes we get way too focused on the Northern Territory, as though the only place in the world where there has ever been child abuse has been in remote localities in the Northern Territory. That is not true. As my friend Jackie Huggins continues to state in public arenas, the issue of child abuse is not an Indigenous issue.

However, the Little children are sacred report had a series of strong recommendations about what must occur in the Northern Territory to provide effective education, health and child safety for all people and all children in the areas, noting that there have been cases which we need to confront and respond to. At no stage in that whole quite detailed report was there any argument about permits. The Little children are sacred report—and it probably would be useful to wave it around a bit but it is a bit heavy, so I cannot do that—which should be essential reading for anybody who is a part of this discussion, does not say, did not actually argue, that there was any need to change the existing permit system in the Northern Territory.

But, amongst all the other processes that happened when the previous government brought in the legislation, this was automatically linked in as though, to the world, this was a message that if you change the permit system that would prove that you would be able to end child abuse. We argued that that was not true during the debate around the
original legislation. We continued to argue that and now we are responding by saying we are going to remove the restrictions on the permit system that were brought in by the previous government, but we are going to work with the communities, with the Northern Territory government and with any other interested person to ensure that the openness and transparency, which is important, is maintained.

So the arguments about how it works and any confusion that there would be will be addressed. Certainly, I know the minister has had ongoing discussions with the Media Entertainment and Arts Alliance about the role of journalism and also with other areas about exactly how that would work. I have spent a considerable amount of this short process talking about my concern around the permit system. But this debate around the issue of permits has been, I think, poorly handled. It is important that it, as a tool, is identified and not damned so easily because, as I restate, there is no evidence to say that the permit system by itself has any role in the process that we are talking about.

In terms of the evidence that we had, it would be hard for me to talk about this without quoting Mr Tilmouth from the Tangentyere Council because he has given so much evidence in support of various committees that we have had. But I will quote what he has said, and it is a statement about those people who claim that there is a closure of the process:

Aboriginal people’s lives are not as private as yours or mine. We are open to scrutiny every day of the week. When anyone wants to orchestrate media against us, that will happen. We are under surveillance in every walk of life.

I think that was quite a painful response to the kinds of arguments that we heard and the way that people tried to focus that there was innate evil somehow and that Aboriginal people were conspiring to close out other people’s interest in their ways. My own experience is that when we have asked to visit any particular community there has been an openness and a welcome that makes us very proud of being able to work effectively with people who are a part of our democratic system.

I do want to talk a little bit about the process around pornography because there was considerable mention in the Little children are sacred report about the problems of pornography and perhaps the behaviours that are linked with that. There is an ongoing international issue about the linkages with pornography and the behaviours that are learned from it. Nonetheless, in terms of the Little children are sacred report, it was identified as an issue.

This government has worked very strongly with industry, and in particular with AUSTAR, who provides the pay TV service to the Northern Territory, to look at the process of access to what is called pornography—in this case, it must be remembered that what we are talking about is R-rated material. There has been no argument about the X-rated elements of pornography. That is banned; it has been under the previous legislation and it continues to be banned under this legislation. So the argument of watering down does not work in that way. But in terms of R-rated material that is only available through the pay TV process, there has been work with industry, and I know Senator Siewert spoke about that detailed process. It was brought up that there were very few homes in remote Aboriginal communities that have access to pay TV, but there are some. That was identified by industry.

The provisions in this act effectively put into place a process where community, government and industry can work together to come up with a solution for their areas. It links all parts of the process so that, if there
is a genuine desire from the community caused by any reason such as fear about what is going on or worry about pornography coming into their area, there can be designated exclusion from those areas and a ban would happen.

In terms of what we hope for in future interaction and how we continue to work effectively together to ensure that the processes identified in reports such as Little children are sacred, it would seem to me that this process, which fits in with the Racial Discrimination Act very well, actually seems to be bit of a model for the future because it engages all those who are stakeholders in coming up with a solution. So we think that this is a very strong movement in trying to engage with community and industry to determine what is effective for them. Rather than blanket banning, which was in the previous legislation, we are saying that this is a strengthening of the process because it allows people to take ownership themselves of what is happening in communities. Fears were put forward by Senator Bernardi about whether people would have the encouragement or the strength to raise an issue; this is a different issue. This goes back to exactly how we effectively work in the communities to make people strong and aware and to give them the support they need to identify the issues themselves and to come forward.

There are a whole range of other issues within the NT response which looks at how we can improve child support services, child welfare services and also policing. But it is not peculiar to this one element of how pay TV access occurs. Once again, it is an attempt to say that my response is somehow stronger than yours. I do not agree with that methodology. The government’s response identifies the issue, responds to the Little children are sacred report and comes up with a solution that meets the requirements.

The roadhouses, as we have heard, are being licensed under the same process as community stores. There is a very detailed process under the NT legislation that looks at how this licensing is done. This actually widens the provisions to allow roadhouses to have that amenity for local communities, and we support that. Of course we support it—we are putting forward the legislation. The other element is the policing element dealing with people travelling through an area carrying material that is pornographic or illegal in some way. There is no disagreement with those processes.

However, I think it is very important to respond to a little of what Senator Siewert was saying about the review, about which this government has a very strong view. We said that we were in support of elements of the NT response legislation when it came in but that we had a whole range of concerns that we put forward in arguments. We made a commitment to a full review into the situation and a 12-month process. You and I know that that is underway and that at the end of this month we are expecting a review. I understand clearly the concerns that were raised by Senator Siewert. When you say that you will be operating an effective review, there is an expectation from all parties that the review will be open and will respond to the issues raised during that process. We will have that review at the end of the month, and I think there is a true challenge to everyone in this place, as well as to all citizens of the Northern Territory, who are the subject of this process, to closely examine that review and effectively respond to any recommendations and processes that emerge from it. That will be an important element of what is an ongoing response to the issues that were identified.

All governments needed to investigate what was happening in areas where concerns had been raised about child abuse. That is the
job of effective government. What we need to understand is that it is not a short, quick-fix process. It will not be a single response that will solve these problems. A long-term, strategic, resourced process will have to be put in place at all levels of government and in the communities themselves to respond to the Little children are sacred report. The bill in front of us today looks at four key elements. It is a consolidation of the original legislation and is part, I believe, of an ongoing response to a very significant problem.

Senator ADAMS (Western Australia) (10.32 am)—Today I would like to take the opportunity to speak about the Families, Housing, Community Services and Indigenous Affairs and Other Legislation Amendment (Emergency Response Consolidation) Bill 2008. As my colleagues have said, the bill is reviewing not the whole Northern Territory emergency response but certain crucial aspects. However, these amendments could put the success of the intervention at risk. I believe there can be little doubt that the first year of the Northern Territory emergency response made a great difference to the lives of many Indigenous Australians who live in some of the most remote areas of Australia. There can also be little doubt that this action was urgently needed.

In June 2007 the Little children are sacred report shocked many Australians who were not aware of the parallel world that many of our Indigenous families experience every day, a world full of violence, neglect and despair. Many Australians at that time did not know that there are welfare dependent communities, tucked away out of sight and mind, with no-go areas protected by a no-visitor permit system. For others such as teachers, police officers and health service professionals working in those remote areas, the issues raised in the Little children are sacred report were of no surprise. It was just another report in a long line. May I say from a Western Australian point of view that General Sanderson released a report but, despite all the evidence it had about the northern part of Western Australia, unfortunately it was also put on the shelf to gather dust.

Finally it was the Howard government that said enough was enough. The then Minister for Families, Community Services and Indigenous Affairs, Mal Brough, refused to be trapped in further endless consultations. Instead, the former Howard government decided to take action and committed nearly a billion dollars to ensure every child in the more than 70 prescribed communities could have a health check with follow-up treatments. The package of legislative changes and policies introduced by the Howard government is, without doubt, the most important Indigenous affairs initiative seen in decades. Law and order had to take first priority. Policing was immediately and substantially boosted. Children who often suffered from hunger because their parents gambled away or drank the proceeds of their pension now had a greater chance to receive food and clothing, as these welfare payments were quarantined. Housing was to be improved, pornography was banned, alcohol and drugs were controlled and the permit system was modified so that people touring the outback could visit public places in Aboriginal communities.

While I was travelling between Alice Springs and Hermannsburg on a NORFORCE exercise, I took a photo of an Australian government initiative with a sign which says: ‘Warning—prescribed area’. It has a photo of a glass and a bottle with a circle around them and a line through it. It states in very large letters: ‘No liquor to go past this point’ and ‘No pornography’. To me, that is a very impressive sight on the side of the road. It also has, ‘For further information, contact the Australian government Northern Territory emergency response hot-
line,’ with the 1800 numbers. I would not like to see this removed, because it really does send a very, very strong message when one is driving along that road.

With the Families, Housing, Community Services and Indigenous Affairs and Other Legislation Amendment (Emergency Response Consolidation) Bill 2008, the Rudd government is suggesting amendments and a review of four crucial areas, which my colleagues spoke about earlier. The old permit system is to be reinstated, with the communities once again locked away from general scrutiny. More than 35 per cent of pornography is to be allowed back on pay TV, and access to pay TV services will recommence. In addition, the transportation of pornographic material across prescribed areas is under review, meaning that people will soon be able to carry alcohol and pornography through the prescribed communities. Labor also intends to license roadhouses. I support this measure, which means that those roadhouses can be recognised as community stores. Also, for their financial management they will be set up with the software to allow them to cope with that.

This is definitely positive and I certainly do support that measure, but I have a query with it—that the government has yet to define ‘substantial dependence’ in practical terms. In addition, the government has to answer broader issues relating to the community store licensing system, especially how it intends to prevent the cost of attaining licensing accreditation being passed on to welfare dependent consumers, making healthy, nutritious food in these remote areas even more expensive. Having travelled extensively through the north-west of Western Australia and through the Northern Territory, it was quite horrifying to see just how much it costs for fresh vegetables, apples and milk for people living in those areas.

Although this does not relate to the Northern Territory, I was at Balgo a few weeks ago with another committee. The cost of transporting food stuffs every week into the community store at Balgo is $15,000. This gives an indication of the effect of the rising cost of fuel on outback areas. We think it is bad enough around the cities and in regional areas, but this huge cost for the transportation of food has to be handed on to consumers in outback areas who are therefore having to pay for it.

Through my committee work I have been very involved with looking at the effectiveness of the Northern Territory emergency response. In April, along with my colleagues Senator Moore and Senator Siewert, who have already spoken, I participated in committee hearings in Alice Springs and Darwin for the inquiry into the Families, Housing, Community Services and Indigenous Affairs and Other Legislation Amendment (Emergency Response Consolidation) Bill 2008.

My Liberal Senate colleagues Senator Gary Humphries and Senator Sue Boyce and I believe that many provisions of this bill constitute a retreat from the principles which underlie the Northern Territory emergency response announced and commenced by the former coalition government. As stated in the dissenting report by Liberal senators on the emergency response consolidation bill, Senator Humphries, Senator Boyce and I believe that the measures in the bill forestall the results of an independent review of the NT emergency response which is to report by the end of the month. I would question why the government is pushing this bill through the Senate today when we have a review currently going on which is to report by the end of the month. It really is pre-empting that review. I wonder whether the review will highlight the issues that the coalition is raising and whether it will suggest the need for change.
We believe the bill undermines the basis on which so much federal effort and money has been expended since June 2007. Such measures run the risk of confusing those benefiting from the emergency response, and those working on Commonwealth programs and initiatives constituting the intervention, as to the federal government’s position on the fundamental objectives of this exercise. The proposed amendments also appear designed to confuse and deflect the focus of the former government’s initiative.

Although I appreciate the bipartisan support with regard to the Northern Territory emergency response, I cannot support the suggested amendments proposed by the Labor government in this bill. As a consequence, I urge the government to leave in place the permit system provisions that have enabled access to public land; to impose a blanket ban on all pornographic material in prescribed areas; and to prohibit the transport of pornographic material through any prescribed area. There are positive signs the emergency response is working as it was designed by the former Howard government. Even the Minister for Families, Housing, Community Services and Indigenous Affairs, Jenny Macklin, admitted this a year after the intervention started. She said that there has been an increase in the amount of food purchased and school nutrition programs are leading to children putting on weight. I did visit the Tea Tree school when I was in Alice Springs. It was great to see these children. They came out to inspect all the army vehicles. Each one of them had a pear. They had school uniforms on and they looked really very fit and healthy. I was very impressed with the way the school had trained the students. They all lined up to have their turn at climbing into the vehicles, tooting the horns and playing with all the different things that they were able to access.

In my view, Ms Macklin is now threatening this crucial work by introducing amendments relating to access to Aboriginal land, pay TV and R18+ programs and transport of prohibited material through prescribed areas. I really do not want to see the permit system re-introduced. The former Minister for Families and Community Services and Indigenous Affairs, Mal Brough, was convinced that removing the permit system and allowing entry to Indigenous communities was essential for the success of the whole emergency response. An increased external scrutiny is in the interests of vulnerable persons in ‘closed’ communities. As a result, the former government had reduced the restrictions for access to some 0.2 per cent of Aboriginal land. There is an idea that the whole of the Aboriginal land has been opened up, but that is not right. These measures do not interfere with permits to access the vast holdings of Aboriginal land. Aboriginal people should have total control to practice their culture and to protect their sites. However, there must be exceptions granting general access to schools, medical centres, police stations and airstrips.

Arguing in support of the re-introduction, the Minister for Families, Housing, Community Services and Indigenous Affairs, Jenny Macklin, the Minister for Housing, Tanya Plibersek, and the member for the Territory seat of Lingiari, Warren Snowdon, said the permit system was a vital tool in stopping ‘rivers of grog’ from entering the communities, but I would really question this information. An article published in Monday’s *Australian* quoted police figures which point out:

... the great majority of people summoned or arrested for bringing liquor into alcohol restricted communities in the Territory in the past 15 months were Aborigines who did not need permits to enter their land.
The statistics show there was no basis for linking the flow of liquor to communities to non-indigenous grog-runners, or to the permit system. Rather, it was Aborigines who ran grog and supplied it to their own people.

The article was written by Mr Paul Toohey, a journalist from the *Australian* who has been reporting about Indigenous communities for many years.

At a hearing of the Senate Standing Committee on Community Affairs in Darwin, Mr Toohey presented the committee with an insight into his work. He made a very interesting point regarding the permit system. Mr Toohey said:

The permit system does not just work to keep people out; it also works to keep people in. People have this idea that this is a precious, special world that they are protecting, even if they are not quite sure why it is special and precious, because the community is living in the conditions I have described.

He went on to comment about Port Keats:

It is remarkable to look at Port Keats. I believe this has changed in the last year, but Port Keats has one of the biggest populations of an Aboriginal community in the Northern Territory. For the last three decades it has not produced one footballer for the Northern Territory Football League, which is an outstanding statistic given the physique of Port Keats people, who have a pretty tough warrior mentality. That is what I am talking about when I refer to keeping people in. The fact is that there has been no football player produced from Port Keats, let alone any artwork or any known artist, in three decades. There is not one piece by a Port Keats artist hanging on the wall of the Museum and Art Gallery of the Northern Territory, because there really are not too many Port Keats artists. It works to keep people in as well.

Whilst the permit system works to keep people in, it also works to keep business out. The Northern Territory opposition’s Indigenous spokesman, Adam Giles, recently made a very important point regarding the economic realities of remote Aboriginal communities in the territory. Speaking to the media he said:

“One reason remote Aboriginal communities remain mired in economic deprivation is that the permit system has isolated them from the wider Australian economy,” said the indigenous MP.

… … …

“Without the free flow of goods and people into remote Aboriginal communities there will be no breaking the chain of welfare dependence that binds so many.”

I also call on the government to impose a blanket ban on all pornographic material in prescribed areas. At the committee hearing in Darwin, Helen Wodak, Advocacy Manager for the North Australian Aboriginal Justice Agency, made an interesting comment about sexual abuse. She said that, at times, pornographic material plays an important role in the grooming of people for sexual offences. I find that absolutely abhorrent. Of course, the overcrowding of homes with small children and adults all together certainly does not help in this respect. So I believe that housing is an absolutely essential component in these communities and we have to move a lot faster on this than we are.

The *Little children are sacred* report found that sexual abuse among Aboriginal children in the Northern Territory was serious, widespread and often unreported, and that there was a strong association between alcohol abuse and sexual abuse of children—and, to a lesser extent, between the use of pornography and sexual abuse of children. Liberal senators heard no evidence in the course of this inquiry to suggest that the magnitude or urgency of that problem in Indigenous communities had lessened in the last year. The suggested amendments to the bill proposed by the Rudd government would allow communities to lift the ban on pornographic TV coverage after adequate community consultations. I find this quite impractical. Whilst I am a strong supporter of community consul-
tations, I am nevertheless concerned that this would lead to the removal of protections and put women and children at risk. To me, the safety of a child should remain the first priority.

Next to this rather ideological belief there are serious practical difficulties with this amendment being imposed upon the subscription TV industry. The bill proposes amendments to require that particular pay television licensees not provide television channels that contain a large amount of R18+ programming to certain prescribed areas. These amendments would cause serious difficulties for the subscription TV industry in trying to comply with the legislation as originally enacted. At the committee hearings in Alice Springs, Austar representatives noted that the difference between how it locates its customers and how the Northern Territory National Emergency Response Act 2007 defines prescribed areas means that it is not possible for Austar to know with certainty whether one or more of its customers is located within a prescribed area. According to Austar, this would create a number of issues should a blanket ban on R18+ rated programming across all prescribed areas be introduced. I therefore urge the government not to amend the current restrictions on pornographic broadcasting in the prescribed areas.

The former Chair of the Northern Territory Emergency Response Taskforce, Dr Sue Gordon, who has just finished her term as chair, said to journalists:

“While I appreciate that a lot of people were opposed to the NT emergency response, either as a package or in part, I would urge you to read what women and some men in the communities are saying about how it has changed their lives,” 

... 

Major-General David Chalmers, Operational Commander of the Northern Territory Emergency Response Taskforce, said to journalists:

THE Northern Territory intervention must run well beyond five years to make a real impact in indigenous communities ...

Furthermore, the article says:

General Chalmers said there was evidence the intervention had led to decreased violence, increased school enrolments this year, and more money being spent on food.

So I do hope that, when the review report is handed down, the people involved will come up with some really positive moves. We have started something that I think is very positive and I am very supportive of it continuing but I do not want to see these amendments, which would take us backwards, made to the legislation.

Senator FARRELL (South Australia) (10.51 am)—I was interested in the comments of the previous speaker, Senator Adams. She was crying crocodile tears over the high cost of living in the Northern Territory. I think it is quite interesting that one of the features of the industrial relations system under the previous Labor government was a system of what were called ‘district allowances’ in the Northern Territory. Those district allowances enabled the people in the Northern Territory to be paid an allowance because they were living in places where there was a higher cost of living. Under the Howard government’s Work Choices legislation, in my experience, many people in the retail industry lost their district allowance. So one thing that the Northern Territory was able to do was provide a higher wage rate for people and, of course, under Work Choices, people lost that. It is quite true that it was more difficult under the Work Choices regime for people in the Northern Territory to meet the higher costs associated with getting products to the Northern Territory.
I am very pleased to speak today in favour of the government’s Families, Housing, Community Services and Indigenous Affairs and Other Legislation Amendment (Emergency Response Consolidation) Bill 2008. This legislation has a very direct impact on the Northern Territory. I have a personal connection to the Northern Territory that goes back a very long time. My father served there at Larrakeyah during World War II. I first went to the Territory in 1976, just after Cyclone Tracy, to help rebuild Darwin. I spent six months there on that occasion and, in my previous occupation, I went back there about four or five times a year.

I think it is true to say that, although the Northern Territory does not have the highest number of Indigenous Australians in population of any state or territory, as a percentage it does have more Indigenous Australians than any other state or territory. I was very pleased that the first time I entered this chamber as a senator was the day that our Prime Minister, Mr Rudd, delivered the national apology to the stolen generation in the House of Representatives. It was a very proud moment in Australia’s history, marred only by the fact that it was so long overdue. The former Prime Minister, Mr Howard, steadfastly refused to give that apology to the stolen generation—an apology that all Australians wanted to hear. It is interesting that not everybody in the previous government adopted that sort of hostile attitude to reconciliation. I was very pleased to read in Mr Costello’s new book that he was willing to embrace the concept of reconciliation. Of course, he famously participated in the walk across Sydney Harbour Bridge some years ago.

This legislation seeks to correct imbalances that were inherent in the Northern Territory National Emergency Response Bill 2007, which was rushed through the federal parliament last year—in fact, it was rushed through both houses of parliament in just one day.

Senator Humphries—It was an emergency.

Senator FARRELL—We will get to that. The justification for such haste was that there was a state of emergency in Aboriginal communities in the Northern Territory that required immediate action to remedy the situation. While I have no doubt that the situation is dire in many Aboriginal communities, this has been a problem for many years. It was many years in the making and did not simply arise overnight. As with so many issues that the previous government found on its plate, it took a long time to get around to dealing with it.

I am supportive of any measures that help bring disadvantaged communities out of despair and poverty. The Australian government remain committed to the Northern Territory intervention. We supported the intervention because the Little children are sacred report urged government action to protect Indigenous children from abuse and violence. One of the authors of that report was Pat Anderson. I had the great privilege of meeting Pat. She was very committed to solving these problems in the Northern Territory and did a great job on that report.

We are also committed to undertaking an independent review to report on the effectiveness and efficiency of all the Northern Territory emergency response measures. This review will report before the end of the year. It is important to address the serious issues in the Northern Territory in a professional and responsive manner. One of the key differences between the Rudd government’s approach to this issue and that of the previous government is the inclusive way in which the Rudd government has involved the Northern Territory government. The Rudd government wants to ensure that both governments are
working with communities to solve problems rather than making unilateral decisions for them.

In its submission to the Senate inquiry into the Northern Territory National Emergency Response Bill 2007, the Northern Territory government at that time was scathing in its assessment of the new legislation, calling it:

... totally unexpected and totally unprecedented.

It went on to state:

The Northern Territory Government wants to make it fundamentally clear that it is opposed to the parts of the intervention legislation that remove the permit requirements of the Land Rights Act and the sections that allow for the compulsory acquisition of Aboriginal Land.

The Chief Minister of the Northern Territory, Paul Henderson—recently re-elected; he is a great chap, a fantastic chap—understands the importance of involving the community to help solve social problems. He said last year:

Let’s move forward in a spirit of cooperation rather than intervention and let’s engage Indigenous people in these reforms, let’s get some ownership of these reforms, let’s get some commitment for the reforms.

Paul Henderson understands that real leadership involves bringing people along with you, just as he did in his successful re-election only a couple of weeks ago.

Senator Payne—Just!

Senator FARRELL—No; he got back and he is going to do a great job. He is very impressive. With all due respect to Clare Martin, he is going to be a great chief minister for the Northern Territory and it is no wonder that he was re-elected. He will continue to do a great job.

Leadership requires one to convince others that you have a workable plan to improve the situation and that it is worth their while to follow you to achieve that plan. The fact that there is such wide-ranging opposition and concern in the Northern Territory to the way in which the intervention was executed illustrates the poor leadership of the previous government on this issue.

There are, of course, aspects of the intervention that have been beneficial. In the area of welfare reform the Australian government has made good progress. Fifty-four government business managers are in place, servicing 73 communities and town camps in Darwin, Alice Springs, Tennant Creek and Elliott. As at 27 August, income management is in place in 69 communities and associated outstations, and 10 town camp regions.

As at 22 August, 15,602 people were income managed, including 612 auto-income-managed customers. There are a total of 67 community stores which have been licensed: 39 stores are operating under store-specific licences; eight stores with store-specific licences are managed under Arnhem Land Progress Association consultancy agreements, and 15 stores are operating under corporate licences issued to Outback Stores and the ALPA.

I note that schedule 4 of the bill allows for roadhouses to be classified as community stores when a community is substantially dependent on them for grocery items and drinks. This recognises the way in which retail services are delivered in the Northern Territory. I think this is one area where it is very clear that the intervention by the previous government was so rushed. It did not even appreciate the way in which retail services were delivered in many of these communities. Of course there was the community store, but in lots of these communities retail life revolves around the roadhouses. This is just, I think, a clear indication of how out of touch the government was when it made some of its decisions relating to the Northern Territory.
As at 27 August, the school nutrition programs were in place in 68 communities and associated outstations and 10 town camp regions. As at 27 August, there were 31 community employment brokers in place servicing 57 communities and associated outstations, and two town camp regions. So it is clear that much progress has been made by the Rudd government, but obviously—

Senator Adams interjecting—

Senator FARRELL—You laugh, Senator, but we are making progress up there, and we are making it in a way that involves the Northern Territory government and the people of the Northern Territory. That was the very thing you failed to do with this issue. You waited and you waited until the very end of your government to do anything about this issue. It is just like the way you treated the Murray River: you waited and you waited. Your program looks more like a script of The Hollowmen than a serious attempt to deal with the issues of the Northern Territory. But the federal Labor Party and the re-elected Henderson government in the Northern Territory are going to fix this problem.

We are going to go there. We have started the process, and the process involves conciliation, discussion and consultation with the people of the Northern Territory. This is where the previous government made their mistake. They did not consult with the people of the Northern Territory. This bill will fix that problem. We are going to solve the mistakes that the previous government made in relation to this issue.

Senator Humphries—You are going to regret saying that, one day, Senator Farrell.

Senator FARRELL—I will not regret it, Senator, because what I am saying is absolutely true. The cooperation between the Rudd government and the Henderson government in the Northern Territory will solve this problem. You have to take the community with you on this issue. The only way these issues are going to be solved is by taking the community with you—and that is what we are doing, and that is what we will continue to do until the problem is solved. That is why it is so important that we pass this piece of legislation.

As I said, we have made progress, but more needs to be done. I believe it is important to note that the legislation is compliant with the Racial Discrimination Act. This legislation does not override the Racial Discrimination Act as the previous National Emergency Response Act did. The Racial Discrimination Act allows for positive discrimination to assist disadvantaged members of the community, which in this instance are Aboriginal children in remote areas. The Racial Discrimination Act is important legislation that protects the rights of the most vulnerable in our society against unfair treatment and should never have been cast aside in the rush for a quick fix.

The other significant aspect of the legislation is that schedule 3 restores the permit system that is so important to Aboriginal communities. The government is committed to implementing all the key elements of the emergency response. However, there is no evidence that changes made to the permit system by the previous government contribute to the objectives of the emergency response—namely, protecting children and making communities safe. In fact, Vince Kelly, President of the Northern Territory Police Association, and a very fine fellow—I think he might now be the President of the Police Federation of Australia—has stated that the permit system does have an important role in policing these communities and keeping out grog and drug runners.

The changes to the permit system made by the previous government, which included allowing public access to major communi-
ties, came into effect on 17 February 2008. The Rudd government’s election commitment to retain the permit system also included allowing greater access for journalists and government contractors. Once the bill has been passed and the permit system has been reinstated, the Minister for Families, Housing, Community Services and Indigenous Affairs can make a determination to allow journalists as a class of persons to access Aboriginal land.

The Australian government is of the belief that Aboriginal people should have the rights over their traditional lands. At no point was the case conclusively made that the permit system somehow contributed to the sexual abuse of children in the Northern Territory. The permit system allowed Aboriginal communities to have some control over those who come onto their land. Just like any homeowner, you need to be able to choose who you let onto your property and who you do not. The permit system allows Aboriginal communities the option to get rid of outsiders who are harmful to their community and I wholeheartedly support that regime.

I do not understand how the Australian government was supposed to generate trust and enthusiasm for its programs by pouring resources into the Northern Territory but at the same time removing land rights from Aboriginal communities. I fear that the Liberal Party’s overemphasis upon free and unrestricted movement of people through Aboriginal lands has led them to misdiagnose the problems facing Aboriginal communities. There may be some instances where the provision of services is hampered by the process of asking for permission to enter Aboriginal lands. But I think it is highly doubtful that Aboriginal communities would reject genuine offers of assistance and legitimate requests to visit their land.

I believe poverty is the biggest factor that leads to child abuse. Of course, that was the substantive issue that the report of Pat Anderson dealt with. If we are to stop the abuse of children, the Australian government must take concrete steps to address poverty, not engage in side issues such as simply removing the permit system. I commend this legislation to the house and I urge all senators to support it.

Senator HUMPHRIES (Australian Capital Territory) (11.10 am)—In his remarks just now, Senator Farrell has reaffirmed a tone that we have heard again and again from Labor members speaking about the Northern Territory intervention. The Australian government’s official position is that it supports the intervention. It is in favour of the intervention. It gave support to the Howard government when it made the decision to intervene in the Northern Territory and provide a sweeping range of services and changes in those communities that were affected. Yet when Labor members and senators rise in places like this as well as outside in the community to speak about the intervention, they dip their comments in vitriol. They spike them with criticisms and reservations about the intervention. They tell us more reasons why we should not support the intervention than reasons why we should.

The fact is that the Australian Labor Party is deeply ambivalent about this major social reform in the Northern Territory, but they do not have the courage to say to the Australian community, ‘We are not in favour of this and we intend to undo it,’ because before the last federal election they did not think the Australian people wanted to hear that. As a result, they decided to say to the Australian people: ‘Yes. We support the Howard government’s decision to intervene in the Northern Territory.’ This is summed up by what one reporter said in the Australian, quoting a Labor MP:
One MP said: ‘We didn’t want to get into a debate about this before the election but we have to relook at it now.

This was just after the federal election in November. Indeed, that is true and Senator Farrell’s comments have confirmed that yet again. This flip-flopping, this inconsistency about the legislation does Labor no credit because it sends the signal to both Indigenous Australians and other Australians that Labor’s position just cannot be pinned down, that they are sort of in one camp and they are sort of in another. I do not think that serves this community very well.

I want to say that I am very clear about my position. I think the intervention is conceptually right. It is appropriate and necessary for us to move into communities which are extremely dysfunctional and provide services and support to deal with immediate and real problems. That is what the intervention was intended to do. That is what the intervention has succeeded in doing in many places. No-one pretends, least of all the previous government, that the intervention was the complete solution to the myriad problems facing Indigenous Australia. But we believed then and we believe now that action to deal with immediate and real problems, particularly those affecting the welfare and safety of children, was absolutely required.

Senator Farrell was at pains to point out that he did not feel we had done anything about the welfare of people in Indigenous communities, but he then proceeded to list a whole range of activities that were taking place: welfare reform, clean-up community programs, community stores and school nutrition programs. He read from the latest FaHCSIA Operation Update, the operation headed by Major General Dave Chalmers, who spoke to the inquiry of which I was a part. Those things, of course—in case Senator Farrell was unaware—were facilitated, were only possible, by virtue of the Howard government’s decision to intervene in the Northern Territory. That is what we did. It happened while you were in office, but we initiated that program; we made it possible. I think that it falls back on Senator Farrell and his colleagues on the other side of the chamber to work out where they are going with all of this. Are they in favour of decisive action to deal with the indicators, at least the symptoms, of dislocation, dysfunction and societies which are in need of urgent repair, or do they wish to sit back and mouth platitudes about this or make claims like that made by Senator Farrell in this debate that we are going to fix this problem, obviously using some different mechanism from the one that is being put in place and which they have inherited?

I have to say that I contribute to this debate more in sorrow than in anger about the way in which this is all proceeding. We have here an unpicking of key elements of the former government’s legislation, again without a coherent alternative strategy being laid out for us all to see. If Labor came to this place and said, ‘Here is our alternative; we have a new scheme to deal with the problems of Indigenous Australia, which everyone can understand and talk about and it’s all laid out for us to discuss,’ I would feel a little more confident that they knew what they were doing. But I see here a series of changes which are designed to appease certain stakeholders with whom they have a certain relationship. They made a promise to get the permit system back in place and they promised to do something about access to narrow-casting in these communities, and they do not really particularly care whether or not that fits within a coherent system of policy towards Indigenous Australia.

I want to deal with some of the issues that the legislation deals with. One, of course, is the permit system, which has been much discussed. We believe that the permit system
presents a series of real problems to the environment in which we face these issues, and we believe that the permit system needs to be seriously reconsidered. We note that, in the course of the inquiry conducted by the Senate Standing Committee on Community Affairs, there had not been a single formal complaint about the abolition of the permit system under the 2007 legislation. We think that the evidence is highly ambivalent about whether or not the permit system is successful and, as such, it is a mistake to pull away from the reforms that we made in this area with so little evidence available about whether those reforms might have been successful.

We had a number of witnesses give evidence to the committee and, although it is true that many of the Indigenous stakeholders and their advocates or spokespeople defended the permit system, there was other very powerful evidence against it—and as members of this place would know we do not operate on a poll system, we do not tick off the number of people for or against a proposition to determine that that is the way we decide whether or not an idea is supported; we look at the quality of argument. The argument put by Paul Toohey, a senior journalist with News Ltd, who spent a long time in the Northern Territory, were very compelling arguments, ones which the committee took very seriously. He said to the committee:

I think it is a tragedy that the permit system will be reintroduced for townships.

…

Keeping these townships closed is backwards, negative and basically a dangerous act which does not help anyone. No-one has any issue with requiring people to have a permit to access the vast holdings of Aboriginal land. The roads leading to them and the townships are a different issue altogether. If people want to practice their culture, protect their land, protect their sites, run businesses on their land and require people to have permits, so they should. It is land that had been won under the Aboriginal Land Rights Act or vested even earlier than that. I fully support Aboriginal people having total control over that except on the roads and the towns where there are schools, clinics, police stations and shops. I fail to see why these places need to be closed.

Indeed, he makes a very good point. We are not talking about the entirety of Indigenous land when we say that the permit system should be wound back. We are talking about those places which, in any other community in Australia, would be considered public places: places around schools, roads leading into and out of communities, areas around shops, police stations—those areas where you close access to the outside world and you create closed communities. Philosophically, I think, we need to ask ourselves whether that is a wise position from which to advance a series of solutions to problems which themselves involve the perpetration of acts and crimes behind closed doors. That is the issue we are facing here: what is being done to people, particularly to women and children, behind closed doors in situations where the law has not been able to reach them or protect them. To perpetuate the problem of closed communities around those issues is, philosophically, I think a mistake. I am not being dogmatic about this. I do not say that the permit system is absolutely wrong and should necessarily go. What I am saying is that the reforms put in place only last year should be given a chance to work, to be tested, to see whether they actually make a positive difference to the outcomes for people in those communities, as unquestionably some other aspects of the legislation have been successful for those communities.

I notice that Warren Mundine, the erstwhile President of the Labor Party, has also made some comments on the question of
accessibility to communities. On 26 January this year, he said:

If you want to create a real economy you’re going to have to have more commercial activity happening and that happens by allowing people to flow in and out of places.

On another occasion last year he said:

I think we should take advantage of what the former government did. We have to build on that. The biggest fear I have is that we start to fall back into our old ways and start some of the failed policies of the past.

Another journalist, Nicholas Rothwell, in an article entitled ‘Back to a system that permits social rot’, wrote:

The primary effect of permits has long been to cut off remote Aboriginal societies from the outside world: to hinder economic activity, to kill tourist curiosity, to protect the incompetent administrators and local leaders presiding over their dysfunctional little kingdoms.

Those are strong words. Perhaps they are too strong, but they create an environment where I think we ought to reconsider the rush to put in place changes so soon after this set of reforms was installed by the previous government.

The legislation also winds back the arrangements made by the former government with respect to narrowcasting of pornographic material into these communities. Again, the government has not seen fit to let these changes take root before they are prepared to weed them out. We do not believe that this material benefits Indigenous communities, particularly when there is obviously a high rate of sexual crime, and we think it is important to make sure that communities are protected against this kind of material being accessible to them. The effect of the government’s legislation is to make protecting those communities harder to achieve. That is the effect of what they are doing. It will be harder to achieve the kinds of insulating programs that the previous government put in place. I do not think that the government has justified that change. The industry, when they came before the community affairs committee, attempted to justify their support for winding back the policy—in other words, their continuing capacity to sell their products into these communities—and they were comprehensively unconvincing. They argued that there was a constitutional reason why you could not prevent Indigenous communities from having access to this material. Their attempt to justify that was, frankly, quite pathetic and they suggested that there were all sorts of technical difficulties with being able to engineer this change. I am completely unconvinced and I think the industry’s self-serving statements in these circumstances were quite transparent.

Senator Farrell, in his remarks, also made comments on Senator Adams’s remarks about the cost of living and attempted to link that with Work Choices. The fact remains, of course, that there are far too few Indigenous people in the Northern Territory who are in employment. One of the measures that we could see benefiting from the winding back of the permit system is the capacity for more commercial activity in Indigenous communities and the prospect of real employment to be created as a result.

We need to carefully consider whether we are making a serious mistake by this piecemeal approach to undoing the good that was done with the raft of reforms by the previous government. Nobody wants to pretend that this is more than it actually is. Nobody—on this side at least—wants to pronounce that we have discovered the magic bullet that will solve the problems of disadvantage and disempowerment in Indigenous Australia. They are very real problems, they are very severe problems, they are problems that will take generations and a succession of governments to solve. I think Senator Farrell was ex-
tremely brave to say, ‘We are going to fix this problem.’ I do not think it is mere coincidence that governments of both persuasions over at least 30 years have failed to do that. We need to test propositions empirically and see whether they are capable of relieving the underlying causes of those problems I just referred to.

We have a review being conducted into the Northern Territory intervention package. That review is due to be released to the community at the end of this month. But today, in the middle of the month, we are debating the repeal of certain elements of that legislation. The question is: why have the government seen fit to unpick certain elements of it at this stage? I think it is because they have made promises and they have people to appease, and since they do not have an overarching narrative to give us about where they are heading on Indigenous affairs, it does not really matter if you move certain bits of that around because it does not affect the overall picture at the end of the day. I do not commend this legislation. I suggest the Senate should look at it very seriously. I particularly commend the amendments which have been moved by Senator Bernardi. I suggest that we take steps to ensure that we protect the value of the reforms that have been put in place and acknowledge and try to consolidate the gains that have been made as a result of the NT intervention to date.

Senator BOYCE (Queensland) (11.28 am)—I also wish to speak on the Families, Housing, Community Services and Indigenous Affairs and Other Legislation Amendment (Emergency Response Consolidation) Bill 2008. I support the comments I have just had the pleasure of hearing from Senator Humphries. I also cannot support this bill in its current form. As Senator Humphries has outlined, amongst other matters this bill seeks to reintroduce is the now discredited permit system for entry onto Indigenous lands in the Northern Territory.

The permit system was originally established with the best interests of the Indigenous people of the Northern Territory in mind, but it is now abundantly clear that the system has become an Iron Curtain behind which crimes can be committed and children placed at risk. When this legislation was introduced into the other house by the Indigenous affairs minister, Jenny Macklin, she justified its reintroduction on the grounds that the permit system was a vital tool in stopping ‘rivers of grog’ from entering the communities in the Territory.

This very reason from the government has been dramatically undermined by police figures that were revealed in the Australian newspaper this week. According to these figures released by the Northern Territory police, the great majority of people who have been summoned or arrested by police for bringing liquor into alcohol restricted communities in the Territory in the past 15 months were in fact Indigenous people, people who did not need permits to enter the land. The statistics show that there is no basis whatsoever for linking the flow of alcohol into communities to non-Indigenous grog runners or to the lack of a permit system. Rather, it is Indigenous individuals who are running grog and supplying it to their own people.

In reality, the problem of grog running in the Northern Territory is almost exclusively an Aboriginal related problem. The Territory police figures that were released this week show that, since 1 July last year, 98 Indigenous people have been summoned for bringing liquor into a prescribed area, compared with five non-Indigenous people and one person of unknown descent. Police arrested 65 Indigenous people and two people of unknown descent for the offence. Police
have said that 40 Indigenous people and three of unknown descent had been summonsed for consuming liquor within the prescribed area during that period, while 41 Indigenous people and one non-Indigenous person were arrested for this offence.

On that basis, it is deeply disappointing that the Rudd Labor government used its numbers in the House of Representatives to defeat an opposition amendment to this bill that would have allowed free movement into the townships of the communities. Of course, that was a key part of the original Territory intervention laws developed by the Howard-Costello government.

The Rudd government has argued that the permits protected Indigenous Territorians from negative outside influences, including alcohol, sexual predators and dodgy art dealers. I regard this as outrageous paternalism. What other Australian communities are protected by the government deciding who comes and goes? What other Australian communities would tolerate government or, for that matter, community leaders speaking on their behalf in terms of deciding who comes and goes? Most importantly, as alluded to by Senator Humphries, what other Australian community would feel safer because someone else was deciding on their behalf and without independent scrutiny who could come in and who could not?

In another context I have warned that the minute we treat any group in our community as special and put them in special places with special rules we invite corruption and perversion to flourish. Closing the doors or the gates and stopping normal social interaction is always wrong. The truth is, as the Northern Territory arrest figures show and as this government refuses to accept, the negative influences do not in the main come from outsiders. But even if that were true, this return to the bad old status quo without any sort of a trial of what openness and freedom might mean is absolutely the wrong answer.

Senator Humphries has spoken about the evidence taken by the Senate Standing Committee on Community Affairs in relation to the Northern Territory intervention, and I was struck during evidence that was given by the outright paternalism displayed by a number of Indigenous leaders, never mind the very strong evidence given by the journalist Paul Toohey. The committee heard a number of times that the permit system was there to protect naive and ingenuous people from outsiders. We were told by Indigenous leaders that, if this did not happen, vacuum cleaners would be sold to people who did not have carpets, people would buy mobile phones when there was no network coverage in the area and so on.

Firstly, there was no mention of drug or grog problems made by these leaders, and there was only grudging acknowledgement from them of any problems with violence or sexual abuse in these communities. I do not think that these witnesses were in any way deliberately trying to mislead our inquiry, but they were painting a far rosier picture than the reality. They were burying their heads in the sand in regard to the true source of dysfunction in their communities.

Secondly, not one of these witnesses suggested that teaching people to identify conmen and tricksters might be another and perhaps a far better way to protect people from scams and abuse. There was no suggestion of overcoming ignorance with consumer education, just paternalistic protecting. Yet we had reports yesterday in the financial press that Indigenous landowners at Uluru are part of a consortium planning to bid for the $400 million Ayers Rock resort. If we want more Indigenous groups to have the skills to undertake projects such as this, to fully participate in economic development in the Territory
and, dare I say it, to get jobs, then education about business and smart consumerism is surely a better answer than straight-out protective paternalism.

The police figures that were revealed by the Australian clearly demonstrate that these issues are, by and large, ones for Indigenous communities to fix from within. This cannot happen while communities pretend that the dangers are in fact coming from without and while communities are kept closed by leaders with paternalistic attitudes. The reintroduction of the permit system, a system which was designed to keep non-Indigenous Australians and others out, will not stop the vast majority of the grog runners, who happen to be Indigenous themselves, from entering Aboriginal lands and bringing contraband into communities.

The reintroduction of the permit system will mean that less light is shone on these perpetrators and that innocent and ingenuous people will go on being their victims, without any support or input to change this process by the government. If community leaders and grog runners act in collusion, as has been suggested in a number of areas, reintroducing the permit system means that other community members have very little chance to have their voices heard and that there is very little chance of anything except sustaining the system that currently oppresses them.

The communities are in fact in desperate need of intervention—they are in desperate need of being opened up to the expectations and help from the rest of the Australian community. We cannot do this by closing the doors and pretending that this is somehow beneficial to the people who are being cruelly paternalised by the system. The Howard-Costello government made some very significant and beneficial reforms for all Australians, and I believe that the Northern Territory intervention, which was a decision taken towards the end of our time in office, was one of the most important long-term decisions that the government made. As Senator Humphries pointed out, for 30 years governments of all persuasions have been acting in what they believed to be the best interests of Aboriginal people. They have acted with goodwill towards those people with their policies. But it is pretty clear that what we did up until the time of the intervention was not working. The horrific evidence from the Little children are sacred report was evidence that we had failed and failed miserably.

Now we have the opportunity through the legislation passed under the Howard-Costello government’s Northern Territory intervention to take a new approach—an approach that empowers and enables people. Yet one of the first acts of this government is to turn this on its head and to go back to the paternalistic protectionism that has allowed the problems that were outlined in the Little children are sacred report to flourish.

The Northern Territory intervention proposals, as adopted by the Howard-Costello government, if allowed to be seen through, if allowed to run their course, if allowed to be trialled properly, had the potential to dramatically improve the lives of many Indigenous Australians now and in the future. They had the potential to do this by giving people back their self-esteem and by giving people the power to change their own lives and not have some external group tell them what was in their best interests.

The Labor Party’s support for the hasty reintroduction of the permit system is both sad and dangerous. It demonstrates that the Rudd Labor government has not been able to stand up to the noisy special interest groups—some of them, sadly, within the social services industry itself—that have lobbied so loudly to reintroduce the system. It was a
system that benefited them but not the people they were supposed to be helping. The government has not been able to stand up to other vested interests in the Northern Territory who, again, have their own perpetuation more at heart than the welfare of people from the Indigenous community. The Rudd Labor government has not been able to separate itself from the autocratic demands of the Left—the people who believe that they are the only ones who are right, that they are the only ones who understand. Certainly their history of success in this area would suggest that they are anything but the ones who understand or the ones who have the correct answers. The people from the autocratic Left are the ones who are so very concerned about rights, but they have no interest in responsibilities. In particular, they have no interest whatsoever in helping people to develop their own freedom of thought, expression and action, and they have no interest in the responsibility of every resident in the Territory to abide by the law, whether they are Indigenous, white Australian or non-Australian, or whether they are in communities or out of them.

I cannot support this bill in its current form and I would encourage other senators to give the abolition of the permit system time to work, particularly within the townships. Other Australians enjoy freedom of movement, freedom of expression and freedom of difference. If that is not an allowed commodity, we cannot hope to see any future development. I would ask other senators to oppose this area of the bill. Thank you.

Senator JACINTA COLLINS (Victoria) (11.42 am)—After listening to some of the contributions during this debate, I think it is helpful to return to the facts about what this bill represents. I do not think it would hurt to even look at some of the background, because certainly the positions being put forward from the opposition fail to acknowledge the process that we went through in coming to this position. The Families, Housing, Community Services and Indigenous Affairs and Other Legislation Amendment (Emergency Response Consolidation) Bill 2008 will reinstate the permit system in all Northern Territory communities in line with the government’s election commitment. This was a government election commitment, it was obviously supported by the community in the election, we are now in government, and we are honouring that commitment.

The bill repeals most of the permit system amendments which came into force on 17 February 2008. The argument that we should allow those amendments further time to come into force are simply not sustained, and they are not sustained because there was no case for them in the first instance. But I will come to that point. The exceptions to this repeal are those provisions dealing with access for government workers, which will remain. We acknowledge that that is one important area that needs to be dealt with. Again, from listening to some of the contributions from the other side, you would think that that accommodation had not been met.

There is strong sense in local Aboriginal communities’ opposition to the removal of the permit system, which occurred under the previous government. The ability to determine who can enter your land is an important element of land rights for Aboriginal people. Reinstating the permit system will make it harder for drugs, alcohol and people with criminal intent to enter local Aboriginal communities. The government does not believe that such provisions contribute to the broader emergency response.

Let’s look at some of the benefits of returning to the previous arrangements. It ensures that normal interactions of local communities can exist without interference. It protects the privacy of locals. It respects
Aboriginal culture on traditional lands and allows for effective land management by Aboriginal groups. It provides a level of control to enable communities to exclude undesirable people from entering their community and it is compliant with Australia’s human rights obligations.

Let’s look at some of the background to this matter. Previously the Aboriginal Land Rights (Northern Territory Act) 1976 provided for a permit system on Indigenous land. It was an offence for a person to enter or remain on Indigenous land except in accordance with the Aboriginal Land Rights (Northern Territory) Act or with the law of the Northern Territory. The Northern Territory Legislative Assembly had power to make laws regulating or authorising entry onto Aboriginal land, but any such laws provided for the right of Aboriginals to enter such land in accordance with Aboriginal tradition. On the recommendation of a land council, the Administrator of the Northern Territory was able to declare an area of Aboriginal land or a road to be an open area or an open road which could be entered without a permit.

Reform of the permit system was first recommended in Building on land rights for the next generation. Report of the review of the Aboriginal Land Rights (Northern Territory) Act 1976 in August 1998, known as the Reeves report. In 2006 the then Minister for Families, Community Services and Indigenous Affairs, Mal Brough, referred the permit system to a review conducted by the Department of Families, Community Services and Indigenous Affairs, and a discussion paper was issued. In 2007 the former government had sought to establish a link between the permit system and child abuse in Aboriginal communities, but it failed to provide any evidence to suggest that such a link existed.

When I looked back at this and thought in political terms of the time frame that we were dealing with here, I had renewed visions of the ‘children overboard’ affair. But on this occasion the tool for the government’s agenda was not people seeking refuge in Australia; it was the Indigenous population. I looked closely at what case, if any, had been made about the value of removing the permit system and, unsurprisingly, there was no case established. There was no argument as to how the permit system might increase child abuse. The review was used by the minister as justification for the need to change the permit system, but the minister refused to release the report and did not substantiate his reasons for removing the permit system at all. There was no evidential basis to support the abolition of the permit system. The rationale for the abolition of the permit system is at odds with the evidence provided by FaCSIA. This process was a continuation of the previous government’s attack on Indigenous land rights and a continuation of the Howard government’s attack on any marginalised group you could imagine that would heed their political advantage.

I would like to address some of the issues raised in the Senate inquiry in relation to this bill. The submissions to the inquiry argued that no case had been substantiated that provided any correlation or relationship linking the permit system to child sexual abuse in Aboriginal communities. I would encourage some of the opposition senators to actually read the report. It was also noted by the inquiry that significant child abuse had been reported outside the Northern Territory, including in areas of Queensland and Western Australia, where no permit system existed or could be relied upon by the former government in their arguments.

Some submissions argued that the permit system was not a major contributor to community underdevelopment and social dys-
function. Further, the removal of the permit system was not one of the recommendations of the Wild-Andersen report and its removal would make the control of alcohol, drugs and outside predators even more problematic. So not only was this issue not part of an appropriate emergency response but, if anything, it was more likely to compound the problems. The Central Land Council, highlighting the positives of the permit system, said:

"... our overall view is that the permit system is an effective and appropriate tool under the Aboriginal Land Rights (Northern Territory) Act 1976 (Cth) (Land Rights Act) for negotiating third party access to Aboriginal land for miners, pastoralists, developers and visitors."

The Law Council of Australia argued:

"There is no evidence presented in the discussion paper that the permit system unnecessarily impedes media access to Aboriginal land, or has contributed to the economic and social isolation of Aboriginal communities. The prevailing view amongst experts in this area is that the poor economic and social outcomes for Indigenous Australians remain tied to poor service delivery, lack of housing, lack of employment opportunities, lack of education and training, poor health and life expectancy and serious drug and alcohol problems affecting Indigenous populations in both metropolitan and regional areas."

The Police Federation of Australia goes further in support of the current system, stating:

"Operational police on the ground in the Northern Territory believe that the permit system is a useful tool in policing the communities, particularly in policing alcohol and drug-related crime. It would be most unfortunate if by opening up the permit system in the larger public townships and the connecting road corridors as the—former—Government intends, law enforcement efforts to address the ‘rivers of grog’, the distribution of pornography, and the drug running and petrol sniffing were made more difficult.

This was from the Police Federation of Australia, and I cannot understand why the now opposition and the former government did not listen to evidence of this nature.

Further, a report on the permit system prepared by Professor John Altman found that there was no evidence that the partial abolition of the permit system would reduce child sex abuse and that the arrangements which were to be enacted by the package may be unworkable in practice. So, in response to opposition senators’ comments so far, why on earth, on the evidence, would we allow more time for this strategy to continue? We knew from the outset it was poor, we knew from the outset it was wrong. There is no evidence to sustain the case and, even now, we know it is not working. Why would we not concentrate on what we know will have a greater chance of success for Indigenous Australians?

This brings me to the overall Northern Territory emergency response. The government has announced an independent review to assess the overall progress of the emergency response and to consider what is and what is not working. We know these elements are not working but we will be looking very closely at determining what is and what is not working with respect to the broader Northern Territory emergency response. The review is expected to report by 30 September 2008. This government has continued funding the emergency response in the 2008-09 budget. In total, over $600 million has been committed to the Northern Territory emergency response since the change of government in November 2007. We have not stopped responding; we have removed elements of the plan that will not work, elements we know we have a mandate for from the last federal election.

The $600 million that we have committed since the change of government represents a major commitment of government resources and an on-the-ground effort to address the
chronic problems that have led to poor outcomes for the people living in communities and town camps of the Northern Territory. It is the government’s strong intention that Indigenous people be engaged more effectively than has occurred in recent years. This government has already made a departure from the previous government’s approach to the issue. This bill fine tunes a number of measures under the Northern Territory emergency response. Significantly, the measures contained in this bill are designed to operate consistently with the Racial Discrimination Act 1975. This bill contains no new provisions which exclude the operation of the Racial Discrimination Act 1975 and has been welcomed by the Aboriginal and Torres Strait Islander Social Justice Commissioner.

The government is committed to work in partnership with Indigenous communities to tackle the problems of child abuse and neglect and to meet our commitments in respect to closing the gap. We are committed to work with Indigenous communities. We do not see the need to take away their autonomy in ways we already know will not work, ways that the former government used for its own political purposes rather than to try to close the gap.

In conclusion, upon the passage of this legislation, the Minister for Families, Housing, Community Services and Indigenous Affairs will make a determination to allow access to major communities for journalists and government contractors such as health workers to give full effect to the government’s election commitment. Indigenous communities voted in favour of this government at the last election, and we will deliver on our promise of reinstating the permit system. Most importantly, reinstating the permit system will restore Aboriginal control and autonomy over who enters their local communities. Tackling Indigenous disadvantage is a priority for this government and we have set ambitious targets in health, education and employment outcomes and will take an evidence based and consultative approach in working to achieve our outcomes.

Let me stress this point as a very final conclusion: an evidence based approach is what we will use. We will not use marginalised and disadvantaged communities for our political advantage. An evidence based approach on what will work is our focus and will be our focus. I was astounded when I looked at this matter because I had not been following it in detail in recent years. Mr Brough managed to succeed in providing no evidential basis at all for his measures, none at all to sustain his approach to the permit system. When asked to produce the report, it simply never came.

Perhaps that is reflective of how the Senate was operating over that period of time and, thankfully, there is a role for a good and strong opposition. But to meet that role, the opposition is going to need to do significantly better than the contributions that were made here today. Starting with being factual would be helpful, as would dealing with the facts, dealing with an evidence based approach and not demonising our marginalised communities. Working with the Indigenous community, supporting and reinforcing their autonomy and reflecting on an evidence based approach to make real and genuine progress here is what needs to occur.

I have not looked at the indicators closely in this area in recent years. I have an anecdotal feel that this is another one of those areas where Australia’s progress in social policy has gone backwards. Madam Acting Deputy President Crossin might be able to reinforce this point at some stage, but I have a sense that if we look at the health and wellbeing indicators we will find that this area is another where Australia’s performance in recent years has gone backwards. Yesterday,
we had the education debate. Again, this opposition had the gall to suggest that our plans in education were failing even at this early stage and yet, when you look at what happened under the Howard government, it is just so clear that in straightforward indicators such as capacity to retain our children in school, which is critical for the future and to the nation’s future, we had gone backwards. Every other OECD nation had gone forward. So what I would like to see, as we move forward in this debate, is a focus on an evidence based approach. We look at the evidence of what is working.

Senator Bernardi shakes his head when I talk about an evidence based approach. I am not talking about evidence that there is a problem. I think we can all agree with the evidence that there is a problem. The evidence we need is evidence about what will help solve the problem. Instituting measures for which there is no evidential base, no support at all, is not going to solve the problem.

In response to opposition senators who suggest that more time is needed for this measure, I ask this very simple question: where is the evidence that these measures were going to assist? Minister Brough provided none of that evidence. In fact, he did worse: he misled us by suggesting that there was evidence. When the Senate committee inquiry looked into the matter and spoke to FaCSIA in a new environment, alas, we discovered no such evidence existed. So once again, as with the children overboard affair, the Howard government took us on a merry dance—to the detriment of the Indigenous community—instead of taking a sensible and evidence based approach to achieving advances in our social policy and dealing with marginalised groups and communities. That is what happened and I am astounded, given the mandate that exists for these measures, that the opposition is taking the approach that it is. There is now a very clear mandate and no case was made by the former minister to justify these measures. I commend the bill to the Senate.

Senator WORTLEY (South Australia) (12.01 pm)—I rise to speak in support of the Families, Housing, Community Services and Indigenous Affairs and Other Legislation Amendment (Emergency Response Consolidation) Bill 2008. This bill is part of the government’s commitment to close the gap between Indigenous and non-Indigenous Australians in areas including life expectancy, health levels, education standards and employment opportunities. The bill introduces amendments to the framework of the Northern Territory emergency response. These came about through two pieces of legislation: the Northern Territory National Emergency Response Act 2007 and the Families, Community Services and Indigenous Affairs and Other Legislation Amendment (Northern Territory National Emergency Response and Other Measures) Act 2007. The amendment bill before us today is aimed at strengthening protections in the communities affected. It makes good the government’s election pledge on the permit system for major Territory communities.

While the Howard government believed in getting rid of the need for permits for those visiting Aboriginal communities, this government believes such a move is not a positive one. The Rudd government believes that, like other Australians, Indigenous Australians should be able to decide who comes onto their land. So the bill brings into effect our election commitment to revoke the public access permit changes legislated by the former government. This bill will also clarify the power of the minister to authorise people to enter Aboriginal land. Once it is passed, the government will be able to ensure media access to communities for the purpose of reporting on local events, and this will be done through ministerial determination.
Conditions for this access are being determined in consultation with the Media, Entertainment and Arts Alliance and land councils.

There are two further amendments regarding the permit scheme. The government has agreed to make clear in this legislation that the minister may not authorise entry to a sacred site through the power of ministerial determination. The other change fulfils a Northern Territory government request to extend permit exemptions to include local government candidates. This falls into line with existing exemptions for federal and Northern Territory legislative assembly candidates during election campaigns.

The other changes in this bill relate to access to and distribution of R-rated material and are designed to strengthen protections in the relevant communities. The 2007 legislation banned the supply, control and possession of certain pornographic material in prescribed areas. This bill before us today also covers R-rated content on pay TV. Subscription television pornography is an area of concern for Aboriginal people that was raised through the Little children are sacred report of 2007. This bill will address that concern by amending both Northern Territory National Emergency Response Act 2007 and the Broadcasting Services Act 1992.

It will establish a new class licence condition to prevent pay TV narrowcasting service licensees from providing subscribers in a community declared by the Indigenous affairs minister with access to a subscription TV narrowcasting service declared by the communications minister. Services cannot be declared unless they broadcast more than 35 per cent of R18+ program hours each week. Communities cannot have their pay TV service restricted unless they are in prescribed areas according to the Northern Territory National Emergency Response Act 2007 and the Indigenous affairs minister is satisfied such a move is appropriate as the community concerned wants the service restricted.

This arrangement will have a five-year sunset provision, consistent with the pornography amendments already made to the Classification (Publications, Films and Computer Games) Act 1995. The government has included amendments in this bill to make minor workability improvements to the Broadcasting Services Act 1992 and, in doing so, cut red tape. Suggested by the pay TV industry and raised by the Senate Standing Committee on Community Affairs, the amendments allow subscription TV narrowcasters to self-declare an R-rated service and streamline record-keeping requirements. To be more consistent with the alcohol bans, the bill also amends the classification act 1995 to allow the transportation of banned pornographic material to a destination outside a prescribed area, even if it travels through that prescribed area to get to its destination. The bill’s final measure will ensure that, if a roadhouse fulfils the role of a grocery store in a remote area, it should be able to be part of the scheme applying to community stores and be treated as such in having to meet new licensing standards.

As I have already said in this place, tackling Indigenous disadvantage is a priority for the government and we will take a consultative, evidence based approach in working to achieve our ambitious objectives in health, education and employment areas. The government has commissioned an independent review of the Northern Territory emergency response to assess what is and what is not working. That review is due at the end of this month. Apart from that review, there have been reports of positive outcomes from the emergency response in the past 12 months. These include an increased police presence and night patrols, which community members say have made their communities safer.
The School Nutrition Program, which provides a breakfast and lunch to school-age children in communities and associated stations and town camps, has been introduced and reportedly is improving child concentration and engagement in education. Newly licensed community stores are reporting increased sales of food, including fresh food, which should lead to better community health in the medium term. More than 1,300 jobs occupied by Aboriginal people have been formally recognised and remunerated as government service delivery jobs for the first time. Child health checks have identified children who require follow-up care. This is now being provided in Darwin, Alice Springs and Katherine. This government continued funding for the Northern Territory emergency response in the 2008-09 budget. More than $600 million in total has been committed to the emergency response since the change of government in November 2007. This represents a major commitment of government resources to address chronic problems faced by people living in the communities and the town camps of the Territory.

Given the government’s backing for the general direction of the emergency response until the completion of the review, the bill contains amendments to existing measures covered by the racial discrimination provisions in the Northern Territory emergency response legislation, but, importantly, the legislation before us today includes no new provisions which exclude the operation of the Racial Discrimination Act. Labor will give further consideration to the racial discrimination provisions of the former government’s legislation following the review into the emergency response.

In addition to the Northern Territory commitment, the government has set long-term national targets, including closing the life expectancy gap between Indigenous and non-Indigenous people within a generation; halving the gap in mortality rate for children under five within a decade; halving the gap in reading, writing and numeracy levels within a decade; halving the gap in employment outcomes and opportunities within a decade; and halving the gap in year 12 educational attainment by 2020. Within five years, we also want to see all Indigenous four-year-olds in remote communities participating in quality early childhood education programs. The government is working towards these targets with the states and territories through COAG. Promoting economic participation, reducing dependence on welfare and building up communities are all critical elements if we are to close the gap between Indigenous and non-Indigenous Australians. We also want Indigenous people to be involved and engaged in a partnership with governments to tackle child abuse and neglect in the Territory’s remote communities.

As I said previously in this place, it is clear that the required long-term strategies must be borne out of consultation and cooperation with leaders of the Aboriginal communities they will affect. The strong attachment Indigenous Australians have to their land must be genuinely considered and the integrity of the Racial Discrimination Act must be upheld. To be effective and beneficial, long-term strategies must be forged out of a climate of trust and mutual respect, not one of fear and mistrust. This bill is a further plank in our plan to improve the lives and opportunities of people in these communities.

In conclusion, I would like to take this opportunity to acknowledge the excellent work carried out by the Senate Standing Committee on Community Affairs, chaired by Senator Claire Moore, in the inquiry into this bill. I commend the bill to the Senate.
Senator XENOPHON (South Australia) (12.11 pm)—My position is that I will support the Families, Housing, Community Services and Indigenous Affairs and Other Legislation Amendment (Emergency Response Consolidation) Bill 2008 in this second reading debate, but I will not be able to do so in the third reading stage. Every bill that comes before the Senate is important. Every government initiative has the potential to shape this nation’s future, for better or for worse. This bill is no different.

I was touched by the comments made by Senator Ludlam in his very fine first speech yesterday. I agree that the Prime Minister’s apology was an important step in this nation’s progress and the moral thing to do. His views inform my comments on this bill at the second reading stage. Schedule 1 of this bill intends to ban R18+ pay TV services to Indigenous communities that request a ban. Given the link between pornography, sexual abuse and violence reported in the Little children are sacred report, the government is saying that this is a positive step in relation to community concerns. However, as I understand the coalition’s position, including the contribution made by Senator Bernardi, this winds back the ban on pornography in Indigenous communities which currently exists. That is something that I ask the government to provide further information on— if it was a ban supported by the government when in opposition last year when this legislation went through both houses of parliament.

Schedule 2 is therefore required to allow the transportation of R18+ rated materials through communities to destinations beyond communities. Some would see this as a sensible response to avoid unintended consequences in relation to the transportation of these materials where it would not otherwise be legal, but I note the comments and views of Senator Bernardi and others on the coalition side that it would make it virtually unenforceable. That is something that needs to be explored in the committee stage of the bill.

Schedule 4 also has a pragmatic approach as it defines certain roadhouses as community stores to enable people to use their managed income for purchases. If the roadhouse is the only store for miles around, it makes sense that people should be able to use it for food and clothing purchases. But some aspects of this bill are more complex than others. Some aspects of bills are incredibly socially complex. Some bills are about the rights of all Australians and they need to be understood on social, cultural and economic levels and not just on the political level. They cannot be reduced to well-spun media lines or politicised into ‘that is this party’s policy’ or ‘this was the last party’s policy’.

One such complex matter can be found in schedule 3 of this bill in relation to the reintroduction of the permit system. I will not go into the intricacies of explaining the legislative and regulatory arrangements at the current time, as other senators have addressed this in their speeches. I want, rather, to step back and look at the big picture. I want to look at this from a perspective that is not confined to this chamber. Every senator will agree that there are serious problems within many Indigenous communities. These include health, housing, welfare, crime, violence, child abuse, economic viability, accountable leadership, community sustainability and many others. Some say that responsibility for this must be accepted by governments and leaders of all political and religious persuasions who caused harm in their efforts to help. Some
say that responsibility must be accepted by generations of Australians who have prospered from this land and have found it easier to turn a blind eye to the tragic situations that were unfolding. And now it is time for some responsibility to be taken by this chamber.

I have listened to the government’s arguments that this is what local communities want to help them protect themselves, and I recognise the hard work of many in Indigenous communities to build a better future. I also note, however, the number of respected leaders, both Indigenous and non-Indigenous, who have raised concerns about the dysfunction and corruption within the leadership in some Indigenous communities. I also note the concerns of Noel Pearson, a man that I have great respect for, with the Cape York leadership council, about the need to break the nexus between welfare and dependency in Indigenous communities. I have also listened to the arguments of passionate advocates, such as Senator Scullion, that we must not create closed communities by closing off the single gazetted road that can be the economic lifeline in these communities. He also argues strongly that wrongdoing should not be hidden away behind a permit system. That said, I also note the minister’s efforts to respond to these concerns by allowing exemptions to permits for journalists, local government representatives and emergency workers.

As a state member of parliament I moved unsuccessfully to allow for journalists to have access on the APY lands. That was defeated. The government opposed it and those amendments were not successful. I tried on more than one occasion to do so because I believe that if there is a problem the best way to get a result and to rectify that problem is to shine a light on it. To shine a light on it is to put a focus on it and I believe that some of the work that has been done on the APY lands in my home state is as a direct result of media exposure. I have also spoken to journalists who have expressed their frustration about being able to get to the lands in a timely manner in such a way that the situation there was not sanitised for the media when the local community, or some of the leaders of that community, knew that the media was coming.

I have also listened to the concerns about treating Indigenous Australians as though they and their rights are different from other Australians. I note the issues raised in the Senate committee report about the application of the Racial Discrimination Act in this case, and the lack of consultation with Indigenous communities in the development and implementation of this permit model. These are huge issues that stretch beyond this parliament, beyond this sitting, beyond this week.

This is the start of week 3 of my first term—maybe my last term—in the Senate. In that time, and working with my two Canberra staff, we have read all bills, explanatory memoranda, Bills Digests, committee reports and public submissions before this house, as well as attended all the whips meetings and over 40 briefings in 11 sitting days. That is before we start to respond to the national and my local media and constituent issues. That is the responsibility of an Independent senator, and I and my staff embrace it enthusiastically. I also note the minister’s office’s cooperation and its willingness to provide briefings, but to be even-handed in my considerations I cannot just rely on the government’s view. While governments have departments, and oppositions can share the load across many members and senators I, with my two incredibly hardworking staff, have to cover all that comes before this house. The easy option would be to attend fewer briefings, to do less research and to vote on a superficial understanding, but that is not my style. I was sent here to do a job,
and to do it thoroughly, and that is what I intend to do.

I have jokingly said in the media that currently my and my staff’s sleep needs are being outsourced to Mumbai. But the point I make is serious. This speech was started at five o’clock this morning; I was involved in a briefing with the minister at 9 am and with subsequent briefings with the coalition— with Senators Bernardi and Scullion—earlier today. I want to do my work diligently so that we are across this and other bills before us. If I am to take an evidence based and responsible approach to exceedingly complex and important legislation such as this, I need the human and time resources to do so. And on this occasion I need more time—time to consult widely, to research rigorously, and to legislate responsibly. That said, if the government wishes to proceed to the second reading stage, I will support it. However, if the government wishes to commence the committee stage today or tomorrow and, subject to the work that needs to be done to deal with this responsibly, even next week, I will oppose the bill at the third reading stage as I do not believe that I have the resources at my disposal to develop the deep understanding that is required to ascertain unintended consequences and to address amendments. I am not afraid of hard work. I am willing to work around the clock, and my staff join me in that willingness. But, ultimately, I am not here to make rushed decisions; I am here to make the right decisions. I support the second reading of this bill.

Senator SCULLION (Northern Territory) (12.21 pm)—I rise relatively briefly. First of all I would like to commend the contributions from this side of the chamber, particularly that of Senator Bernardi, and I would like to acknowledge the huge workload that Senator Xenophon clearly has and to thank him for the access to his office in these matters. Interestingly, when we read the title of the bill, the Families, Housing, Community Services and Indigenous Affairs and Other Legislation Amendment (Emergency Response Consolidation) Bill 2008, the term ‘consolidation’ in regard to this bill and its impact on the intervention is a little like calling a tiger shark a goldfish. There are two fundamental aspects of this. One of them is, of course, that of the issue of pay TV into the communities. The other fundamental, from my perspective, is the effective reintroduction of the permit system. These were principle planks in the intervention.

I think that, when the intervention was supported, most Australians, including those on the other side, who supported the principles of the intervention at the time—and I have no reason to believe that the fundamentals of the intervention are being opposed by those on the other side—knew that this was a whole suite of initiatives that, to have real effect, had to be done across the board. You cannot suddenly come back and say, ‘This one is a little bit uncomfortable and this one is a little bit unpopular, so we’ll take them out,’ because the impact of the intervention will be significantly undermined.

The Little children are sacred report outlined very clearly the impact of pornography on these communities. I know we have spoken a lot about that. I have listened to many contributions from both sides on that. I think it is important that we look at the Little children are sacred report. It says:

It is apparent that children in Aboriginal communities are widely exposed to inappropriate sexual activity such as pornography, adult films and adults having sex within the child’s view. This exposure can produce a number of effects, particularly resulting in the “sexualisation” of childhood and the creation of normalcy around sexual activity that may be used to engage children in sexual activity.

The report then goes on to say:
It was subsequently confirmed at the regional meetings conducted by the Inquiry in February and March 2007, that pornography was a major factor in communities and that it should be stopped. The daily diet of sexually explicit material has had a major impact, presenting young and adolescent Aboriginals with a view of mainstream sexual practice and behaviour which is jaundiced. It encourages them to act out the fantasies they see on screen or in magazines. Exposure to pornography was also blamed for the sexualised behaviour evident in quite young children.

This comes not only from anecdotal evidence; it comes from a comprehensive inquiry. There have been a number of other inquiries at other times in other places that have indicated that pornography plays a very ugly and very large part in these matters. One needs to understand the environment in which these communities often operate. There are quite large numbers of very young children who find themselves without supervision. I have seen them myself. In many communities you would see the parents out the back of the house having a barbecue while the children are huddled around Bambi or something like that. But in Indigenous communities, when there is no supervision, it can be something like ‘Bambi does Dallas’.

In many of the circumstances in those communities it seems that children have had access to large amounts of pornography for an incredible period of time. That situation has become normalised because, for whatever reason, the communities have said, ‘It is okay to have our children sitting in front of that.’ They may not be aware. Hopefully, because of this report, the intervention and some of the very good education measures that have gone along with it, they will now be more aware of the impact on their children if they are not supervised. But we must assume that, if there is any pornography available in those communities, it will be watched by young children who are unsupervised—and that will lead to the further sexualisation of those children. So I think it is absolutely essential that we ensure that there is simply no pornography available. Fundamentally, the intervention did just that. It banned all normal access to pornography—outside of pay TV, which this bill deals with—from the community. We all agree with that, and that is a fine thing.

It is interesting to note that a document I have here, on the first 100 days of the Rudd government, says at point 9 that they have introduced legislation to ban R18+ content in Indigenous communities in the Northern Territory. This is seriously a Clayton’s ban. Anybody who did not actually understand the details of this bill would think that this simply bans all pornography—that it bans access to adult channels on pay TV. But it does nothing of the sort. It takes a very easy road. I have read it closely, and I commend the committee’s report on this bill. It is a complex and sometimes difficult matter to resolve the issues of who gets access to satellite TV. But we on this side of the chamber do not think that it is too hard, because the outcome is all about the most vulnerable of our first Australians. That is why it is so very important that we get this right.

The proposition is not that it will be banned but that, ‘We will get a bit technical about this.’ There are two principles. They say, ‘First of all, it will be banned only if it has over 35 per cent of adult content.’ Somehow there is the notion that anything under that percentage is okay. Yet we have established through empirical science and what we know ourselves from our observations of the communities that no percentage is okay.

Then there is this ridiculous notion that we can rely on these communities. We know the circumstances in these communities. We know some of the standover tactics used by members of those communities. I know that it is very unlikely that people in those com-
munities are going to stand up for a lot of things—and that has been part of the problem—particularly for the smaller people in the community, which invariably are the women and the children. How is it then that we are saying to the communities, ‘If you want this stopped, if you do not want pornography beamed into your community, can you put your hand up and we will have a bit of an inquiry and a bit of a look at everything and talk about pornography in Indigenous communities.’ I submit that there is no community that will put their hand up under those circumstances to say, ‘No, we do not want it.’ If the other side had put to us that it was a default position, we might have been part of the discussion, but to have the default position that you can have pornography beggars belief. I think that the amendments that have, quite rightly, been put by the coalition will resolve that matter.

The other completely fundamental part of the intervention is the reintroduction of the permit system. I have to say I was nothing short of disappointed—possibly in myself because, being a senator of the Northern Territory, one would have thought I would have known this—and surprised the other day to learn that permits have always been required. There was no hiatus. I know a lot more people would have been surprised, particularly people in communities who thought for a period of time after 18 February that it was all part of the intervention legislation that you could go in and out of communities on a prescribed road.

But, unfortunately, the minister has of course interpreted very narrowly but quite lawfully the old terms ‘may’ and ‘must’. It is a fundamental part of our legislation, and we always have discussions in this place about ‘may’ and ‘must’. In hindsight, I think we should have put ‘must’ in there because the minister in her wisdom, and quite lawfully, has decided to choose the process of ‘may’.

She then put a media statement out on the 17th, I think it was, indicating that people would still require a permit.

There has been a number of quite confusing issues associated with this. I notice that a couple of the senators sitting opposite have in fact attended meetings—I believe the group that attended the parliament was the Alliance Against the Intervention, or some such name. But, by and large, I went and listened carefully to their complaints about that. In regard to the permit system, it was amazing that all of them talked about ‘people driving all over our sacred sites, wandering willy-nilly through the land—up hill and down dale—not knowing where they were going and what they were stepping on’.

I am not sure who did the consultations, but the facts of the matter are that that cannot possibly have been the case. In fact, it was so difficult to try to allay the fears of these individuals because whoever was doing the consultation must have been talking about a completely different proposal than that which was given in the previous legislation. Fully 99.8 per cent of Aboriginal land will still require a permit. Why: because it is private land. No-one is going to ask anybody to storm into your house, as people have indicated. It is just absolute rubbish. And I will say once again that it is rubbish and it is evil, because whoever is perpetrating these lies to the communities for some short-term political gain is, in my mind, in not too nice a category. Of that I can assure you.

So the Northern Land Council and the Central Land Council have gone down the road of consulting, we have heard, with those opposite about what an outrage it was for the previous minister to have said that there were people outside of that process who were complaining and talking to you and were not really game to speak up. It has been my experience that the people are afraid, but they
are afraid because they have got the wrong information. It is time that we cleared those basics up.

What about the permit system? What about all these wonderful arguments of the people who say, 'No, we cannot possibly live without the permit system.' And of course there is the matter of the police. On the subject of Vince Kelly, I have no doubt that the Police Federation, or in fact Vince Kelly himself, has a very strict view about the value of the permit system. I have spoken independently to police and, in fact, I spoke yesterday to a young police officer who has spent the last 19 months in a remote community. He said it is absolutely unnecessary. The police used to want more power because it is a useful tool, but because of the grog-running legislation they can pull over any vehicle at any time. So there are plenty of powers for them to do just about anything in these matters.

Drug runners, child abusers and, generally, thieves and bad people would check off their lists: grog, check, I have got that in the back of the car; puncture kit, check; oh, and a permit—I have got to be lawful, of course, so I had better go knock down and get a permit. The whole point is that criminals doing their checklists would say, 'I might as well be lawful and go and get a permit.' And getting a permit: what does that do? Are we saying that the Central Land Council or the Northern Land Council actually go and do a security check on the people? Well, they do not. So the whole notion that this sometimes helps things out is absolutely ridiculous.

I have to say again that on the subject of the amount of alcohol that is going into these places, the seizures have just been fantastic! In fact, the Alice Springs News on 7 August reported that they had caught:

... 14 cartons of VB beer, four bottles of sweet liqueur, one bottle each of vodka and whiskey, four bottles of rum and assorted alcopops.

Senator Crossin—That is a credible newspaper!

Senator SCULLION—It does not seem that the alcopop tax is really working too hard there, Senator Crossin. But they have done a fantastic job! But, regrettably, the people who were arrested and are alleged to have been carting that particular grog live in the community. They are community residents. Of the people who have been apprehended for carrying drugs or substances of abuse since the implementation of the intervention, 98 per cent have lived in the community. The other two per cent are unknown. So, again, the notion that permits will stop all this is a completely foolish one. It has absolutely no basis in fact.

Looking at some of the fundamentals, people say to me, 'Look, there has been no link with child abuse. Where is the evidence of the link between child abuse and the permit system? It does seem a fair way away.' I would have thought that most people in this place would understand that the circumstances in remote Indigenous communities are, tragically, not unique in Australia. The sorts of places that are similar to them are the areas of low socioeconomic status. They are the poor areas. Poor areas are characterised by higher levels of substance abuse and child abuse. We know that. So it is not only these communities. But if you have a job and you make more money than the dole you can pull yourself away from that and get out of the demographic where these appalling behaviours are so common.

Imagine not needing a permit. At the moment tourists drive into town and are told, 'Oh, you can get a permit.' But they do not get a permit. They do not go to the communities now. That is why we have those circum-
stances. When someone drives into town they need accommodation, and where you have accommodation you will also have hospitality—someone to cook the food, someone to do the laundry, gardeners, a garage to fuel your car because people will have driven there, mechanics to service cars and retail sales assistants. And there would be a need for tourist products: biodiversity guides, birdwatching, bush tucker tours, guided fishing and hunting trips and anthropological tours—all the stuff we go into these communities and train the bag out of people to do. And they are the best in the world at it; they are fantastic. They have great products. And six per cent of Australians leave with the satisfaction of having had an Indigenous experience.

That is a shame, principally because if anybody were able to drive into the communities they would actually be able to see and do something and to interact with Indigenous people and give them the same sorts of opportunities that the rest of Australia takes for granted. So there is the connection. If you have an economy removed from the welfare state and you have a job then you are less likely to be in the demographic where you have substance abuse and child abuse. It is absolutely essential for us to understand that unless we change the economic opportunities of the individuals in these communities we are going to continue to intervene, despite the best efforts of all sides in this place.

The other thing about the permit system, tragically, is that I am not sure that it has not been abused. I cannot remember how long ago it was, so perhaps the good senator from the Northern Territory on the other side would remind me. In a Territory election about three years ago I remember a particular husband and wife outfit who lived in the house, ran the local store in the community and were going along merrily when an election was called. The Country Liberal Party preselected the woman who ran the store. It did not take long for someone to think that was unsatisfactory. The Central Land Council: ‘You’ve been living there for two years? Sorry about that!’ A policeman arrived and told them to get their gear in their trailer and leave all Aboriginal lands as they were without a permit. I do not know about you, Mr Acting Deputy President Parry, but I reckon that is serious abuse. We have had plenty of allegations of abusing the permit system by completely and inappropriately preventing people from coming to a community.

I would submit that the intervention has been a wonderful thing. It has changed the lives of many Territorians in a very positive way. I think my colleague opposite will acknowledge that there is much more to do. Many aspects of the rollout of the intervention could have been better and I acknowledge that. But the fundamentals are that the permit system was in place before the intervention. Before the intervention, if you are prepared to sit through and read the Little children are sacred report, it was a dark place. The permit system did not save anybody. It was not any miracle cure for anything. We had all that darkness that is indicated in the Little children are sacred report.

So the notion was that we had to keep the permits as they were obviously a fundamental part. Well, they were part of the past. We do not need the permits and we need to recognise that everybody understands that 99.8 per cent of Aboriginal land will still require a permit. You can access the public road that goes to the township, the post office and the medical facilities—all public facilities, I might add—and you can get access to the public airstrip if it is a publicly owned airstrip. If it is not publicly owned, that is another matter, but I think there is only one. If it is the northern end then you can get access to the barge landing. You can access all public roads provided and maintained by public
funding. What is most important? Without this artery to the future and to economic prosperity these communities will remain in the darkness as they were before the intervention.

I commend listening to the carefully crafted amendments from Senator Bernardi to those in this place, particularly those on the crossbenches, and I commend those amendments very much to this place.

Senator CROSSIN (Northern Territory) (12.40 pm)—I realise that my speech on the Families, Housing, Community Services and Indigenous Affairs and Other Legislation Amendment (Emergency Response Consolidation) Bill 2008 will be interrupted as we move to matters of public interest at 12.45 pm, but I would ask that senators on the crossbench, take a more balanced view about what they are hearing today. I appreciate the contribution of Senator Xenophon this morning and I understand and want to concur that the pressure of being an Independent senator in this place is probably great. But I would ask that Senator Xenophon and Senator Fielding have a very close look at the history of the permit system and the history of the Northern Territory emergency response.

I know Senator Scullion’s understanding of the Northern Territory, perhaps, is a little misguided when it comes to this legislation. Senator Scullion, along with a former colleague of his who was in the House of Representatives until the last election, have always come from a position that they would like to see the permit system abolished. In fact they would like to take a step further. They would like the Northern Territory Land Rights Act handed back to the Northern Territory government. In analysing the facts of this legislation we need to have a look at some of the history and political philosophies of the senators concerned. Senator Bernardi, I listened this morning to your contribution and wonder how many Northern Territory Indigenous communities you have visited since last November and on what basis you come to this chamber with a knowledge of facts and understanding after having talked to Indigenous communities and Indigenous traditional owners.

Everybody today keeps referring to the Little children are sacred report, which was another report in a line of many that highlighted problems in Aboriginal communities in the Northern Territory. Senator Scullion, you raised the fact that it is important to read the Little children are sacred report and I hope you have done that. If you have you would see that the very first recommendation talks about immediately establishing a collaborative partnership with a memorandum of understanding between the Australian and the Northern Territory governments and, of course, the communities concerned. The first recommendation says:

It is critical that both governments commit to genuine consultation ...

‘Consultation’ means talking and listening with people, not dictating from Canberra or dictating from the now opposition, and ‘genuine’ means with some sense of sincerity, sympathy and empathy.

... genuine consultation with Aboriginal people in designing initiatives for Aboriginal communities.

Prior to last year’s federal election and in the many years, and particularly the months and weeks, leading up to that election in the Northern Territory we visited many Aboriginal communities, which we do as part of our day-to-day work. Minister Snowdon and I spend many days on the road going to those communities. We are engaged in a series of consultations with Indigenous people. The one thing they wanted us to do when we got into government was to reinstate the permit system. As a result of our genuine consultation with Indigenous people that is what they
asked us to do. In my speech I will outline why they asked us to do that and their reasons for it.

We took that to the last federal election. We took that as a policy position of the federal Labor government. You only need to look at the results in the Northern Territory remote communities, in particular the 72 communities affected by the Northern Territory emergency response, to see that overwhelmingly there was support for the Labor Party. If my memory serves me correctly some 94 per cent of the vote in Wadeye was for the Labor Party. Around 92 per cent of the vote in places like Galiwinku was for the Labor Party and in each and every booth, overwhelmingly, Indigenous people supported the Labor Party and endorsed us becoming the next federal government, which we have.

Debate interrupted.

MATTERS OF PUBLIC INTEREST

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

Homelessness

Senator POLLEY (Tasmania) (12.45 pm)—After 17 years of continuous economic growth, it is simply unacceptable that on any given night 100,000 Australians are homeless. This truly is a national disgrace. Half of these homeless Australians are under the age of 24 and 10,000 of them are children. To build a clearer picture: tonight, half of Australia’s homeless will stay with friends or family, about two in every seven will find a bed in a boarding house, a lucky one in every seven will find a bed in the homeless service system and one in every seven will sleep rough on the streets of our cities and towns. Young people, particularly those who have not finished school or cannot rely on support from their family, will continue to be among those hardest hit if housing gets even more unaffordable in the future.

Homelessness is a complex issue resulting from a variety of personal and societal factors. Every person has a different story and a different set of circumstances which brought them to homelessness. Factors such as poverty, unemployment and an inadequate supply of affordable housing are major contributors to homelessness in Australia. Personal circumstances such as discrimination, poor physical or mental health, intellectual disability, drug and alcohol abuse, gambling, family and relationship breakdown, domestic violence and physical and sexual abuse may also increase a person’s risk of becoming or remaining homeless. Homelessness is a window into the wider debate on Australian disadvantage—the rising costs of housing, the rising cost of living and the particular challenges facing many young people and senior Australians on the fringes of our society.

Addressing homelessness is now a major priority for the Australian government. We understand that shelter is a basic human need, and there is a strong correlation between housing, health status and living standards. We announced and funded in the 2008-09 budget an additional $150 million to build new homes for homeless Australians. A green paper on homelessness, ‘Which way home? A new approach to homelessness’, was released in May 2008 to promote discussion about how to reduce homelessness. We received many submissions, and it became very clear that a one-size-fits-all approach was not going to work. All the submissions and feedback we received are now being worked into the government’s homelessness white paper, which will be released later this year. The white paper will include a comprehensive national action plan to reduce the number of Australians who are experiencing homelessness. The government’s white paper
will set the agenda for tackling homelessness to 2020.

The white paper process is a once in a generation opportunity to devise a strategy to tackle this serious problem. Of course, there is no point us having this research and information unless we encourage practitioners, academics, policymakers and journalists to use it. Therefore, our Minister for Housing, Tanya Plibersek, recently announced a national information clearing house. The Rudd government has committed $500,000 over three years to the clearing house. Through this web based tool, users will be able to share relevant homelessness information and good practice examples across the sector.

Homelessness is a complex problem, but the government is confident that by taking action now we can reduce homelessness over the next decade. The problem is not just a lack of shelters for the homeless. If it were, then why aren’t all the homeless shelters always full? So simply building more shelters will not resolve the problems. Homelessness is more an inability to connect with family and/or community. Family and relationship breakdown with parents, siblings and extended family all contribute to homelessness. For most people, having a home means having a place where they belong. Being homeless means belonging nowhere, as well as having nowhere to sleep. There are many Australians today who do not have a place where they belong. This government wants to ensure that all Australians are able to participate in the social and economic life of this nation.

The government established a small steering group to assist with developing a new, bold and broad approach to homelessness. The group will provide leadership and direction on the core elements of a new approach that will prevent homelessness; improve services; create exit points to secure, longer term housing; and stop the cycle of homelessness. We as a government understand that homelessness is a complex issue that cannot be easily resolved. However, the federal Labor government are prepared to invest in new housing in an effort to close the current gap between requests for accommodation and the supply of secure and affordable housing for homeless Australians. This plan forms part of federal Labor’s commitment to making housing more affordable for all Australians, including through first home saver accounts, which will help young Australians save for their first home through special low-tax, superannuation style savings accounts; the Housing Affordability Fund, which will increase housing supply by providing money for local infrastructure and giving state and local government incentives to lower development charges; and the National Rental Affordability Scheme, which will provide investors with tax incentives to increase the supply of new, affordable rental properties across Australia, saving 50,000 low-middle-income families 20 per cent on their rent bills.

Linking homeless Australians with education, training or work opportunities is a major factor in overcoming the cycle of disadvantage experienced on a daily basis by people who face living on the streets or moving from one temporary accommodation to another. The Rudd government has committed $880 million for an extra 238,000 training places for job seekers under the Productivity Places Program. To reduce homelessness we need to increase the economic opportunities for homeless people, or those at risk of becoming homeless, to gain financial independence as well as participate in our communities. Getting a job is a significant step towards securing permanent housing.

On a recent visit to the United States I visited a number of homeless shelters and I want to speak about some of what I saw and
learnt. I think it is important that we share views and learn from our experiences. The first homeless shelter I visited was Raphael House in San Francisco. It was the first homeless shelter in San Francisco and is financed solely by donations. Established in 1971, Raphael House has a mission to provide a safe haven to families experiencing homelessness, while strengthening their family bonds and personal dignity. Ella Rigney, the founder of Raphael House, is a keen advocate of keeping families together. She believes families need to stay together during times of crisis.

This is an area that needs addressing in Australia. When a family becomes homeless they are quite often split, with mothers going into women’s shelters with their young children and fathers going to men’s shelters. Of particular concern to me is that young teenage boys may have limited options and many end up in youth hostels. Youth hostels are primarily set up to house young adults, not young teenage boys. Those young boys may be exposed to troublesome situations that they may not have confronted previously, and I believe mothers need to be with their children in times like this because their children rely on them for support.

Another homeless shelter I visited was the Boston Rescue Mission. Since 1899, the Boston Rescue Mission has been providing basic life necessities like food and shelter to the poor and homeless. In addition, Boston Rescue Mission provides programs and services that assist men and women breaking out of the cycle of homelessness and addiction into mainstream society. When families of Greater Boston have budgets stretched so thin that they must choose between feeding themselves or staying in their homes, the Boston Rescue Mission’s meals program relieves pressure on caregivers and allows them to focus resources in other areas to prevent a homeless situation.

As men and women in need of employment struggle to make ends meet, the Boston Rescue Mission’s vocational development program helps them to prepare for higher-paying jobs. On the journey through recovery from alcohol and drug addiction, the Boston Rescue Mission’s residential recovery program strengthens and empowers clients by building and reinforcing a solid foundation of sobriety. From a state of sobriety, clients can then rebuild their self-esteem in a positive and accountable recovery environment and break the cycle of addiction that so often leads to homelessness.

The Boston Rescue Mission’s range of services also strives to meet the needs of a population of female ex-offenders. The goal of this re-entry program is to break the cycle of crime, increase public safety and help ex-offenders to come back into society as independent women living fulfilling and crime-free lives. Through the mission supporting people in their time of need, those people can focus on maintaining a stable housing situation for themselves and their families.

For those clients caught in the throes of street living or in the vicious cycle of addiction, detoxification and relapse, the Boston Rescue Mission’s facilities and programs work towards ending homelessness. I am pleased to say that they have a 75 per cent success rate in these programs, and the core of the Boston Rescue Mission programs and services is rooted in the principles of Christianity. Last year Boston Rescue Mission provided 35,000 shelter beds and over 130,000 meals. They do a fabulous job in addressing the needs within their community, and I must say that I was impressed with their achievements and the commitment of their staff and volunteers.

The National Alliance to End Homelessness in the United States has collated data on the success of homelessness programs in
America. In Columbus, for example, homelessness has declined by 40 per cent due to prevention programs. By redesigning the programs to focus on prevention and housing first and regularly measuring performance, Columbus has reduced the number of families that become homeless and increased the percentage of families that successfully move into permanent housing. Columbus also uses data and performance measures to ensure that homeless families move through the homeless assistance scheme quickly and receive the services they need to maintain stable housing. It also provided families with short-term rental subsidies and utility assistance to help families move into housing. The Community Shelter Board, a non-profit umbrella organisation, oversees this system and fosters collaboration between the numerous community based organisations.

In New York, homelessness has been reduced under the leadership of Mayor Michael Bloomberg and Department of Homeless Services Commissioner Linda Gibbs. Preventing family homelessness became a top priority and a critical goal of the city’s five-year plan, United for Solutions Beyond Shelter. The plan draws on a set of principles that guide homelessness prevention such as expanding affordable housing, creating community support, utilising a variety of settings for intervention and prioritising high-need neighbourhoods, understanding the unique needs of families, increasing legal services interventions and drawing on family support networks.

In 2003, the Massachusetts Department of Transitional Assistance also adopted new strategies in response to family homelessness. At that time, inadequate shelter space forced the state to temporarily house families in motels at a cost of $100 per family per night. To turn this situation around, they focused their attention on rapid rehousing of homeless families. This saved the state millions of dollars, which was then redirected into housing affordability programs.

There are a variety of models that are working worldwide with varying degrees of success. I am pleased that the Rudd government is taking the time to look at all of these options. The homeless shelters I visited in my home state of Tasmania, particularly in Launceston, were typical of what I saw in the United States—with dedicated and committed staff who truly put their hearts and souls into their jobs. I would like to put on record today my sincere thanks to all of those people who work within the homeless shelter industry and their volunteers. It is a tough job. They have few resources and are sometimes faced with the reality that they have to turn people away if the shelter is full.

The cost of homelessness to individuals and their families is enormous. It is not just an economic cost. It is also an acute social cost. For children, homelessness affects school routines, friendships and their education. Worse still, experiencing homelessness as a child makes adult homelessness more likely. That is why we need to turn the corner. We need to break the cycle. Together, we have a unique opportunity to make a difference to homelessness in Australia. This is an issue that we all have a responsibility to solve. All levels of government should and need to play a role. We need to be an inclusive community. We need to have our eyes open, and we need to be compassionate. Effective working relationships between all levels of government, business and community organisations are essential if we are to make a real difference in the lives of people experiencing homelessness.

As Peter Lyall, Tasmanian state president of the St Vincent de Paul Society tells me often:

“This is not about giving a hand out; it’s about giving someone a hand up.”
I am pleased to say and I am also grateful that we now have a Prime Minister who is committed to efforts to reduce homelessness. The Howard Liberal government did not even have a housing minister, which demonstrates to me how much interest they really had in this very important issue. They tended to turn a blind eye to this terrible problem. But we can and really do need to make a genuine difference in our community. We owe it to those 100,000 homeless Australians to get this right.

Mr Biaggio Signorelli

Senator FERRAVANTI-WELLS (New South Wales) (12.59 pm)—Mr Acting Deputy President Parry, I take this opportunity to congratulate you on your appointment as Acting Deputy President. It is the first time that I have spoken while you have been in the chair.

I rise today to pay tribute to a special Australian who recently passed away, Biaggio Signorelli. Biaggio was born in 1937 in Poggioreale, a small town in Sicily, in Italy. He was the youngest of five sons of Paolo and Antonina. Biaggio was only 11 years old when his father died, but he and his four brothers, Salvatore, Pietro, Vincenzo and Giuseppe, would later honour their father’s memory by naming their first born sons after him. This is an important cultural tradition. Indeed, both my brother and I are named after our respective grandparents.

Those were tough times in Sicily, Biaggio, like many, gained his education both from school and at work. He learnt early about the work ethic and cultivated a business sense. In the mid 1950s, a young Biaggio migrated to Australia, following his brothers Vincenzo and Pietro, who had earlier moved to Australia. It was a migrant story like so many others. The promise of a better future drove Biaggio and his brothers before him to immigrate to this faraway land. It was to be the first step of a new life.

The boy from a little Sicilian town was then a young man in a foreign land. He revelled in the opportunities on offer and welcomed the challenges ahead. He embraced his new Australian culture and his new way of life. Indeed, I am told that Biaggio even became known to many as Bruce. Biaggio joined his brothers and became a green grocer in Willoughby. He later joined Ferguson’s Transformers making transformers for televisions. Within months, his natural leadership qualities saw him promoted to supervisor. His determination and fighting spirit also saw him taking up boxing and a love of big cars.

With his overwhelming drive and determination, Biaggio constantly strived for higher goals and sought fulfilment in starting his own business. He settled into Lakemba, a suburb in Sydney, naming his first business Antonella’s Fruit Market, paying homage to his beloved mother, who was still in Italy at the time. Initially leasing the property, Biaggio practised his philosophy of always owning your own property. Not long after, he bought the shop and upper residence.

With his business well established, Biaggio sought fulfilment in his personal life by courting a beautiful and intelligent young lady named Fina Navarra. Biaggio and Fina married on 4 June 1967. Their first child, Nina, was born in 1968, followed a year later by son Paul. Biaggio, with a supportive Fina at his side, was successfully balancing his business with the demands of a young family. Four years later, in 1973, he opened a function centre with his brother-in-law, which also coincided with the birth of their third child, Anna Maria.

Life continued in a familiar pattern for many years. Biaggio and Fina worked hard to raise their family and operate their busi-
nesses, instilling their values and business ethics into their three children. As a business owner, Biaggio employed many people over the years. These people were more than just team members; they were his extended family. He showed respect, love and support for all his employees and in turn earned their respect and loyalty.

Biaggio always put his family first; nothing was more important to him. When son Paul, then aged 21, nearly died in a car accident, Biaggio made sure that the medical staff did everything possible to secure Paul’s recovery and wellbeing. Biaggio did not leave his son’s side. This incredible love cultivated a bond that not only urged Paul’s recovery but created a truly remarkable and extremely strong relationship between father and son. It is the strength of this relationship that underpins the commencement and, in turn, the success of the Doltone House Group of venues as we know them today.

In 1995, only a few years after Paul’s accident, Biaggio bought Doltone House in Sylvania Waters. This was a pivotal move for the Signorelli family and one which saw all three children work alongside their father to create one of the most successful hospitality corporate entities in metropolitan Sydney. Indeed, the Signorelli family is the epitome of so many of the success stories of our migration—families whose closeness and dedication have been pivotal to their success; families who have worked hard together, supported each other and then reaped the benefits of their success for themselves and for their children. The Signorelli family is definitely one such family.

Over the time I have known them, I have seen firsthand just how close and supportive they are of each other. Indeed, my husband and I have been privileged to join the Signorelli family at New Year and many other functions and share in the warmth of their welcome. It is clear that the closeness in the Signorelli family emanates from Biaggio and Fina, a closeness which ensured the rapid growth of their business.

By 2005, and only 10 years after the establishment of the first Doltone House, the family had spread its involvement and reputation in the functions industry to additional Doltone venues at Pyrmont and Sans Souci. Today, the Doltone House group is well recognised and very well respected. I understand that more waterfront venues will be added to their venue portfolio within the next three to five years. They will continue to be run by Biaggio’s three children, underpinned by the same philosophy of hard work and excellence instilled into them by their father.

On a personal level, Biaggio will always be remembered for his genuine ability to respect and care for his fellow man. He showed no partiality, respecting everyone as an individual and respecting their beliefs and traditions. He was a man who quietly commanded respect. To those who knew him, he was a true gentleman who possessed a dry wit and a keen sense of humour. As a successful businessman and well-respected member of the community, Biaggio retained his humility and dignity at all times. He measured his wealth through his family. They were for him his greatest accomplishment.

Biaggio was never prouder than when surrounded by his wife, Fina, three children and their spouses, Nina and Vince, Paul and Carmela, and Anna and Steven, and seven grandchildren, Joe-Alexander, Giulia, Philippa, Biaggio, Genevieve, Santina and Ignatius. He was a committed Catholic. He proudly witnessed all his children’s weddings and the christenings of his seven grandchildren. Indeed, in recent years the Doltone Group has seen the fruits of the success of Biaggio and his family through a se-

Ever grateful for his hard work and always conscious of the sacrifices Biaggio endured as a new Australian, his children carry forth the business ethics and family values instilled in them as they continue to grow Doltone House and pay homage to their father. Biaggio was generous and hospitable and well known in his local community. The headline in the *St George and Sutherland Shire Leader* article, 11 June 2008, referred to Biaggio as ‘Generous owner of castle’. The article reported that Biaggio had attracted media attention when he bought a Blakehurst ‘castle’ for son Paul and a home for daughters Nina and Anna in 2006.

Biaggio’s generosity went far beyond his family. It was extended to his sponsorship of community events at Doltone venues and especially those for the Australian-Italian community which I have frequently attended over the years. These included Italian National Day celebrations and many other prominent and important gatherings in the Australian-Italian community.

Biaggio faced many challenges in his life and always found a way to succeed. It is ironic that the only challenge he was unable to overcome would ultimately take his life. In September 2007 he was diagnosed with mesothelioma, or asbestos cancer. This is a rare disease which so graphically came to our attention in 1990 when then NSW Governor, Sir David Martin, died so quickly with the deadly cancer. He was only 57. Most recently we have seen the many tragic stories which have unfolded in the James Hardie inquiry. Unfortunately, by the time sufferers are diagnosed, any chance of cure or treatment is low and they face a life expectancy of a few months.

True to his character, Biaggio remained strong and positive to the end, always believing this was just another hurdle that he would overcome. Unfortunately this was not to be and on 30 May 2008, with his son Paul by his side, Biaggio lost his courageous battle. He was 71 years old. In his last days Biaggio whispered a message to his children. ‘They couldn’t help me but maybe you can do something to help save others.’ This was his final request. The family requested that instead of flowers, donations be made to the Sydney Cancer Centre Foundation. This is only the beginning of the family’s determination to fulfil Biaggio’s dying wish, with the establishment of the Biaggio Signorelli Foundation devoted to early detection, treatment and ultimately finding a cure for mesothelioma.

Biaggio’s final farewell at St Mary’s Cathedral was a reflection of the respect he was held in during his life. Over 3,000 people attended with many others spilling over into the cathedral forecourt. This was not surprising given his generous nature throughout his life. Biaggio had given so much of himself to so many different people—and so many people from many different walks of life came to bid him farewell. I know I speak for many in the community, and most especially in the Australian-Italian community, when I say that we have lost a truly good man.

To his wife, Fina, daughter Nina and her husband Vince, son Paul and his wife Carmela, and daughter Anna and her husband Steven, who are in the gallery today, and to the rest of your family, I pay tribute to the support that you gave to Biaggio to help him achieve what he did. Biaggio Signorelli will
be remembered with respect and honour. As his surname reflects: ‘signore’, a true gentleman.

**Education**

Senator HUTCHINS (New South Wales) (1.12 pm)—Thank you, Mr Acting Deputy President Parry, and congratulations on your elevation to that role. I am sorry that Senator Bernardi is not here at the moment because I know that Senator Bernardi does like to quote Jesuits and I want to commence my contribution this afternoon by quoting Jesuits. The Jesuits have a saying: give me the boy at seven and I shall give you the man. The essence of this is a recognition that a child’s ideas and knowledge are heavily formulated during their early years. There will always be a remnant of one’s early childhood education lingering in one’s mind, a view that is supported by widely-accepted international evidence.

I wish to outline to the Senate today a number of the challenges facing primary school educators and students in present times—staffing and resourcing, the changing nature of primary school curriculums, and the new responsibilities that primary school educators are having to take on. In doing so, I recognise that education is predominantly a state issue but note that it is incumbent on every elected representative in this country to do the right thing by our children. We must ensure that we are securing their future.

School curriculums have changed significantly in recent times. No longer do they represent the basics, the staples of a primary school education: English, maths, science, and social education. This curriculum has broadened to include areas like music, visual arts, personal development and physical education, languages other than English, information communications and technology, and a renewed emphasis on history and geography. While it would appear that such diversity in our school curriculum is a good thing, the Australian Primary Principals Association disagrees. They argue that this broadening of focus makes it difficult to dedicate the time needed to basic literacy and numeracy skills. They claim that curriculum planners have unrealistic expectations of just how much can be covered in a twenty-five hour school week. They claim that if we want our children to have a successful start to school then the curriculum needs decluttering and the focus needs to be put back on the foundations.

Anyone who saw the results of the national literacy and numeracy tests released last week would surely agree. Although my own state of New South Wales performed better than any other state in both literacy and numeracy, there were a number of alarming figures. One in four year 9 students are reading at the same level as the top 20 per cent of year 3 students. In some states large numbers of children are falling further behind than their classmates, the longer they stay at school. What worried me most was that 20 per cent of students—that is, one in five students—were failing to meet even the minimum expected literacy and numeracy standards. In my view, this result gives a lot of credence to the Primary Principals Association’s desire to have the mandatory components of the school curriculum pared back to the bread-and-butter issues of literacy and numeracy, and allow expansion into other areas to be done in line with the needs of students, the schools’ capacity and resources, and the class time available.

Increasingly, primary school teachers are educating students from a varied range of backgrounds and needs. In the balance: the future of Australia’s primary schools, a report authored by academics from Edith Cowan University and the Australian Council for Educational Research, found that 5.5 per cent of students have medically diag-
nosed disabilities—more than double the 1995 figures. For the most part, these students participate in regular classes. Another 16.2 per cent of students have special learning needs but do not qualify for disability funding. All up, more than one in five students require additional learning assistance, leaving teachers to take on the extra workload with very little additional support.

In schools servicing low socioeconomic communities, poor classroom behaviour is becoming an endemic problem. Higher proportions of disruptive students, higher suspension rates, and higher rates of students who perform at or below the literacy and numeracy benchmarks are characteristics of these schools. With better support for these high-needs children, primary teaching environments could become more productive and the rewards would be reaped by all children.

The increasing cost-of-living pressures on working families—a legacy of the Howard government—are forcing parents to work longer and harder. I have been provided with anecdotal evidence of students staying up until 1 am to have dinner because a parent has not gotten home from work until midnight. It is hard for students to be engaged in their learning when the pressures on their parents are being passed on to them.

For a number of years teachers have been reporting a shift in the types of additional skills and values that they have to teach. Meeting with a group of teachers recently, I was informed of an alarming trend of parents focusing on being their children’s friends—avoiding fights and the need for discipline. As a result, the burden is being left with the primary school teachers to teach their students core values and lessons about healthy eating and personal safety. I do not rise in this place today to pass judgement one way or another on trends like this, but if we are going to expect our primary school teachers to assume these sorts of roles we need to be giving them the support they need. At the present time we are not.

In the balance—the report I referred to earlier—found that more than 40 per cent of principals have serious difficulties recruiting the kinds of teachers they need. More than half of the principals surveyed reported major problems in finding suitable relief teachers, as well. Without adequate staffing, our primary education system cannot cope with the new burdens and responsibilities it is being faced with. To compound this, only six per cent of primary school principals reported that they had sufficient funding and resources.

Let me return to what the Jesuits said in that adage, ‘Give me the boy at seven and I shall give you the man.’ They knew—as a number of economists, including the Rand Group, do—that it is cheaper and more effective to address problems in the primary education years than it is to try to tackle them later on in life. This requires recognition from government in the form of funding priorities that we are not currently providing. Yet the lowest per-student funding level occurs in the middle years of primary school.

I am pleased by the positive steps that the Rudd government has taken in recent times with the implementation of the education revolution that we promised working families at last year’s election. Through the Even Start National Tuition program we are providing tuition assistance to students in years 3, 5, and 7 who did not meet the 2007 national benchmarks. This will combat one of the key issues raised in the 2005 National report on schooling in Australia, where it noted that more targeted literacy and numeracy assistance was needed for students in the middle years of schooling.

Through the education tax refund, we are providing working families with extra money
to assist their children’s learning through rebates on computer expenses and laptops, school textbooks and materials, stationery, and educational software. These measures are a step in the right direction to ensuring that our children are getting the best possible start. With the 2009-12 schools funding agreement being negotiated at the moment, I would urge all those involved to consider the increased burdens faced by primary schools and to provide a funding model that adequately recognises this. Ensuring that our primary school students—public or private—are getting the best education possible is the responsibility of everybody in this place.

Senator the Hon. Chris Ellison
Australian Greens

Senator BOB BROWN (Tasmania—Leader of the Australian Greens) (1.21 pm)—Firstly, I note the impending leaving of the Senate of Senator Chris Ellison. I just want to say that he has always been the most pleasant, decent and reasonable character to relate to and to deal with in this place. I, for one, will be sad to see him go. I congratulate him for the work he has contributed to the country through the Senate and hope he goes on to many, many enjoyable years of life ahead.

I want to simply report the progress of the Greens in Australian politics as the now established third political party. I was looking back through the polls earlier today. In 1996, when I was very fortunate to be elected from Tasmania into this parliament, the Western Australian Greens had been represented by Senator Jo Vallentine and Senator Christabel Chamarette. At the time Senator Dee Mar- getts was here, the Greens were rating at one to two per cent in the Newspoll. By 1993 this had risen two to three per cent. By 2002 it was four to seven per cent and in 2008 we invariably get between eight and 12 per cent—and I think in this last week it was 11 per cent.

The other polls—Morgan poll and the Nielsen poll—show exactly the same trend. These days, more than eight or nine per cent of people are voting Green; in fact, it is closer to 10 and it is consolidating into double figures. On the results of the last election, had we had proportional representation that reflected one person, one vote, one value in this country, there would now be between seven and 10 Greens in the House of Representatives. The reason is that the Greens are now recognised as a real alternative to the coalition and the Labor Party. As a result of our economic policies, our policies for society and not least our policies for the environment in an age of extraordinary challenges, including the burning of fossil fuel, climate change and their potentially cataclysmic effect on society, the economy and the lifestyle of all future Australians—indeed, everybody on the planet—people see the Greens as the party that is addressing these serious problems in a way that will make Australians feel much more secure about their future.

At the last federal election, in November last year, Adam Bandt, who stood for the Greens in the seat of Melbourne, got 45.3 per cent of the vote on a two-party preferred basis. The incumbent, Lindsay Tanner, got 54.7 per cent. I use that figure because in the last couple of weeks Lynton Vonow achieved 46.9 per cent of the two-party preferred vote for the Greens in Mayo, with the Labor Party being absent, but with Jamie Briggs winning the seat for the Liberals with 53.1 per cent of the vote. What we are seeing here is that the Greens, even under a single electorate system where you need 50 per cent on two-party preferred, are moving towards nearly winning seats. I predict that in coming elections we will see Greens just winning seats as, despite the high hurdle required, we start to
take seats in the House of Representatives—just as a decade ago we were starting to take seats here in the Senate but had not yet consolidated.

In the Northern Territory, in the election some weeks ago—and you will remember that was a precipitate election, with perhaps the shortest period between announcement and election of any recent election anywhere in Australia—in the six seats that were contested by the Greens, their vote went from 9.5 per cent at the last election to 15.9 per cent this time. Jane Clark, a councillor in Alice Springs, got 14.8 per cent of the vote in the seat of Braitling, with the ALP getting 11 per cent and the conservatives easily winning that seat. The major issue of contention there, which I think led to that surprising Green vote topping the Labor Party, was the prospect of a uranium mine within 30 kilometres of the centre of Alice Springs—something the Greens would certainly not have entertained.

In the Western Australian elections, Robin Chapple has been elected to the agricultural region—a surprise to most electoral watchers, I am sure. That was in the upper house and that election was decided yesterday. In East Metropolitan, South Metropolitan and North Metropolitan, Alison Xamon, Lynn MacLaran and Giz Watson—Giz being the sitting member—are expected to pick up those seats as the count unfolds. Whether or not they do, the surprising thing to many people—but not to we Greens, because we are getting such a positive feedback from the Australian public these days—is the vote of 12 per cent for the Greens across the board in Western Australia in the lower house, something that just a few years ago would have been thought to be impossible.

On the weekend, in the New South Wales local government elections, the likely result is that the previous count of 58 Greens in local government in New South Wales will go to 73 and could be closer to 80. The Mayor of Byron, Jan Barham, came under quite extraordinary attack in the last week or two of that election. As I understand it, she was getting preferences from almost nowhere. But she did not need them because she got a primary vote of 50 per cent, which is a reflection of the work she has done as mayor in Byron under very difficult circumstances. As we all know, it is a fast-growing region that is experiencing developmental pressures all over the place, but she has certainly appealed to the electorate that is concerned about keeping Byron as it is and maintaining its lifestyle. In the vote for council, 46 per cent went to the Greens and likely five of the nine seats.

When you look at Sydney, in Leichhardt the Greens are on 46 per cent, with Labor on 26 per cent and the Liberals on 22 per cent; in Marrickville the Greens are on 40 per cent, with Labor on 29 per cent; and in Waverley the Greens are on 29 per cent, with Labor on 21 per cent and the Liberals on 43 per cent. Moving out of the metropolitan area, in the Blue Mountains the Greens are on 23 per cent, with the same for the Liberals and Labor on 21 per cent. These are a reflection of the coming of age of the Greens and the recognition by the electorate that they have a real alternative at last, an alternative which is not under the influence of the big end of town—in particular, the coal industry and the logging industry. This is a party that can make decisions that are in the wider interests of the electorate.

One of the other factors that are very important here is that if you look at Newspoll you will see that, whereas some years ago the Greens scored highest amongst inner metropolitan voters, the Greens now have the same support base in rural and regional Australia as in metropolitan Australia. One can take directly from that that it is the people on
the land who understand most directly the impact of climate change and who feel that they are not being listened to by governments centred in the bigger metropolitan areas and here in Canberra. The Greens are out there on the ground and they are concerned for the land, concerned for food productivity, concerned for educational opportunities for children and concerned that public health is not only the alternative but the only option available, unlike the big cities where private health and educational facilities are much more available and subsidised by government. The bush misses out right across the board there, and when you go to public transport even more pronounced is how much regional Australia is seen as second-rate to the metropolitan services. The Greens contend, nevertheless, that public transport is a Cinderella and that we need to be bringing it to the forefront. If we are going to stop seeing one person per car in an age of climate change and the burning of fossil fuels, we have to provide a fast, efficient, cheap alternative—that is, public transport—and it needs to be in public hands and to be available to the people who seek that alternative.

Then you have the metropolitan sprawl, the extension by quickly developing fringe suburbs of the bigger cities. We see projections of cities like Sydney and Melbourne potentially moving from three million or four million people to eight million people by midcentury, yet where is the planning under coalition or Labor governments for public transport to be essentially built into these developments? These developments are largely by private enterprise, which is interested in the fast dividend coming from the developments and not so much in the long-term community servicing which is essential if we are going to have happy, connected and mobile communities as we move further into this century.

The other matter that has been put to rest here is contention about the Greens economic direction. We are a party that believes in innovation. We take wholly the asseveration of Sir Nicholas Stern, former adviser to the British government and chief economist with the World Bank, that those countries that are the greatest innovators in environmental technology in this century are going to be the countries with the most robust economies, and yet we see so little evidence of that being taken up in this country. We are the biggest coal exporter by a country mile, and there are now plans afoot for more coal exporting facilities in Queensland and elsewhere. I was in Western Australia during the recent election campaign, and two new coalmines are mooted there. There is a big new brown coalmine in Victoria, more coalmines in New South Wales and a plethora of them under the Bligh government in Queensland. You look around all the cities and towns and say, ‘Where are the domestic power producing facilities that the Germans promote in cloudy Germany? Why is it that every roof isn’t fitted with the ability to have solar power? Why hasn’t Senator Milne’s proposal for feed-in tariffs been taken up so that people who are producing power through their solar panels get paid for it when it goes into the grid at three or four times the price at which they purchase power, therefore making everybody want to do it? Where are the solar hot water systems on every house or building in this sunny country of ours? Where is the budget that should be behind the technologies bringing in new energy options for this country?’ It is all being put into the coal industry. And how we move on this is going to test how grateful future generations are going to be for the work we do in this place in 2008, 2010 and 2015. The Greens are going to be a very innovative force in this parliament and other parliaments in the years to come. We think
we have got the most exciting platform. We will be putting that comprehensively—and we are very, very pleased that this is showing up in the increased support we have amongst the Australian public. *(Time expired)*

**Age Pension**

**Rural and Regional Health Services**

**Tweed Skate Park**

Senator NASH (New South Wales) (1.36 pm)—I rise today to talk, very specifically, about Labor’s neglect of the regions. In particular, today I want to talk about the far North Coast of New South Wales and the Tweed region. I spend quite a deal of time on the far North Coast, and in July this year I met with a local couple up there, Don and Nancy Morgan, who particularly wanted to raise with me the plight of pensioners. Obviously they were talking specifically from their North Coast aspect, but they were talking about pensioners in general. I know there has been a lot of discussion around pensioners and their ability to cope in these days of rising fuel and grocery prices—which, I might add, the Labor Party said they would bring down during the election campaign and obviously have not—on the very small amount of money they receive on the pension. Don and Nancy are obviously on a couple’s pension, but what really struck me is they were even more concerned for the single pensioners who are trying to cope on the amount of money they receive.

I, along with many of my colleagues, have been listening to the stories of Don and Nancy Morgan, who represent many, many pensioners out there in our elderly community, and took to heart very closely what they were saying. It is the work of the Don and Nancy Morgans of this country that has resulted in a coalition bill being brought forward to raise the pension by $30. For those people, that is an extraordinary step forward if only it could be implemented. And what have we seen from the other side? We have seen absolutely nothing. We have seen the Prime Minister, Minister Swan and Minister Gillard each say that they could not possibly live on $273 a week. But what has happened? Nothing. Not a single thing. They stand there and admit that it is impossible for these elderly people—these people who have built this country—to live on that amount of money and yet they move not a finger to try to do something to address it. It is appalling for elderly people in this country to be in this situation where the government is completely ignoring their needs.

This bill is coming forward. I implore Labor senators on the other side and Labor members in the other place to support the bill. As far as I am concerned, this is Don Morgan’s law. He is representative of all of those pensioners out there who need us to help them and who need us to address this situation immediately.

Senator Mason—That’s right.

Senator NASH—Thank you for your interjection, Senator Mason. And why is it not being addressed immediately? It is not being addressed simply because the Labor government refused to do anything. And what have we found in recent days? That the Prime Minister had advice before the budget about the plight surrounding pensioners, and yet he chose to do nothing. So what are we going to have, Senator Mason? What are we going to have is another review. I am not sure: is it taking it to 83, 84, 95, 106 reviews? I do not know.

Senator Mason—165?

Senator NASH—It could be 165! The only thing we have seen from the government to date, after nearly a year, is review after review after review after review, and not a single decision has been taken. People out in the community are starting to realise that all of those empty promises that were
supposed to deliver for the regions have meant absolutely nothing. And it is people like Don and Nancy Morgan who are realising that the government is not delivering on its promises—none of them. To my mind, for a government to sit here in the knowledge that $30 a week would make such a difference to these people and refuse to deliver it is absolutely abhorrent. The elderly people around this country deserve better. They deserve to know that their government cares for them, but obviously the government does not. Elderly people are so disappointed that nothing is being done.

I certainly challenge the local member for Richmond, Mrs Elliot, to come out and fight for and champion her local people, because so far we have seen absolutely nothing. She has obviously had no influence on ministers and the Prime Minister to support pensioners in what they need. And if just once she would put the interests of her people ahead of her party, perhaps pensioners like Don and Nancy Morgan might get a break and might see this situation addressed.

I noted before that Senator Brown commented on regional Australia being seen as second rate. I think that was a very apt comment given what we are seeing from the government in their attitude towards the regions. One of the particular issues I would like to talk about today is the issue of hospitals and health care, particularly in the regions. It is particularly noticeable on the North Coast of New South Wales what an appalling job both the federal and the state Labor governments are doing in delivering health. The Tweed and Murwillumbah hospitals are both in absolute crisis because of Labor’s neglect and funding cuts.

In July, the member for Richmond, Justine Elliot, was pictured on the front page of the Tweed Daily News with the then state health minister—they have had a lot of changes in the New South Wales state Labor government in recent times—Reba Meagher, officially opening 30 beds.

Senator Mason—The ‘Grim Reba’!

Senator NASH—That was in July. It is now September and, months later, guess what? There is not one of those 30 beds that were announced in July in that hospital—not one. So with all of the fanfare—‘This is wonderful, this commitment to officially opening 30 new beds’—there is not one bed opened. Why? Because the state Labor government has failed to fund the staff they need to run the beds. It is just an extraordinary state of affairs. They have the funding; they have the announcement for the beds. Tweed Hospital thinks, ‘Fantastic, we’ve got 30 new beds.’ The hospital, might I say, is running enormously over its capacity anyway—30 new beds announced and absolutely none opened because Labor is in such disarray that they have not got any funding to fund the staff to operate the beds. The doctors up there are in open revolt. They have to turn away ambulances in non life-threatening cases. It is an appalling state of affairs. There are no future expansion plans for the Tweed Hospital, despite being in one of the most rapidly growing areas in the country. Neglect of the regions is what I said when I started this speech, and this is yet another example of that neglect of the regions. Labor do not care about the regions. They are not focused on the regions. They are not doing anything for the regions.

Also up in that particular area is the Murwillumbah hospital, which was built 70 years ago, thanks to fundraising by the then local Nationals MP, Larry Anthony Sr. It is now under constant assault by the Labor government. We have a state Labor government talking about taking away the maternity services at this regional hospital—a regional hospital that needs more theatre sisters and
more funding. In that part of the world this is so serious that recently 6,000 local people attended a rally to support their local hospital because Labor was trying to rip it to shreds.

Where was the local member, Justine Elliot, on that day? Not to be seen. She did not even bother to turn up to support those people she purports to represent. What is even more interesting to know is how many times the federal member for Richmond, Justine Elliot, has talked about the Murwillumbah hospital in the other place. How many times has she mentioned it? I thought I had better go through, have a look and see how many times she had referred to it, because this is one of the most important issues to people in her electorate.

Senator Mason—Surely dozens of times.

Senator NASH—I thought perhaps dozens of times, Senator Mason—thank you for the interjection—I thought at least a few. Do you know how many? None. Not once. She has not mentioned, not raised, the Murwillumbah hospital situation, which is a crisis, once. She is the local member; she may well have a ministerial portfolio, but she is the local member. What makes this particularly interesting is that during the campaign in the run-up to the election last year, the local Labor member for Richmond, Justine Elliot, had significant advertising with this very simple message: ‘Labor will fix our hospitals. Kevin Rudd and Justine Elliot working together.’ Guess what? People believed it.

Senator Mason—No!

Senator NASH—They actually believed that Labor was going to work together and do something. Remember we heard a lot, Senator Mason, about ending the blame game and how we were going to have cooperative federalism.

Senator Mason—I remember.

Senator NASH—Well, cooperative federalism has delivered absolutely nothing for the regions and nothing for the North Coast. The member for Richmond, Justine Elliot, is now being termed ‘just in Canberra’ and ‘just incompetent’ because she is not doing anything to help the people of her local area fight for their hospital. It is appalling, and I challenge her to start fighting for her local people and to do something for the people there who need those hospital services so desperately.

While we are on Labor neglecting the regions, we cannot go past the extraordinary decision that we saw at budget time to cut Regional Partnerships funding for projects that were underway in the run-up to the election. I find that completely appalling, and I will give an example of it. A skate park was one of the projects put forward under Regional Partnerships in the run-up to the election, and I commend Daphne White, who was one of the many people in the region who did so much to try and get this project up and running. Now, $110,000 does not sound like very much, and that is because in the scheme of things it is not very much. This is an area with a very high population of young people—young people who need something to do. They were incredibly involved in getting this project up and running, but they saw all that being axed and ripped out from underneath them.

There was such a hue and cry about all these projects in the pipeline being axed that the minister had to do a huge backflip a few months later and say, ‘We’re now going to assess all those projects that were in the pipeline.’ We saw at the time the Labor MP, Justine Elliot, boasting, ‘This is what we can do if we all work together,’ referring to the backflip of the minister in saying that these projects would now be assessed.
Local skater Luke Wyatt said that ‘local skaters would be stoked’ to hear that the government had reversed their decision. This is a skate park for young people for a measly $110,000 in a region that is rapidly expanding. By the way, it was not pork-barrelling because we had the local clubs, the state government—mind you, they were only going to contribute a paltry $30,000—and the council working collectively because they knew this project was something that was so needed for the region. So they resubmitted it, it was reassessed and guess what? The Labor government said: ‘We’re sorry but you can’t have your money for your young people in the town for your skate park. It’s not going to happen.’

Senator Mason—You’re kidding!

Senator NASH—I am not kidding. Senator Mason—it is absolutely true. This is appalling. All those young people in particular knew how important it was for them to have somewhere to collect and be together, and the government ripped it out from underneath them. And guess what? The reason the government gave was that there was not a commitment in place. Interestingly, the Regional Partnerships guidelines say that if you enter into a contract then it becomes null and void. You are not allowed to do that under the guidelines.

What we have seen here is an appalling decision by the Labor government to rip this money away from that local community. I challenge Justine Elliot, the local member, to prove that she is more than ‘just in Canberra’ and more than ‘just too busy’, to invest in her local people and to actually go out there and fight for those people that are in her local community, because those people need her. The Labor government has neglected the regions time and time again, and now it has happened again on the far North Coast. (Time expired)

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**Centenary of Holland Park Mosque**

**Senator FURNER (Queensland) (1.51 pm)**—As Australians we pride ourselves on being a nation built on many cultures and religions to form our great multicultural society. One of the most enjoyable things about being a representative of the people of Queensland is being able to take part and celebrate in our nation’s multiculturalism. On Saturday, 30 August 2008 I had the privilege to attend the celebration of Queensland’s oldest mosque in Holland Park, Brisbane. Holland Park Mosque, first built of wood in 1908 in the days of the White Australia policy, is now made of brick. It is hard to believe that this country restricted access to migrants until only 30 years ago. We are now a rich, diverse culture. Brisbane alone now has a population of over 20,000 Muslims and this figure continues to grow.

During the morning’s proceedings I was sitting next to the commissioner of police, chatting about the Islamic community in Brisbane. We discussed the events and atrocities that happened to other mosques as a result of 9-11 attacks, where, as a result of stereotyping and xenophobia, attempts were made to burn down mosques. When I looked around the crowd, there were children playing on rides and mothers caring for their babies. The question really struck me then why some people in our society have concerns about people who dress differently or who wear their hair in a different way.

The President of the Islamic Society of Holland Park, Mustafa Ally, compiled for the occasion a comprehensive book on the history of the mosque and the people who contributed to it, which was well received by guests on the day. Mustafa received the 2008 Multicultural Citizen of the Year Award at the Australia Day Awards this year. He is a big community supporter in Brisbane and a proud Australian citizen.
Mustafa’s book looks into the difficulties Muslims faced in the early 1900s during the time of Australia’s first Prime Minister, Sir Edmund Barton. Some of you would be aware that in 1901 the Immigration (Restriction) Act was introduced to secure racial purity. Australia used xenophobic language tests to prevent undesirable people migrating to Australia. It sounds similar to legislation put through this parliament by the previous government. Sir Edmund Barton, at the time, commented:

The doctrine of the equality of man was never intended to apply to the equality of the Englishman and the Chinaman.

We saw a decline in the Muslim population up until the days of Gough Whitlam, who, in 1975, brought an end to this intolerant legislation through the Racial Discrimination Act. Visionary Labor leaders, such as Gough, implemented legislation that contributed to the fabric of our great society today.

During the rest of the day I met with Muslim community leaders and other dignitaries and spent time looking at the wonderful architecture and history of the mosque. I met many proud Australian families, mosque community groups and friends—friends like Abdul Obeid and his son, Abdul Jr. They were pleasing faces to see. On that day I learned for first time that the Muslim faith in Australia dates back to the 17th century. Today there are 340,000 Muslims, 36 per cent of whom were born in Australia, who are part of our diverse nation.

It is sad to think that during the previous government’s time, multiculturalism, while it existed, was not embraced. There was mandatory detention; the ‘Pacific solution’; the treatment of refugees; the apology, or lack thereof—ministers claiming the stolen generation never happened; and the citizenship test on Australian values. These all occurred under their watch.

But we are turning a new page, and being at the centenary of the Holland Park Mosque reminded me of the pride I have in being a part of a multicultural society and part of a party that recognises and embraces cultural diversity. I am proud that we now have a Prime Minister and an immigration minister who are committed to making positive changes for our nation. We have seen the apology to the stolen generation, a boost in skilled migration and a restoration of our immigration system. Detention centres are now being used only as a last resort for the shortest practicable time. There have been 13,041 humanitarian visas granted, helping people escape war, political strife and persecution; there has been $3.4 million in grants to help refugees prepare for the Australian citizenship test; and eventually the temporary protection visa regime will end. I am proud to be part of a government that embraces our diversity. I am an Australian who is proud of our rich diversity. The many people who attended the centenary of the Holland Park Mosque are proud to be part of our diverse nation.
senators, I wish you a warm welcome to Australia and, in particular, to the Senate.

Honourable senators—Hear, hear!

QUESTIONS WITHOUT NOTICE

Age Pension

Senator FISHER (2.00 pm)—My question is to the Minister representing the Minister for Families, Housing, Community Services and Indigenous Affairs, Senator Evans. Minister, what would be the current rate of the single age pension had the Howard government continued Labor’s policy of linking the pension to the CPI only and not changed to the higher of the CPI or 25 per cent of male total average weekly earnings?

Senator CHRIS EVANS—I thank the senator for her question, although again it seems that the Liberal Party are more concentrated on stunts rather than the important issues that are at stake here. The answer, Senator, as you know, is that the pension has been benchmarked against 25 per cent of male total average weekly earnings for some years.

Senator Humphries—Courtesy of?

Senator Sherry—The Hawke-Labor government.

Senator CHRIS EVANS—that is a decision when the indexation arrangements—

The PRESIDENT—Senator Sherry and others! Senator Evans is entitled to be heard during the giving of his answer.

Senator CHRIS EVANS—As Senator Sherry rightly interjects, indexation arrangements were first put in place by the Hawke government, and there were some changes made by the previous coalition government. Both sides of parliament supported an indexation method that best sought to assist pensioners to keep pace with the changing costs of living and to retain their relativity to the movement in average weekly earnings.

Those decisions were taken by successive governments to try to ensure that pensioners did not fall behind and that they were linked to a method that best reflected the movements in the costs that face pensioners and the movements more generally in the economy. Those decisions by successive governments were good decisions and over the years they have assisted pensioners generally to keep up with the rising costs of living.

What we do know is that, over the years, pensioners have increasingly found things are tough. They have certainly found things are tough since inflation started rising under the previous government and the cost of their food, electricity, gas and petrol has been going up. We acknowledge that pensioners are doing it tough and that many of them are finding it hard to make ends meet under the current pension arrangements. That is why in the first Rudd Labor budget we made an enormous down payment to try to assist pensioners with those costs. We put a $7.5 billion down payment on reform for pensioners, carers and people with disabilities. We increased the former government’s utilities allowance from $107 per annum to $500 per annum. So we added $400 per annum to the payment introduced by the previous government which was designed to assist pensioners to meet utilities costs. There was a $400 increase in the first budget of the Rudd Labor government designed to meet those cost pressures on pensioners.

We also paid a one-off $500 bonus in the budget to pensioners and we extended that payment to groups who did not previously receive it under the previous government. So we made a range of decisions. We also brought in the indexation of the measures and we have sought to provide what relief we can for pensioners. We have also indicated that we think there needs to be some fundamental reform to pensions.
Senator Fisher—Mr President, I rise on a point of order. My question was: what would the current rate be? The minister has failed to answer the question. I ask the minister to address the question.

Senator Ludwig—Mr President, I rise on the point of order. I note that the Liberal senator on the other side did not argue whether it was a point of order to do with relevance. I assume that was the point that she was trying to raise. The fact that she did not mention that issue is by the by—it did go to, I think, that issue. I would humbly submit in respect of that matter that we have had a range of interjections on those specific points. As the Senate well knows, the minister has been answering the question. He has been detailing the serious issues that surround pensioners for some minutes and should be allowed to continue.

The President—There is no point of order. I cannot instruct the minister on how to answer the question and the minister needs to be relevant to the question. There are 28 seconds left to answer the question. I call the minister.

Senator Chris Evans—My concentration in answering this question is on the plight of pensioners and their needs, not on more Liberal Party stunts. If you are serious about helping pensioners, focus on the real issues, not on stunts in question time. Concentrate on the real difficulties pensioners face, like this government is, and attempt to develop a good public policy response to the needs they face.

Senator Fisher—Mr President, I ask a supplementary question. As to the plight of pensioners, I can inform the minister that if Labor’s system had continued single pensioners would be worse off by $72.80 a fortnight and couples would be worse off by—

The President—Order! It must be a question. It is not a debating time. You may ask a supplementary question, and I invite you to do so.

Senator Fisher—My supplementary question is: is the minister aware of comments made today by the chairman of the Australian Catholic Social Justice Council when he said, in relation to Labor’s refusal to immediately increase the age pension and instead await a review:

It seems to me that it is urgent and I can’t see why you can’t do both.

Minister, why can’t Labor do both?

Senator Chris Evans—What the Australian public and the Catholic Social Justice Council would know is that during 11½ long years the Howard government did nothing to increase the pension rate, absolutely nothing. What they know is we took immediate measures in the budget. You can cry crocodile tears now. This government is focused on its efforts to try and assist pensioners. We made a huge down payment in the budget; we are looking at tackling the structural problems. If the opposition were serious, they would not embark on stunts, they would focus on the real issues. What we know is that in 11 long years they did nothing and now they go for stunts. They could not even raise this issue in question time on Monday. That is how serious they really are. I urge them to take the public policy considerations seriously rather than focus on stunts because, increasingly, they are an irrelevant rabble.

Economy

Senator Farrell (2.10 pm)—My question is to Senator Conroy, the Minister representing the Treasurer. Can the minister update the Senate on how the government is responding to the increasingly serious crisis unfolding in international financial markets and whether he is aware of any alternative policy responses?

Senator Conroy—I thank Senator Farrell for that question. The turmoil in global
financial markets—and yet again we hear laughter from those opposite—including the recent developments in the United States continues to permeate through economies around the world. Australia is not immune to these developments but we are better placed than most to withstand the fallout. The fundamentals of our economy remain strong. However, this is not a time to be complacent. We are confident that with the right, consistent policy settings we will come through these difficult global times in a stronger position. That is what this international economic crisis demands: consistent, responsible economic management.

Despite this, yesterday, those opposite elected a new leader who has walked both sides of the street on every serious economic issue this year. In his inaugural speech, Mr Turnbull, the member for Wentworth stated that we are facing probably the gravest economic crisis globally in any of our lifetimes. Then he proceeded to blow $20 billion in 20 minutes by recommitting the opposition to the reckless spending and irresponsible budget-blocking measures those opposite have adopted all of this year. While the new opposition leader acknowledges the gravity of the international situation, he continues to play short-term politics with the surplus. Of course, this is not the only example of the member for Wentworth walking both sides of the street. In fact, during his nine months as shadow Treasurer, the member for Wentworth has crossed the street more times than the proverbial chicken. At first, he could not decide whether inflation was a problem or not. At the start of the year, he told us that inflation was a ‘fairytale’. That is right, your new leader described the inflation issue as a ‘fairytale’ and said that inflation was running at ‘manageable levels’. Then he told us that inflation was a very serious challenge that needed to be addressed. Then he could not decide whether interest rates should go up or down. He told us, at the start of the year, that rates should go up and then, after they did twice, he told us that they should remain where they are.

Finally, on the topic of the budget surplus—a crucial buffer at these times of international economic turbulence—he has been on every side of that issue as well. Before the budget, he said there was no need for spending cuts; that the surplus was about right. That is what he said before the budget. After the budget, he said we did not cut hard enough; in fact, we needed a bigger surplus. Now he says there is no need for a big surplus, that we can make do with a smaller one. The new opposition leader talks about the need for economic leadership. Perhaps someone should tell him that economic leadership is not walking both sides of the street; economic leadership is acting consistently in the long-term interests of the Australian economy. Our strategy, which combines relief for families with long-term investment in growth, is the best way to respond to the substantial global challenges that have reached our shores. (Time expired)

Workplace Relations

Senator HUMPHRIES (2.14 pm)—My question is to the Minister representing the Minister for Employment and Workplace Relations, Senator Ludwig. Does the government stand by its oft repeated election promise that it will maintain current right of entry laws without exception?

Senator LUDWIG—When we looked at the record of the Liberals in respect of this, we promised to get rid of the unfair Work Choices legislation and we are proceeding to do that. We have also ensured, as we did earlier this year, that we will not have the unfair AWAs, that only fit and proper persons hold a right of entry permit and that permit holders understand that the right to enter an-
other’s premises comes with significant responsibilities.

Right of entry laws balance the right of employees to be represented by their union with the right of employers to get on with running their businesses. Officials cannot enter an employer’s premises without giving proper notice. That is one of the areas. They must also follow reasonable directions from an employer when they are on the employer’s site and comply with any occupational health and safety requirements that may apply to the site. An employer must not hinder a union official who holds a valid right of entry permit and who has entered their premises in accordance with the right of entry law. However, a union official cannot abuse those rights and privileges that accompany a right of entry permit. A right of entry permit may be revoked when the Australian Industrial Registry determines that they are no longer a fit and proper person to hold such a permit.

Changes to the industrial instruments available make it necessary to work through right of entry provisions in more detail. These are some of the matters that we will have to examine, and that is a task which has yet to be finalised. What I can say, though, is that we are pleased to have finalised Work Choices. I think the election demonstrated that the Work Choices legislation was out of touch. It was over the top. It stripped conditions from employees. It ensured that there was not fairness in the system, and what the Rudd government are doing—and we expect the Liberals to assist us with this—is ensuring that there are balanced and fair industrial relations laws in this land. We will ensure that value is placed on fairness. It is putting the fair go back into industrial relations after the Liberals ripped it out with their Work Choices legislation.

If you look at the position of the Liberals in this area, which they invited the electorate to forget, 100 years of fair industrial legislation was thrown out the door with Work Choices. It was a false choice that you gave employees with Work Choices, because Work Choices was a recipe for neither fairness nor prosperity. Work Choices was all about ensuring that the industrial relations system that we operated under was thrown out. It would not ensure that employees and employers would get a fair go in the industrial relations system.

Senator Humphries—What about right of entry laws?

Senator Ludwig—What I have said in respect of the right of entry provisions is that there are a raft of changes that will come through Work Choices. Some have been settled to a greater degree of specificity. The government’s policy on the right of entry will ensure that employees can be represented by their union and employers have the right to get on with running their businesses. It is about ensuring that there is balance in the system, unlike the Liberals, who ensured that there would not be fairness in the industrial relations system. It is unlike the Liberals, who then said that with Work Choices they were going to stand for nothing more than ripping conditions from employees. (Time expired)

Senator Humphries—Mr President, I ask a supplementary question. I will put aside my disappointment that the Minister for Employment and Workplace Relations announced changes today at lunchtime and her representative in this place cannot tell the Senate anything about those changes at question time this afternoon. Given that Labor’s new agreement-making proposal will give unions the green light to force their way into small businesses right around Australia, isn’t this proof—
Senator Carr—Rubbish!

Senator HUMPHRIES—Well, tell us what it is all about then. Don’t just squib the issue. Tell us what is going on. Isn’t this proof that militant unionist Joe McDonald was right when he said last year that, if the Howard government got back, ‘I’ll be back’?

Senator LUDWIG—This is a case where the supplementary question—and, Senator, I thought you would have been more experienced than that—was written out before they came into question time. If the senators on the other side had taken the opportunity to listen to the answer I gave on the government’s policy on right of entry, I provided that answer to you. But, if you missed it, if you were not listening or if in fact you ensured that your supplementary was not going to reflect what I had informed the Senate about, right of entry laws will balance the right of employees to be represented by their union with the right of employers to get on with running their businesses. Officials will not be able to enter an employer’s premises without giving proper notice. They must follow reasonable directions from an employer when they are on the employer’s site and comply with occupational health and safety requirements that may apply to the site. In addition to that, an employer must not hinder a union official—(Time expired)

Wool Industry

Senator MILNE (2.21 pm)—My question is to the Minister for Innovation, Industry, Science and Research, Senator Carr. In relation to the CSIRO wool scour at Belmont in Victoria, can the minister confirm that he gave an undertaking to the industry for a specialty fibre products industry audit to be conducted before the operation of the scour was released for tender so that potential operators would be informed about the nature of the industry and its importance to the 8,000-plus people involved in the supply and value-added chain for specialty fibres in Australia? Can he also now confirm that the tender was released without an audit being undertaken? Can he explain why there has been no audit and why he has not provided an update on that audit process since my request in the middle of June this year?

Senator CARR—I thank the senator for her question. I acknowledge her longstanding interest in the issue of the scourer facility at CSIRO Belmont. I draw her attention to an article which appeared in the Herald and Weekly Times this morning, which I presume she has relied upon for her question today. The article was wrong in many respects. Perhaps I should take this opportunity, in answering the senator’s question, to highlight the fact that CSIRO and my office have been working closely with representatives of the rare and natural fibres industry to discuss short-term difficulties which have arisen from the closure of the CSIRO wool scourer in Geelong and to examine ways to address the future of wool research needs.

The scourer will be operating there until at least 30 June 2009 on a cost-recovery basis. The article in today’s edition of Herald and Weekly Times is incorrect. As a result of negotiations with both CSIRO and the rare fibre industry, an agreement was reached that the CSIRO scourer at Belmont would remain open for batches of fibre from small producers until June 2009, and the scourer remains open for business to small producers on a mutually agreed basis. The article’s reference to the commitment I have made, that it would operate until December 2008, is wrong. We have gone further than that. It will remain open for small producers until June next year, provided that an opportunity for commercial solutions to the long-term operations of the scourer be explored and implemented. CSIRO’s primary function is, of course, to carry out scientific research. It can only justify secondary service functions,
such as the providing of scouring facilities to industry, where that supports primary research.

In 2007, the CSIRO decided to close the wool scourer following consultations with its major funding body for wool research, AWI. In 2006, under the former government, Australian Wool Innovations flagged a reduction in their R&D portfolio in order to increase investments in marketing and promotion. CSIRO reviewed all tenders received in response to its invitation to tender and found that none were compliant with its terms of the tender requirements that the scourer operate in Australia for at least five years. CSIRO has entered into discussions with unsuccessful tenderers to conclude a sale of the wool scourer on mutually acceptable terms. CSIRO continues as a significant employer in Geelong and is strengthening its collaboration with Deakin University, providing the Geelong region with a powerhouse for future research.

In July, I opened CSIRO’s diagnostic allergic response laboratory in Geelong, providing Australia with a unique diagnostic research unit responsible for capacity and capable of managing even the most severe outbreaks of disease—like foot and mouth disease. So CSIRO’s commitment to Geelong is strengthening, not declining.

Senator MILNE—Mr President, I ask a supplementary question. That was a great diversion, Minister, from the question, which is: did you promise the industry an audit and why was the audit not done? I think the parliament would be very interested to know why the audit was not done? I think the parliament would be very interested to know why the audit was not done? Because it is being sold, people in the industry want to be sure that whoever takes it over understands the nature of the industry. Secondly, in relation to access beyond next year, we also want to know whether the scourer and its associated dryer will be open and accessible to all members of the industry over the life of the scourer—that is, five years. So what about the audit, Minister, and what about the dryer?

Senator CARR—If further inquiries had been made rather than relying on an incorrect article, the senator would know that, in decommissioning the wool scourer, there had to be transitional arrangements on both a short-term and a long-term basis. As a result, there was a stakeholder meeting on 24 April. There was a commitment that the wool scourer would remain operational for a further 12 months after June 2008 but that CSIRO would operate the scourer on a cost-recovery basis, which was calculated at $250K per annum, and the industry representatives would seek to identify 100 tonnes of fibre for scouring at Belmont. That is the question of the audit. There was a commitment by the industry to provide an additional 100 tonnes of fibre for scouring at Belmont—(Time expired)

Economy

Senator JOYCE (2.28 pm)—My question is to the Minister representing the Treasurer, Senator Stephen Conroy. Will the government release the Treasury modelling on Dr Terry Cutler’s proposed redesign of the research and development tax concession?

Senator CONROY—Firstly, I congratulate Senator Joyce on his recent elevation. I understand you are now the Leader of the National Party in the Senate. I am hoping that means it comes with portfolio, as opposed to Senator Boswell’s term. I look forward to that.

Dr Cutler’s report has only just been handed to the government. I am sure we will be considering all of the points raised when we go to releasing a white paper, which my colleague the Minister for Innovation, Industry, Science and Research, Senator Carr, has carriage of. I am sure, had you asked Senator Carr the question about Dr Cutler’s report,
that you would have received a far more comprehensive answer than I am able to give. I am quite happy to take on notice the rest of that question and to get you information. As I said, I am sure had you asked Senator Carr that question, you would have received a far more fulsome answer.

Senator JOYCE—Mr President, I ask a supplementary question. As the question pertains to Treasury modelling, it seems to make sense that I have asked it of the person who is representing the Treasurer. Since we are not prepared to—

Government senators interjecting—

The PRESIDENT—Order! Senators on my right will be quiet.

Senator JOYCE—As we seem to have taken this on notice, I would like to ask how Australians can properly analyse this issue without the release of Treasury modelling?

Senator CONROY—As I have indicated, the government will be releasing a white paper. Senator Carr and Mr Swan will be bringing that forward. It is envisaged that the white paper will be released by the end of 2008. My understanding is that Treasury modelling on this sort of information was never released in the 11½ years that you were in government—or semi-opposition or whatever you used to be in, Senator Joyce—but I will take that question on notice. If there is any further information I can get for you, I will get it for you.

United States of America: Financial Crisis

Senator JACINTA COLLINS (2.31 pm)—My question is to the Minister for Superannuation and Corporate Law, Senator Sherry. Can the minister update the Senate on the challenges currently being faced by the US financial markets?

Senator SHERRY—The fallout from the US subprime loans crisis continues, unfortunately, and it continues to impact on the global financial system and exposed US financial institutions. Some have come under a significant stress and a number have collapsed, with significant consequences. The events illustrate what can happen when there is poor regulation and supervision of financial institutions and their lending practices. The base cause of the crisis in the United States was the massive distribution and effectively mis-selling of mortgage products to millions of Americans. In turn these mortgage products were packaged into various securities and passed on through the financial systems of primarily the United States and Europe and, unfortunately, they were given AAA ratings on the way through.

We thought, with Bear Stearns some months ago, that the worst would have passed but unfortunately it had not. In the last couple of days Lehman Brothers, the fourth-largest investment bank, has filed for bankruptcy—that is the largest bankruptcy in US history, over $600 billion—and the 94-year-old investment bank Merrill Lynch has agreed to be purchased by the Bank of America. This morning the American International Group, the largest insurance company in the United States by assets, has effectively been bailed out to the tune of some $85 billion. In a statement issued a few hours ago, the Federal Reserve Board said:

The Federal Reserve Board on Tuesday, with the full support of the Treasury Department, authorized the Federal Reserve Bank of New York to lend up to $85 billion to the American International Group...

These events follow the takeover of the stricken Bear Stearns by JP Morgan, and the US government’s recent financial lifeline for US mortgage lenders Fannie Mae and Freddie Mac. Obviously these issues have impacted severely in the United States and Europe and have had a major impact around the world. I can say in these circumstances that Australian banks are well-capitalised and
well-regulated and that they do not have the same problems as banks in the United States. But, of course, the Australian economy and the financial markets have not been immune—

Senator Coonan—What about the super funds?

Senator SHERRY—I am going to get to super funds in a moment, Senator Coonan. However, the Australian economy is not immune from these impacts. It is fair to say, however, that we are in a stronger position than most other countries to weather the storm. The share markets have fallen significantly in almost every advanced economy around the world as a consequence, and consumer confidence in advanced economies has fallen. But I will emphasise that we have a well-regulated financial sector, with the prices of commodity exports remaining high and businesses investing in the future with confidence.

There is one major area, however, where we can have control of our own destiny, and that is the budget surplus. It was very disappointing to see yesterday that the new leader, Mr Turnbull, is determined to carry on the budget-wrecking approach of the former leader by reducing the budget surplus by some $20 billion. We need a strong buffer in these uncertain turbulent times. A significant budget surplus is required and all the Liberal Party opposite can do in the face of these financial disasters in the United States is to tinker with, reduce and wreck the budget surplus by $20 billion. (Time expired)

Senator JACINTA COLLINS—Mr President, I ask a supplementary question. Those opposite will be happy that I now ask the minister to elaborate on what the US subprime crisis will mean for Australian superannuation funds and investors.

Senator SHERRY—As I think most Australians would be aware, because of the impact of the US subprime crisis on the share market, that in turn has impacted on the returns of Australian superannuation funds.

Senator Coonan interjecting—

Senator SHERRY—I might say that this is not the first time this has happened. Apparently Senator Coonan via her interjection believes it is the first time this has happened. It actually happened in 2001, Senator Coonan, when you were Assistant Treasurer, but we did not hear very much from you about it then. So superannuation funds have been affected adversely by these impacts. The average negative rate of return was 6.4 per cent for the last financial year. What is important, of course, is that Australians overwhelmingly do not access their superannuation at a single point in time; it is a long-term saving. The most important rate of return to focus on is the five- to seven-year rate at least, if not longer. What we do know about the Australian superannuation system is that it is robust, it is strong, and it is well diversified and well regulated. (Time expired)

National Security

Senator BRANDIS (2.37 pm)—My question is to Senator Evans, representing the Prime Minister. Is the minister aware of the comments of the Attorney-General on Monday, when he described the terrorism trial of Abdul Benbrika and others as ‘the most successful terrorism prosecution that this country has seen’? Does the minister regard the Attorney-General’s remarks as appropriate?

Senator CHRIS EVANS—I thank the senator for his question. I understand that the Attorney-General made some public commentary on a very important trial held in Melbourne recently where the jury returned guilty verdicts against six defendants on charges concerning terrorism. As a result of very good and effective cooperation between the Australian Federal Police, ASIO, the
Commonwealth Director of Public Prosecutions and the Victorian police, there was a successful prosecution. The Attorney-General, in learning of that, appropriately spoke publicly about his support for the actions of those agencies and his pleasure and the government’s pleasure, and I hope all senators’ pleasure, that these matters were successfully prosecuted—that we were able to successfully prosecute those who were charged with very serious offences concerning terrorism.

Those matters have been dealt with by the court. As I understand it, on Monday the Attorney-General sought to comment not on matters still before the court but on matters related to the decision on those matters that was made on Monday. I think it is the Attorney-General’s role to assure the community that the government is doing all it can to protect Australians. It is important for him to show support for the agencies, to recognise the contribution that many in the Muslim community in Australia made in assisting with the investigation and, I think, to generally reinforce the need to tackle any threats of terrorism within our society. I think it was important for the Attorney-General to speak on behalf of the government to recognise the work that was done in the successful prosecution of these terrorism charges and acknowledge the important work of the security and police agencies. I think, as I say, the Attorney-General was commenting appropriately in responding to the decision on that case.

**Senator BRANDIS**—Mr President, I ask a supplementary question. I thank the minister for the forthrightness of his expression of the government’s view that the Attorney-General spoke appropriately. Does the government then not accept the criticism of the Attorney-General by the trial judge, Justice Bongiorno, that:

> It’s abundantly clear it would have been to the enhancement of justice in this country if these comments had not been made … They were unnecessary and had the potential to cause difficulties in this trial.

Does the government not accept that reprimand of the Attorney-General by the trial judge?

**Senator CHRIS EVANS**—I thank the senator for his supplementary question. I did read those comments in the newspaper today. Obviously, they are a very forthright expression of view by the judge. All I can say is that the Attorney-General has made it clear that his comments were not directed at matters still before the court but that he thought it was important that he speak publicly about what was a highly publicised trial and charges in a most important matter within his portfolio. I think the Attorney-General was acting appropriately when responding to that decision. I think the public would expect him to. As I say, he made it clear that those comments were not directed at matters still before the court but at the decision that had been made on Monday.

**Alcopops**

**Senator FIELDING** (2.41 pm)—My question is to the Minister representing the Minister for Health and Ageing, Senator Ludwig. Last month a paper was published in the medical journal the *Lancet* by Australia’s National Drug and Alcohol Research Centre which said that the federal government’s alcopops tax is not likely to cut binge drinking. The paper says that, under the tax:

> … overall rates of usual or binge consumption in Australia are unlikely to substantially fall, because spirits hold a smaller market share than beer, and young people will more than likely switch their preference.

Isn’t the Rudd government just trying to divert attention from the alcohol toll by making Australia’s binge-drinking problem a tax problem?
Senator LUDWIG—I thank Senator Fielding for his question. In respect of ready-to-drink products, or alcopops, as people sometimes refer to them, unlike the Liberals, we actually do understand the importance of considering the evidence. The report released today—commissioned in 2006, I might add—provides economic analysis of interventions which would have an impact on the social costs of alcohol. The report that was released today stated:

The objective of the present study is not to recommend the adoption of a particular set of alcohol policies; it is to consider from an economic perspective a range of policies which have shown to be effective and to indicate, as far as the data allows, the economic benefits likely to flow from the implementation of these policies.

In this context, I am pleased that the report prepared by independent researchers strongly endorsed the government decision to close the tax loophole on ready-to-drink products, because studies have shown that young people are influenced by the price of alcohol and so increasing the tax rate on alcoholic drinks which are specifically targeted at the youth market—for example, alcopops—is likely to be effective.

According to a British Medical Association study in 2008, 45 per cent of all individuals who consumed alcohol frequently were not aware of the number of units of alcohol in their drinks. That was on page 16 of that report. That means that there would appear to be a strong justification for the April 2008 increase in the Australian tax on premixed drinks or alcopops by 70 per cent.

The report examines the effectiveness of a range of interventions on the cost of alcohol abuse. All of this analysis will feed into the work of the prevention task force led by Professor Rob Moodie, which is doing the important work of helping the government to develop a blueprint for tackling the harm caused by excessive consumption of alcohol as well as tobacco and obesity into the future. It is timely that Senator Fielding has asked this question because, in contrast, the Liberals do not believe the evidence and do not believe that alcopops are part of the problem. Way back on 13 May their then leader apparently did not believe the evidence. It would be interesting to know what their current leader believes. I suspect he would believe the same things.

The plain facts are these: according to industry figures sales of premixed drinks in bottle shops have dropped by seven million standard drinks a week, or 26.2 per cent, and total liquor sales have fallen by three million standard drinks a week since the excise was increased. I remind the Senate that the ATO clearance data—that is, the best available data—shows that there were 54 per cent fewer sales of RTDs in June, compared with April, and seven per cent more sales of full-strength spirits for an overall decrease of 23 per cent.

Opposition senators interjecting—

Senator LUDWIG—It is clear that the measures are working as intended. Let us go back to why this measure was introduced. Binge drinking is a community-wide problem that demands a community-wide response. The Liberals opposite might be interested to hear about this. I hear them interjecting, but Senator Fielding has raised an important question and I think it is important to put the facts on the table. (Time expired)

Senator FIELDING—Mr President, I ask a supplementary question. An article in today’s Australian newspaper states that a report by Macquarie University Professor David Collins on the cost of tobacco, alcohol and illicit drug abuse to the Australian community was published yesterday by the federal health department. Professor Collins told the Australian that the alcopops tax would make consumers move straight to spirits,
mixing drink themselves, but he said that Australia’s $15.3 billion alcohol toll could be cut in half if the government tried a range of interventions like tackling alcohol advertising. Family First has a plan for alcohol warning labels and a restriction on television advertising until nine o’clock. When will the Rudd government recognise that binge drinking is a cultural problem and work to change that culture using alcohol warning labels coordinated with a television based public health campaign and tougher restrictions on television advertising rather than just raking in tax dollars?

Senator Ludwig—I will try to address all of those points in the minute that I have available. The Rudd government does have a national binge drinking strategy. The $53.5 million national binge drinking strategy comprises three measures to address the problems of alcohol misuse amongst young Australians: community-level initiatives, an early intervention program and an advertising campaign targeted at young people. Under the community-level initiatives, $14.4 million has been allocated. In addition, looking at the ability to reach out into the community through early intervention programs, $19.1 million has been allocated to intervene earlier to assist young people. The research tells us that the earlier you can intervene and the earlier you can educate about the problems associated with binge drinking, the better for the community and the better for the people involved. Of course there is an advertising campaign as well—(Time expired)

National Security

Senator Brandis (2.48 pm)—My question is directed to Senator Evans, representing the Prime Minister. Has the government sought legal advice on the Attorney-General’s remarks and, in particular, on the possibility that the remarks may provide a ground for appeal against the convictions of Benbrika and his co-accused?

Senator Chris Evans—I have no advice to that effect. I am happy to take the question on notice. Certainly I have not been briefed to the effect that there was any need for us to be seeking such advice, but I will take the question on notice and if there is any information I can get that might assist then I will report it to the chamber as soon as possible.

Senator Brandis—Mr President, I ask a supplementary question. How can the parliament have confidence in the Attorney-General as first law officer of the Crown when by his conduct he has, in the words of the trial judge in the Benbrika case, potentially caused difficulties in what the Attorney-General himself has described as Australia’s most important terrorism prosecution to date?

Senator Chris Evans—I am happy to respond even though I am not sure it is a supplementary question given that I took the senator’s earlier question, the Attorney-General was commenting on the decisions taken—the outcomes of the trial that were made public on Monday. I think it is appropriate that he do so. He has provided public information and support for the agencies who led that successful investigation—which I think we are all supportive of. I have complete confidence in the Attorney-General, as do all other members of the government.

Climate Change

Senator Pratt (2.51 pm)—I have a question for the Minister for Innovation, Industry, Science and Research, Senator Carr. I ask the minister to inform the Senate of what the government is doing to help small and medium-sized business tackle climate change.
Senator CARR—It is imperative that we do as a country respond to climate change, but it is also imperative that the costs and rewards of moving to a low-carbon economy are shared fairly. We cannot expect any one group to bear the whole burden—whether it is industrial workers, coal regions or small businesses. That is why Senator Pratt’s question is so timely. The government’s proposed carbon pollution reduction scheme actually includes a strong safety net for industries, communities and households.

The scheme is predicated on the belief that we can reduce our carbon footprint and increase economic opportunities at the same time. It does not have to be one or the other. We do not have to choose between saving jobs and saving the planet. If we are prepared to innovate, we can actually do both. That is why the government is establishing Enterprise Connect network to build the innovation capacity and support the innovation efforts of Australia’s small- and medium-sized enterprises. That is why we are providing specific assistance to small- and medium-sized enterprises to respond to climate change.

In July, I launched the Climate Ready program, which is worth $75 million over four years. It offers firms dollar for dollar grants of between $50,000 and $5 million to develop and commercialise climate change solutions. Today it is my pleasure to announce that the complementary Retooling for Climate Change program is open for business. It offers manufacturers grants of between $10,000 and $500,000 to make their operations more water wise and energy efficient. The program will meet up to one-third of the projects costs. Like Climate Ready, it is worth $75 million over four years. Both programs are targeted to small- and medium-sized enterprises.

Interest in Retooling for Climate Change is already high and more than 300 people have attended seminars to introduce the program over the last week. Additional seminars are planned to meet the demand. The program will support initiatives such as small-scale cogeneration plants to capture waste energy and convert it to electricity. It will support measures to capture stormwater and recycled waste water for use in the production processes. It will provide support for better insulation and schemes to recover waste heat from greater energy efficiency. It will assist in re-engineering to accommodate carbon-cutting tools and processes. Retooling for Climate Change will deliver great environmental outcomes that will put our small manufacturers on a more sustainable footing, and it will help secure jobs for the future.

Australian manufacturers are already responding to climate change. Figures from the Australian Bureau of Agricultural and Resource Economics tell us that the manufacturing sector reduced its energy consumption in 2006-07 despite increasing its production, its employment and its exports. Retooling for Climate Change will accelerate this process. It will help set Australia on a high-growth, high-employment path to a low-carbon future.

Senator PRATT—Mr President, I ask a supplementary question. I would like to know if business groups have called for more assistance to deal with climate change.

Senator CARR—I thank Senator Pratt for her question. The $75 million Retooling for Climate Change program is one of three initiatives under the government’s $240 million Clean Business Australia program, which includes the Green Building Fund and Climate Ready. In September last year the Australian Industry Group found that, while
businesses are committing to tackle climate change and other environmental concerns:
Companies clearly need more information on how they can improve sustainable practices, they need a better understanding of an emissions trading scheme, and they need better incentives, particularly for small to medium firms.
Labor is meeting its election commitment to establish Clean Business Australia because we recognise just how important it is for governments to work in partnership with industry to tackle the threat of climate change. Clean Business Australia is part of a broader energy approach. *(Time expired)*

**Workplace Relations**

Senator ABETZ (2.56 pm)—My question is to the Minister representing the Minister for Employment and Workplace Relations, Senator Ludwig. Why has there been an 800 per cent increase in strikes in the first six months of the Rudd Labor government?

Senator LUDWIG—The Rudd government is pleased to be able to stand up and talk about fairness in industrial relations. The Liberals have been a bit flat since Work Choices went under the wheel. Nevertheless, the government believes that industrial disputes are serious. The government’s Forward with Fairness policy explicitly states that the government will have clear, tough rules about industrial action. The government recognises the impact that industrial action can have on working families, businesses, communities and the Australian economy.

Under the Rudd Labor government industrial action will be protected in only limited circumstances: during bargaining for a collective enterprise agreement and following a mandatory secret ballot. Industrial action in pursuit of pattern bargaining will be unlawful. The regulations of secondary boycotts will stay in the Trade Practices Act 1974. If unprotected action is taken, ready access to effective remedies will be available to affected parties. As has been previously noted, the number of collective agreements due to be renegotiated in the first half of 2008 increased significantly compared with the same period in the previous year. This can be attributed to people locking in their collective agreements before Work Choices took effect in March 2006. The number of significant actions is not surprising. Before Work Choices came in, people locked into certified agreements to ensure that they could get through Work Choices. They were hopeful that the Rudd Labor government would be successful and would destroy Work Choices. They understood the unfairness that Work Choices brought. They understood that thousands of working mums and dads and people out there in the community would be stripped of conditions and pay through Work Choices.

Overall, industrial disputes have declined since 1993. Working days lost per 1,000 employees declined from 26.4 in 2005 to 14.9 in 2006 and then to 5.4 in 2007. For the June quarter 2008, there were 60 disputes—up from 39 in the March quarter of 2008. Working days lost per 1,000 employees have increased to 9.2 in the June quarter 2008—up from about 4.6 in the March 2008 quarter. That is from the ABS industrial dispute data for the June quarter 2008. What the Liberals have to understand is that this increase includes a high level of continued industrial action in the education, health and community services areas. One of the things that the Liberals have failed to recognise is that, as a consequence of their Work Choices, people had delayed enterprise bargaining and they had locked in certified agreements. As part of the overall bargaining process, when certified agreements now come up people can take protected industrial action for their certified agreements. What this government stands for is to ensure that we do have fairness in the industrial relations system, fair-
ness that ensures that working mums and dads can get the outcomes— *(Time expired)*

Senator ABETZ—Mr President, I ask a supplementary question. I note the minister sought to justify the 800 per cent increase in strikes in the first six months of the Rudd Labor government as being the result of enterprise agreement negotiations. Does he agree with the Australian Bureau of Statistics data which show that 74 per cent of the strikes in the last six months had nothing to do whatsoever with agreement making? Will the minister now correct the record and tell us why there has been this 800 per cent increase? You cannot hide behind agreement making.

Senator LUDWIG—I reject the propositions put by Senator Abetz in this place. Senator Abetz knows that Work Choices stripped conditions and stripped money from people’s pockets. That is what Work Choices did—and this Liberal opposition are still signed up to Work Choices. They still want to ensure that Work Choices drives down wages and drives down productivity. What this government wants to do is ensure that we have a fair industrial relations system that encourages productivity.

Senator ABETZ—Mr President, on a point of order: the supplementary question was very specific in relation to the false numbers that the minister provided in his original answer. The Australian Bureau of Statistics puts the lie to the minister’s assertion—and I asked him specifically about that. He can go on a bash with regard to the coalition but it does not answer the question.

The PRESIDENT—On the point of order: as you know, Senator Abetz, I cannot tell the minister how to answer the question. I draw the minister’s attention to the relevance of the question. Senator Ludwig, you have 20 seconds in which to answer the question.

Senator LUDWIG—Thank you, Mr President. I could take longer than 20 seconds but if that is all I have got let me say that what the Liberals do not like is my talking about how unfair their Work Choices legislation was, how it ripped conditions from ordinary working mums and dads and how it ensured that those people would suffer under their Work Choices legislation. *(Time expired)*

Senator Chris Evans—Mr President, I ask that further questions be placed on the Notice Paper.

THE NATIONALS AND LIBERAL PARTY LEADERSHIP AND OFFICE HOLDERS

Senator CHRIS EVANS (Western Australia—Leader of the Government in the Senate) (3.03 pm)—by leave—I congratulate Senator Joyce on his appointment as Leader of the Nationals in the Senate. I was not in the chamber when I understand he made that announcement this morning, so on behalf of the government I congratulate him on his election, wish him well and hope that his independent mind continues to be on display in his new role.

I also acknowledge Senator Scullion’s performance as Leader of the Nationals in the Senate previously. His contribution to the Senate will not only continue, but I do appreciate the leadership he provided and the constructive way he did his duties. Also, on behalf of the Labor government, I acknowledge Senator Ellison’s announcement today that he is stepping down from the front bench. Senator Ellison has always been a worthy and decent opponent, and I wish him all the best for the future. I understand he is staying with us for a while, but I do acknowledge his service both as a minister and as a frontbencher for the Liberal Party.

Senator MINCHIN (South Australia) (3.05 pm)—by leave—I join with Senator...
Evans in warmly congratulating Senator Joyce on his election as the Leader of the Nationals in the Senate. He has been a very strong advocate for rural and regional Australia in the three years that he has been in this place. He has made a big contribution to our coalition, both in government and in opposition, and I am sure he will be a great ally to us in our opposition to the great many faults of this Labor government. I look forward to working with him in opposition. I also join with Senator Evans in congratulating Nigel Scullion on his leadership of the National Party in the Senate. I thank him for his cooperation with us both in government and in opposition. I look forward to working with Senator Scullion in his role as Deputy Leader of the federal National Party, a role he will perform superbly.

I also join with Senator Evans in acknowledging the tremendous role that Senator Ellison has played for the coalition as both Manager of Government Business in the Senate and Manager of Opposition Business in the Senate, the most difficult of tasks as those on the opposite side know. He has done it with great skill and endeavour and patience and tolerance, as well as being an outstanding minister in the previous government. I join with Senator Evans in wishing Senator Ellison a very happy and prosperous future.

Senator BOB BROWN (Tasmania—Leader of the Australian Greens) (3.06 pm)—by leave—I spoke earlier about Senator Ellison but he was not here at the time, so I want to repeat that he is a good bloke. He has been very good to work with, very honourable and a very decent member of the Senate who has worked hard here. When the time comes, I wish him many post-Senate years of happiness. Senator Scullion, likewise, is a very good, friendly opponent and, on occasions, an ally to work with. We welcome Senator Joyce to the front bench.

Senator BOB BROWN—He is a great advocate—

Government senators interjecting—

Senator Conroy—Now you’ve made him blush!

Senator BOB BROWN—I do not know why there should be such merriment about this. Senator Joyce is a great advocate for rural and remote Australia. I think all Australians also recognise his ability to be very independent in adjudicating on decisions in this place and he is to be congratulated for that. I hope he enjoys the role that he has now been given.

Senator FIELDING (Victoria—Leader of the Family First Party) (3.07 pm)—by leave—Family First congratulates Senator Joyce on his appointment as Leader of the Nationals in the Senate. I do not know whether that means he moves from being a neighbour of mine in the same corridor, which was originally very quiet. Anyway, I wish him well on that. I also wish Senator Scullion well. I thank him for his work and linking in. Senator Ellison will be missed from the front bench.

Senator JOYCE (Queensland—Leader of the Nationals in the Senate) (3.08 pm)—by leave—I am not going to congratulate myself for being here—

Government senators interjecting—

The DEPUTY PRESIDENT—Order!

Senator JOYCE—but, on behalf of the National Party, I would like to congratulate Senator Ellison, who is respected throughout the chamber as an extremely decent advocate for Western Australia and also as an extremely decent person to work with. I concur with the remarks of Senator Evans, Senator Minchin, Senator Bob Brown and Senator Fielding that he will be a loss to this place—not by reason that he is leaving right now,
but by reason that his interaction in its current form is going to go to a more respectable part of the bench.

QUESTIONS WITHOUT NOTICE:
TAKE NOTE OF ANSWERS

Age Pension
National Security

Senator BERNARDI (South Australia) (3.09 pm)—I move:

That the Senate take note of the answers given by the Minister for Immigration and Citizenship (Senator Evans) to questions without notice asked by Senators Fisher and Brandis today relating to single age pensions and to terrorism trials.

It must be particularly galling for the myriad listeners out there who listen to the Senate during question time for a serious question to be posed to the Leader of the Government in the Senate about how pensioners are doing it tough only to get a flippant answer that simply belittles the inquiries and the efforts the coalition are making to redress the cost-of-living problems for pensioners. How belittling it is to have the Leader of the Government in the Senate talking about pensioners and saying this is a stunt. This is not a stunt by the coalition. We are simply advocating that cost-of-living pressures are crippling many pensioners. Two million of them are on the age pension in this country; two million of them need a cost-of-living pay rise of at least $30 a week in their pensions.

While Senator Evans and his merry band of men who occupy the ministerial wing are in complete denial about this and are refusing to do anything about it, what are the backbench of the Labor Party doing? Fortunately there are some advocates in Senator Evans’s very own faction who are out there in caucus—I read in the *Australian* today that Labor backbenchers are pushing for a one-off bonus payment because they understand, just like the coalition understands, that pensioners are doing it very tough. This is the Labor Left, of which Senator Evans purports to be a member. They have been ignored in caucus and in cabinet, and we understand that because we know who really rules the roost for the Labor Party.

But what about the priorities of some of the other Labor members of parliament? How galling must it be, in a week where we are talking about pensioners being forced to eat jam sandwiches and tins of baked beans and reports of some of them eating dog food—as abhorrent as that is—to have Mr Murphy in the lower house saying the portions of beef stroganoff are not large enough for his wife. That is occupying the time of the government in the lower house. They are saying, ‘My wife’s portion of beef stroganoff from the staff cafeteria in Parliament House is not big enough and there’s not a big enough selection of food.’ If that does not indicate that this is a government with its priorities completely wrong, then I do not know what does. The simple facts are that pensioners are doing it very tough in this country. We have had a few ministers say: ‘Yeah, we couldn’t live on $273 a week. Yeah, we couldn’t do it but we’re not going to do anything about it pending a review’—another review! We have had enough reviews; what we need is some action.

Later on we are going to hear from Labor about how, in 12 years, the coalition government did not do anything, which is absolute nonsense. They are trying to reinvent history and are going to get another member of the Labor Left faction—in fact, the Socialist Left faction—come out and belittle the economic achievements of the former government. Mr Deputy President, it is complete nonsense over there. No matter what Labor say, the coalition did a great deal for pensioners. In the two minutes I have left, I accept the fact that there has been an increase in the utilities payment and that there has been a one-off bonus paid under this
government, but they have still done nothing significant to redress the fact that people cannot afford to eat, they cannot afford to put petrol in their cars—they cannot survive on the single pension.

The Labor Party are resting on their laurels already: after six months of doing very little, copying a few coalition election promises, they still have not done anything because they have not got an idea. But what will we see? We will probably see the portions of beef stroganoff increased before they increase the age pension. That is a shame on this government. I do not know how they can live with themselves, because in their electorates their own backbenchers know—maybe the Labor senators are in denial about it because they are so removed from things—just like the coalition know because we are in touch with the community, that pensioners are doing it very tough. So, rather than play petty politics and the blame game and talk about all of these things that are irrelevant, why don’t the government address the issue of giving pensioners more? Let them live on more. They need more money to simply survive. When are they going to stop being in denial about it? I am interested in hearing the answer, because if the contributions from the Labor Party this afternoon are going to be the denial and the mocking shown by their leader in the Senate, then Australian pensioners are in for a very rough ride. (Time expired)

Senator MARSHALL (Victoria) (3.14 pm)—What a remarkable contribution by Senator Bernardi. Since November last year, all of a sudden all these revelations have come to the now opposition. After 11½ years in government of not seeming to know anything—the world was fine and everything was great: ‘We were doing everything for everybody’—all of a sudden, since November last year, everything is bad. It is a revelation! They have just worked out in the last eight months that pensioners are doing it tough. Eleven and a half years of doing absolutely nothing, and you have just worked it out! The hypocrisy coming from that side of the chamber is absolutely shameful. You should be ashamed of yourselves. Cheap politics—that is all you want to play. This is an opposition—

The DEPUTY PRESIDENT—Order! Senator Marshall, address the chair.

Senator McGauran—And be serious about your answer. Stop your acting!

The DEPUTY PRESIDENT—Order! Senator McGauran! Senator Marshall, address the chair.

Senator MARSHALL—Thank you, Mr Deputy President. I am not surprised that the squawkers over there like Senator McGauran want to say, ‘Tell us something else!’ I understand that a former minister in your government actually took a proposition to the cabinet of the former government to raise pensions and it was rejected. Did we hear Senator McGauran or Senator Bernardi complaining about that? Did we hear any of that? No, we did not hear any of that then. What a disgraceful performance!

What an opportunist opposition it is that wants to get up and just make cheap political points when it knows that we are fundamentally going to address the underlying needs for the pension in the future and fix the system which it neglected and failed to take any reasonable steps on for 11½ years. It is not as if we do not understand the tough times many people in our community, particularly pensioners, are going through. That is why we addressed many of those issues with a down payment in our very first budget.

When we were elected in November last year and delivered the budget in May this year—not that long ago—we addressed some of the fundamental needs of pensioners on the understanding, as we have been saying
ever since, that we needed a complete over-
haul of the pension system in this country to
make it fairer, to make it more equitable and
to actually deliver better outcomes, not just
cheap shots that the opposition wants to
throw up. It wants to give out a few extra
dollars, which would then have flow-on ef-
fects on allowances and other benefits and
would leave people worse off in many cir-
cumstances.

We need to take an overall look at the
whole pension system and address the whole
issue to make pensioners better off across the
board, not just single pensioners but couples,
disabled pensioners, disability support pension-
ers, veterans—everybody. We want to
get that right. That is what the work that we
are doing is about. In the less than 12 months
that we have been in government, we have
been working on this issue and we will ulti-
mately deliver a better, fairer, equitable sys-
tem for the future for all pensioners, instead
of taking the lazy political position that the
previous government took, which was sim-
ply: stopgap here, stopgap there, act when
the politics get a little bit too hot but never
do anything structurally.

This government recognises that right
now many people who are wholly dependent
on the pension are struggling to cope with
rising living costs. We have the guts to actu-
ally say it and we have the guts to actually
do something about it—not this political
harping over there and not the political op-
portunity that we see from a miserable op-
position that never lifted a finger. They
thought that everything was fine while they
were in government, but now there has sud-
denly been this great revelation. Well, we
knew about the problems that you had when
you were in government and we are working
hard to fix them.

The government has already taken action
to provide extra support to pensioners, which
includes a $500 bonus payment for seniors
that benefits some 2.7 million pensioners. So
we have not done nothing, as the harping and
squawking that was coming from over there
would suggest. Over 3.2 million are benefit-
ing from a higher rate of utilities allowance,
now $514 a year. Under our government this
allowance has been extended to carer pay-
ment and disability support pensioners for
the first time. Did I hear Senator Bernardi get
up and say, ‘I congratulate the government
for doing that for the first time. I wish we’d
done that in government’? No, I never heard
any of that because, again, in government
they thought it was all okay. It is only now
that they are in opposition with their croco-
dile tears that they think there is a problem.

(Time expired)

Senator CORMANN (Western Australia)
(3.20 pm)—The Rudd Labor government
do not care about pensioners. The Rudd Labor
government do not care about the cost-of-
living pressures faced by older Australians. If
you want to find out what the Rudd Labor
government think about anything, do not
listen to what they say but watch what they
do—and they do nothing. Other than setting
up a committee, they do nothing. We now
find out that the Prime Minister had compre-
hensive advice from the Department of
Families, Housing, Community Services and
Indigenous Affairs on how to help pensioners
more than five months ago. What did they
do? Nothing—they set up a committee. What
a cynical smokescreen!

Before the election they were telling us,
‘We’re going to help working families with
cost-of-living pressures.’ What have they
done since then? They have set up a couple
of committees and some bureaucracies to
watch prices go up. They should join us in
practical initiatives like the $30 a week in-
crease in the single age pension, rather than
this constant cynical manoeuvring and trying
to hide behind yet another one of those bu-
reaucratic processes that Kevin Rudd likes so much.

Not only are they not doing anything to put downward pressure on the price of petrol, groceries and all the other cost of living expenditure items but they are actually pushing up prices. The government in their first budget increased spending by $15 billion and taxes by $20 billion over the forward estimates. They have introduced a tax, which is before the Senate right now, that is going to impose $2 ½ billion worth of additional tax on the North West Shelf gas project in Western Australia and that will push up the price of gas and electricity for families, pensioners and businesses in Western Australia. So, rather than bringing the price of anything down, they are pushing prices up. They have also brought in a measure to increase Medicare surcharge thresholds. Who is going to be hurt? Pensioners, who will be forced into longer queues and who will have to wait longer for access to public hospital treatment.

We heard again today this lazy criticism: ‘For 12 years you did nothing.’ Let me go through some of the things that we did when we were in government. We decided in 1997 to link the age pension to growing incomes—25 per cent of male total average weekly earnings—rather than to the cost-of-living increases, the CPI. We legislated for the age pension to be set to at least 25 per cent of male total average weekly earnings or to be increased by the CPI, whichever was greater. As a result of this, pensions are higher now than they would have been. We increased pensions at two per cent a year above the rate of inflation. We introduced a utilities allowance to assist pensioners with the cost of utilities bills such as gas and electricity. We have done a whole range of other things. We were a government that took action. If we were still in government now we would be taking action. Quite frankly, rather than continuing to stall and hide behind committees and further inquiries, the Rudd Labor government should take some action. They should join us in committing to an increase of $30 per week in the base rate of single age pensions and they should support all of the other practical initiatives that we have put forward in recent weeks.

What we have had here today is yet another example of a government that do a lot of talking, that put a lot of rhetoric out there, but it is really all just a fraud. They tell you one thing and then do another and they think the Australian people are not going to notice. In the lead-up to the budget we were told for six or seven months that we had to fight inflation, we had to cut spending, that this was going to be a difficult budget, and that unless we made some tough decisions and cut spending it would be the end of the world as we knew it. What did we get? A $15 billion increase in spending and a $20 billion increase in tax revenue through new tax measures. This is pushing up inflation, not bringing it down. This is pushing up the cost of living for older Australians and pensioners in particular. This government should be ashamed of themselves. They should actually start taking the cost-of-living pressures that are being faced by older Australians in particular much more seriously than they are. Quite frankly, if they were fair dinkum about helping pensioners, they would make a declaration today, here and now, that they support our proposal to increase the single age pension by $30 a week.

Senator FURNER (Queensland) (3.24 pm)—May I firstly congratulate you, Mr Deputy President, on your appointment. This is the first time I have had that opportunity. This is the first time I have had that opportunity. Mr Deputy President, you have heard the opposition in this chamber today, both in the matters of public interest debate and also in this debate, say that the Rudd government does not care about pensions. What a furphy,
because if you examine the facts—and the facts are quite clear—you will find that this government in its first budget increased pensions by $15.40 per fortnight, effective 20 September, and by $12.70 per fortnight for partner pensions. That is the commitment that was given in the budget. There is also the bonus increase of $500 to all eligible pensioners—the increase in utilities allowance of a further $500. Those are the commitments that were given by the Rudd Labor government in its first budget.

There was also an increase in the seniors concession allowance from $218 to $500 a year and a range of other improvements for pensioners. These are commitments that cannot be disputed. The opposition had 12 years in a situation where they had record surpluses in just about every budget they ran. The Treasurer at the time, Peter Costello, brought down a budget in which he predicted he would have a $10 billion surplus. Then all of a sudden it was another $15 billion. These are the irresponsible measures of a past, tired government that was not in a position to help our pensioners, and now they have the hide to come into the chamber today claiming that the Rudd Labor government is not prepared to do anything for pensioners. What nonsense!

The previous government also left us with high interest rates—interest rates that had gone up 10 times in a row. The only time the interest rate decreased was recently. On the last 12 occasions that interest rates were considered by the Reserve Bank, only on the last occasion was the rate decreased. The opposition, when in government, gave us high interest rates, inflation on a runaway path and left the Labor government with a situation of having to bring down its first budget in economic circumstances of high interest rates, the prospect of continuing high interest rates and increased inflation affecting food prices, rent and so on. These are the very things that affect pensioners and low-income earners the most.

Let us look at new data that is in circulation. This week a new report by the Melbourne Institute shows that elderly Australians were left behind by the Howard government. The data is based on the Household, Income and Labour Dynamics in Australia Survey, the most comprehensive longitudinal survey of Australian life. The report clearly shows that the Howard government neglected older Australians, with the standard of living growth slower for older Australians between 2001 and 2005. This was on their watch. Over one-third of elderly lone male households, 34 per cent, and elderly lone female households, 35 per cent, were persistently income poor—that is, poor in all five years between 2001 and 2005.

When the previous government had the power to act, they did nothing. Now they are interested in pensioners! They come to the chamber putting up ridiculous proposals for short-term political gain. Unlike the opposition, this government is determined to get this right for the long term. We will soon be completing a comprehensive investigation into the structure and adequacy of the pension.

Interestingly, we have had the new Leader of the Opposition, Mr Turnbull, saying that he supports an immediate increase in the base rate of the pension and the government’s investigation of the pensioner system. What do the opposition want? What are they really seeking? On the one hand they are saying that we should increase the base rate and then on the other hand they are saying that we should investigate the pension system. Mr Turnbull must decide which position he is taking. He cannot support both Brendan Nelson’s political quick fix that left 2.2 million pensioners out in the cold and the government’s commitment to fixing the system.
for the long term. The opposition have put forward a proposal, off the top of their heads, to introduce a private member’s bill to increase the pension by $30 a week. They sat around in this building for 12 long years—

(Time expired)

Senator KROGER (Victoria) (3.30 pm)—In the 13 weeks since 1 July, when I was fortunate enough to join you in this chamber—although this is now only my third week sitting in the chamber—one thing I have found is the extraordinarily audacious claim to the moral high ground that those on the other side of the chamber take in relation to all matters of government. But the one thing that I particularly find appalling is the way in which they advocate that they own the rights to compassion and that it is they alone who understand the needs of Australians. Since being in government—only nine months—it is so clear that they not only do not own the rights to compassion but they actually do not care and do nothing about it for all Australians. The one thing I have observed in the last three weeks in this chamber is that they blame everything on the previous Howard-Costello government. They do that because they have no idea about what is necessary to govern for all Australians in this country.

Earlier, Senator Sherry referred to a big surplus buffer and how irresponsible it would be of the government to not maintain that surplus. We then heard from Senator Marshall, but I was not sure what it was we heard from him. His theatrics were such—because he was focusing on the cameras—that I was distracted from the content of what he was saying. And my fellow senator Senator Furner has learnt well from his colleagues when it comes to blaming the former Howard-Costello government.

The whole point here is that the pensioners themselves do not consider these to be political stunts. The pensioners themselves are absolutely scandalised at the disdain with which the Rudd Labor government treats them. Of all pensioners, it is the single pensioners who are the most hurt here. Single pensioners on fixed incomes have no capacity to deal with increasing grocery costs, yet we heard as an election pledge from the Prime Minister himself that grocery prices would come down. Fuel prices and energy prices have also escalated out of control. In Victoria, if our pensioners cannot afford fuel and decide to catch public transport—if they are game enough to put their own personal security at risk—they actually find there is no room for them on the transport system either. They are not being catered for and they are not being looked after.

In one of the electorates in the state that I represent—the Deakin electorate in Victoria—we have some 14,350 residents who are either partnered or single pensioners who are all worse off. In February this year, Mike Symon—he is the member for Deakin, for those who do not know him, which is quite possible because he is a man missing in action in Deakin—said that ‘cost of living issues’ were ‘of concern to many residents’. He added:

With a large percentage of residents over the age of 65 there was much concern voiced over aged care and pensions …

He was pledging to the people of Deakin that he would look after them. Rather than looking after them, he has gone into hiding. He is treating them with the same disdain as all pensioners are treated by the Rudd Labor government.

Finally, it is reported that 30 per cent of pensioners have less than $1,000 in their bank accounts. They have no buffer. The response of the Rudd Labor government is to hold more inquiries. There is an inquiry that will conclude in around six months time,
which will then roll over into the Henry re-
view, which is anticipated in 2009. Pension-
ers cannot afford to wait. With 30 per cent of
pensioners only having a thousand bucks in
their bank accounts, there is no buffer for
them to deal with this. (Time expired)
Question agreed to.

Wool Industry

Senator MILNE (Tasmania) (3.35 pm)—
I move:
That the Senate take note of the answer given
by the Minister for Innovation, Industry, Science
and Research (Senator Carr) to a question without
notice asked by Senator Milne today relating to
the Commonwealth Scientific and Industrial Re-
search Organisation wool scour at Belmont in
Victoria.
The issue here is that we have a very sub-
stantial industry around Australia in rare and
natural fibres. There are more than 8,000
people involved in value-adding from their
rural enterprises through developing, breed-
ing and achieving in the field of rare and
natural fibres. But because of the small vol-
umes involved they need a scour in order to
clean and process the wool fibre and get it
back to them so that they can value-add the
product. The cuts to the CSIRO have meant
that the CSIRO’s scour at Belmont in Victo-
ria is to be sold. That was devastating news.
It is devastating firstly in terms of CSIRO
research into wool and, secondly, it is devas-
tating to the 8,000 or more producers around
the country who are dependent on it to value-
add.

After a huge amount of pressure from the
industry around the country, the minister
gave an undertaking that when they put the
scour to tender they would look to ensuring
that it would be operational for five years
and would continue to support these people
in their endeavours. In the meantime some of
them have been told to get their wool proc-
essed in New Zealand, which would double
the cost of the yarn. Others have been told,
‘With regard to the alpaca, pack it up and
send it to Peru and get it back from there,’
which of course would double costs. This is
unacceptable from the government.
However, the industry understood the
minister had given them an undertaking that
an audit would be done before it went to ten-
der, so that when it did go out to tender peo-
ples looking at the business would consider
exactly the nature of these 8,000 businesses
around the country. That audit was not done
and I have spoken to Senator Carr since
question time and he says he never gave an
undertaking to do the audit. He was asked to
help find some money for the audit to be
done and there was no money forthcoming.
The result is that the industry has not had the
audit for the benefit of those who might be
interested in the tender process. It was al-
ways understood that the dryer would be part
of the tender process. Now we find that the
tender documents did not include the dryer.
That means that whoever tenders for it is
going to be up for at least another half a mil-
lion dollars to buy a dryer because there is no
point in having the scour without the dryer. I
do not know why the government put to ten-
der a facility without the dryer and that has
to be clarified.

It seems to me that the government has
not had a successful tenderer because no-one
could meet the terms of the tender document
and it should now readvertise. I have been
told of at least one business interested in the
scour that did not apply because it did not
include the dryer and they knew that it would
cost them another half a million dollars to be
able to put a dryer in there to make the busi-
ness operational and viable. The government
needs to go back and put it out to tender with
the dryer associated because without it that
just makes a mockery of the whole thing.
I make the point here as well that we in this country have dropped the ball entirely in terms of wool research. We used to ride on the sheep’s back. It seems now we are content to be stuck in the coal pit and we have let the wool industry go. The wool industry needs to really think about what it is doing. Over the last couple of days New Zealand has announced the development of new fibre as a result of their agricultural and research program. They now have a stab resistant and flame resistant fabric based on wool. They have their non-woven, windproof fleeces as well as their natural, easycare, 100 per cent wool shirting and suiting fabrics. Our neighbours across the Tasman are committing to long-term research and it is not happening here. So I say to the minister and the government: we want the dryer with the scour put out to tender again with some real consultation to keep the industry viable around the country.

Question agreed to.

NOTICES

Withdrawal

Senator BARNETT (Tasmania) (3.40 pm)—Pursuant to notice given at the last day of sitting, I now withdraw business of the Senate notice of motion No. 1 standing in my name for today.

Presentation

Senator Moore to move on the next day of sitting:

That the Community Affairs Committee be authorised to hold public meetings during the sittings of the Senate, from 3 pm, as follows:


Senator Moore to move on the next day of sitting:

That the time for the presentation of reports of the Community Affairs Committee be extended as follows:

(a) special disability trusts—to 16 October 2008; and

(b) petrol sniffing and substance abuse in central Australia—to the last sitting day in March 2009.

Senator Sterle to move on the next day of sitting:

That the Rural and Regional Affairs and Transport Committee be authorised to hold a public meeting during the sitting of the Senate on Thursday, 18 September 2008, from 4.30 pm, to take evidence for the committee’s inquiries into the management of the Murray-Darling Basin system and the Emergency Water (Murray-Darling Basin Rescue) Bill 2008.

Senator Coonan to move on 22 September 2008:

That the following bill be introduced: A Bill for an Act to amend the Social Security Act 1991 to increase payments to single age pensioners and part pensioners by $30 per week. Urgent Relief for Single Age Pensioners Bill 2008.

Senator Fifield to move on the next day of sitting:

That the Senate condemns the Rudd Government for its reckless management of the Australian economy in a time of global economic challenge, including:

(a) the Government’s irresponsibility in talking down the Australian economy;

(b) the massive collapse in consumer and business confidence since the election of the Rudd Government;
(c) the delivery of a budget that forecasts an increase in unemployment;
(d) the Government’s raising of inflationary expectations and failure to honour its promise to address cost of living pressures; and
(e) the absence of a coherent economic strategy and a focus on presentation rather than policy.

Senator Ludlam to move on the next day of sitting:

That the Senate—

(a) notes that:

(i) 18 September 2008 marks one year since the peaceful uprising in Burma that became known as the ‘Saffron Revolution’, led by Buddhist monks, many still in detention or their whereabouts unknown, and

(ii) two weeks of peaceful marches and rallies calling for democracy were brutally suppressed by the Burmese military regime at the cost of an unknown number of lives, injuries and ongoing detention;

(b) calls on the Australian Government to:

(i) work actively within the United Nations (UN) to challenge the credentials of the State Peace and Development Council (SPDC) holding the seat at the UN,

(ii) propose a set of benchmarks for measuring the success of UN engagement with the SPDC, including the release of all political prisoners as a benchmark for the December 2008 visit to Burma by UN Secretary-General Ban Ki-moon,

(iii) use all diplomatic and economic means available to achieve the release of all political prisoners including Daw Aung San Suu Kyi, the approximately 200 monks and nuns and others arrested since September 2007,

(iv) urge the SPDC to stop all religious persecution, guarantee freedom of religion and respect the fundamental human rights of all the people of Burma,

(v) make a priority of Australian foreign policy measures to have the SPDC engage in inclusive and time-bound dialogue with the pro-democracy and ethnic representatives to achieve genuine democracy, and

(vi) evaluate what other measures the Government can take in direct or indirect support of the Burmese pro-democracy movement; and

(c) expresses its ongoing support for the democratic aspirations and human rights of the people of Burma.

Senator LUDWIG (Queensland—Minister for Human Services) (3.40 pm)—I give notice that, on the next day of sitting, I shall move:

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

First Home Saver Accounts (Further Provisions) Amendment Bill 2008

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

Leave granted.

The statement read as follows—

FIRST HOME SAVER ACCOUNTS (FURTHER PROVISIONS) AMENDMENT BILL 2008
FIRST HOME SAVER ACCOUNT PROVIDERS SUPERVISORY LEVY IMPOSITION BILL 2008

Purpose of the bills

These bills will include further provisions in the law covering First Home Saver Accounts, introduce a levy on First Home Saver Account providers and make technical amendments to ensure that the law operates as intended.
Reasons for Urgency
Passage in this sitting is required as First Home Saver Accounts will be able to be offered from 1 October 2008.
(Circulated by authority of the Treasurer)

COMMITTEES

Rural and Regional Affairs and Transport Committee

Extension of Time
Senator McEWEN (South Australia) (3.41 pm)—by leave—I move:
That the time for the presentation of the report of the Rural and Regional Affairs and Transport Committee on the examination of annual reports tabled by 30 April 2008 be extended to 13 November 2008.
Question agreed to.

State Government Financial Management Committee

Extension of Time
Senator McEWEN (South Australia) (3.41 pm)—by leave—I move:
That the time for the presentation of the report of the Select Committee on State Government Financial Management be extended to 18 September 2008.
Question agreed to.

CITIZENSHIP DAY
Senator ELLISON (Western Australia) (3.42 pm)—I move:
That the Senate—
(a) notes:
(i) that Wednesday, 17 September 2008 is Citizenship Day,
(ii) the Coalition established this day of commemoration of the diversity of the Australian community in 2001,
(iii) this is a day to celebrate the contribution to the wealth and progress of Australia by our diverse society and a tribute to all those who have contributed to and continue to build Australia’s future, and
(iv) that Australian citizenship is the cornerstone of our inclusive and culturally diverse society, representing loyalty to Australia and its people, a shared belief in the democratic process, respect for the rights and liberties of other Australians and a commitment to uphold and obey Australia’s laws; and
(b) urges the Rudd Labor Government to ensure that there are sufficient resources available so that all those who sit the test can adequately prepare for and understand the citizenship test.
Question agreed to.

ONLINE ACCESS TO PARLIAMENTARY DOCUMENTS FOR PEOPLE WITH DISABILITIES
Senator PARRY (Tasmania) (3.43 pm)—At the request of Senator Bernardi, I move:
That the Senate—
(a) notes the difficulties experienced by people with a disability, particularly people with vision impairment, in accessing some formats of Senate documents online; and
(b) calls on the Government and the Department of the Senate to ensure all Hansard and Senate committee documents are made accessible via the Internet to people with a disability as soon as they become public.
Question agreed to.

COMMITTEES

Legal and Constitutional Affairs Committee

Meeting
Senator McEWEN (South Australia) (3.43 pm)—At the request of the Deputy Chair of the Legal and Constitutional Affairs Committee, Senator Barnett, I move:
That the Legal and Constitutional Affairs Committee be authorised to hold a public meeting during the sitting of the Senate on Thursday, 18 September 2008, from 4 pm, to take evidence for the committee’s inquiry into the Independent Reviewer of Terrorism Laws Bill 2008 [No. 2].
Question agreed to.

DEFENCE AMENDMENT (PARLIAMENTARY APPROVAL OF OVERSEAS SERVICE) BILL 2008 [No. 2]

First Reading

Senator LUDLAM (Western Australia) (3.44 pm)—I move:

That the following bill be introduced: A Bill for an Act to amend the Defence Act 1903 to provide for parliamentary approval of overseas service by members of the Defence Force.

Question agreed to.

Senator LUDLAM (Western Australia) (3.44 pm)—I present the bill and 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 LUDLAM (Western Australia) (3.45 pm)—I move:

That this bill be now read a second time.

I seek leave to table the explanatory memorandum relating to the bill and to have the second reading speech incorporated in Hansard.

Leave granted.

The speech read as follows—

DEFENCE AMENDMENT (PARLIAMENTARY APPROVAL OF OVERSEAS SERVICE) BILL 2008 [No. 2]

The Defence Amendment (Parliamentary Approval of Overseas Service) Bill 2008 was initiated by the Democrats and supported by the Australian Greens who now take carriage of the bill.

This is the latest iteration of Bills generated by Senators in this place since 1985 that have aimed to increase the transparency and accountability of governments by involving parliamentary discussion and scrutiny of the decision to deploy Australian military forces to overseas conflicts.

This bill seeks to address the absence of checks and balances on the power of the Executive which are characteristic of, and broadly considered essential to, any functioning democracy. Under the Defence Act of 1903, the Prime Minister can commit Australian troops to conflict zones without the support of the United Nations, the Australian parliament or the people. The Prime Minister can exercise this power as part of the Government’s prerogative powers, or through a Cabinet decision.

The absence of appropriate checks and balances on this decision-making power saw the Australian Prime Minister rapidly deploy troops to an illegal war in Iraq in 2003 without consulting the people’s representatives in Parliament. A lesson can and must be learned from this kind of mistake, which is more easily made when a handful of people take closed and secret decisions on behalf of a nation without due consultation or participation. The Howard government was the first government in Australia’s history to go to war without the support of both houses of Parliament. This bill provides an opportunity to ensure this never happens again.

The responsibility of sending Australian men and women into danger and quite possibly to their deaths should not be solely on the shoulders of a handful of leaders, but more broadly shared by policy makers and the public they represent. While citizens do delegate responsibilities to leaders by electing them into power, the democratic system includes an ongoing forum for discussion where leaders must provide reasoning and accounting for their decisions, the Parliament. Citizens that do regularly participate and contribute to public debates through engaging their representatives are denied their democratic right to participate in the gravest decision of sending the country into war, which often has implications far into the future.

This bill would bring Australia into conformity with principles and practices utilized in other democracies like Denmark, Finland, Germany, Ireland, Slovakia, South Korea, Spain, Sweden, Switzerland and Turkey where troop deployment is set down in constitutional or legislative provisions. Some form of parliamentary approval or consultation is also routinely undertaken in Aus-
tria, the Czech Republic, Italy, Japan, Luxembourg, the Netherlands and Norway.

The very source of our own Westminster system, the United Kingdom has this year transferred the prerogative power to declare war, ratify treaties and appoint judges from the executive to the parliament. Our ally the United States has a similar provision that subjects the decision to go to war to a broader forum; Section 8 of the US Constitution says that “Congress shall have the power to declare War”.

Arguments against utilising our democratic structures on the important issue of troop deployment made by governments include that it would be “impractical”, “restrictive” and “inefficient”. Such arguments ignore the fact that Parliaments can and do make complex and nuanced decisions, and rapidly when necessary. While autocracies or dictatorships may well be more speedy and efficient, they are not legitimate or acceptable forms of government. Similarly, decisions about war and peace made in undue haste that do not enjoy the mandate of the population are not legitimate or acceptable, especially when they involve sending Australia’s sons, daughters, fathers and mothers into battle.

There are appropriate exemptions made in the bill that do not interfere with the non-warlike overseas service with which Australian troops are engaged.

The international community supports countries emerging from conflict in a process known as ‘security sector reform’. During this post-conflict reconstruction phase, security forces are retrained and importantly, decision-making is restructured to conform to democratic principles. A core component of regaining public faith in an effective security sector is placing it under democratic control. One standard espoused by the international community is military forces coming under the general rules of parliamentary control, accountability and other procedure seen as important in establishing transparent and legitimate government.

It is time that Australia joined its closest allies and like-minded democratic states by involving the Parliament in the decision to send troops into battle.

I commend the bill to the Senate.

Senator LUDLAM—I seek leave to continue my remarks later.

Leave granted; debate adjourned.

RESTORING TERRITORY RIGHTS (VOLUNTARY EUTHANASIA LEGISLATION) BILL 2008

First Reading

Senator BOB BROWN (Tasmania—Leader of the Australian Greens) (3.45 pm)—I move:

That the following bill be introduced: A Bill for an Act to amend certain territory legislation to restore legislative powers concerning euthanasia and to repeal the Euthanasia Laws Act 1997, and for related purposes.

Question agreed to.

Senator BOB BROWN (Tasmania—Leader of the Australian Greens) (3.45 pm)—I present the bill and 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 BOB BROWN (Tasmania—Leader of the Australian Greens) (3.46 pm)—I move:

That this bill be now read a second time.

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

Leave granted.

The speech read as follows—

RESTORING TERRITORY RIGHTS (VOLUNTARY EUTHANASIA LEGISLATION) BILL 2008

This is a bill for an Act to restore the rights of the Northern Territory, Australian Capital Territory and Norfolk Island legislative assemblies to make laws for the peace, order and good government of their territories, including their right to legislate for voluntary euthanasia. The bill repeals the
Euthanasia Laws Act 1997, through which the national parliament overturned this right, and specifically, the Northern Territory’s Rights of the Terminally Ill Act 1995.

In February this year, I introduced a bill, The Rights of the Terminally Ill (Euthanasia Laws Repeal) Bill 2008, to the Senate. The bill was the subject of a Senate Committee inquiry by the Legal and Constitutional Affairs Committee. The inquiry received over eighteen hundred submissions from individuals, academics and community organisations and held public hearings in Darwin and Sydney. The report of that Committee recommended a number of amendments which have been adopted in the bill I introduce today. In particular it should be noted that this bill does not restore the Northern Territory Rights of the Terminally Ill Act 1995. It does however restore the rights of the Northern Territory legislature to make laws about voluntary euthanasia in the future.

In 1995, the Parliament of the Northern Territory passed a law which reflected not only the will of Northern Territorians, but also the strongly held views of the majority of all Australians. Every opinion poll conducted over the last two decades has shown that approximately three-quarters of Australians support the concept of voluntary euthanasia. A poll conducted by Roy Morgan in June 2002 found that seventy percent of those surveyed thought the law should be changed to allow a hopelessly ill patient to seek assistance from a doctor to commit suicide; and seventy-eight percent thought the law should be changed so that it is no longer an offence to be present at such a suicide. A Newspoll in February 2007 found that eighty percent of Australians believe that terminally ill people should have a right to choose a medically assisted death. This poll also found that twenty two percent of respondents nationally have had a personal experience of a close relative or friend being hopelessly ill and wanting voluntary euthanasia. It has been consistently reported that each year hundreds of terminally ill people are assisted to an early and dignified death by compassionate medical professionals.

In the decade since the Euthanasia Laws Act was introduced here, the legal right to die with dignity has been available to the citizens of The Netherlands, Belgium, Oregon in the United States, Israel and Albania. In Switzerland, assisted suicide has been legal since 1918. Introduction of such laws has not led to a significant increase in the number of people choosing this option. For example in The Netherlands after an initial increase the percentage of deaths as a result of euthanasia, the number has decreased from 2.6% in 2001 to 1.7% in 2005. In Oregon, according to the health department annual report, an average of 29 individuals has died each year as a result of their Death with Dignity Act - in a population of 3.5 million.

In 1995 the Northern Territory Assembly led the way in Australia by giving its citizens the option to end their suffering with dignity and medical support. In 1997, Canberra removed that right. This bill will redress that action and restore the legislative rights of the governments of the Northern Territory, the ACT and Norfolk Island to make decisions that both affect their citizens and reflect their views and concerns. In so doing, it reflects the heartfelt views of the majority of Australians on this important issue.

I commend the bill to the Senate.

Senator BOB BROWN—I seek leave to continue my remarks later.

Leave granted; debate adjourned.

FOOD COLOURINGS

Senator SIEWERT (Western Australia) (3.46 pm)—I move:

That the Senate—

(a) notes:

(i) recent research published in *The Lancet* (vol. 370, 3 November 2007) that highlights possible negative behavioural impacts on children associated with the consumption of the following food colourings: Tartrazine (lemon yellow) (102), Quinoline yellow (104), Sunset yellow (110), Carmoisine (red) (122), Ponceau 4R (red) (124) and Allura red AC (129),

(ii) that in April 2008, the United Kingdom’s Food Standards Agency called for a ban on the use of these food col-
ourings and the voluntary removal of these colourings by food manufacturers,

(iii) that in July 2008, the European Parliament passed legislation mandating the labelling of any food products containing these colourings, and

(iv) that these food colourings are currently approved for use in Australia by Food Standards Australia New Zealand; and

(b) calls on the Parliamentary Secretary to the Minister for Health and Ageing (Senator McLucas) to place the issue of banning these food colourings on the agenda of the Australia and New Zealand Food Regulation Ministerial Council scheduled for 24 October 2008.

Senator McLucas (Queensland—Parliamentary Secretary to the Minister for Health and Ageing) (3.46 pm)—Mr Deputy President, I seek leave to make a short statement.

The DEPUTY PRESIDENT—You have been granted leave for two minutes, Senator McLucas.

Senator McLucas—Thank you. I appreciate that there is concern in the community amongst a range of people about food colourings. I can advise the Senate that FSANZ has assessed the study referred to in the motion and has concluded that this study provides some evidence of a weak and limited effect on children’s behaviour of the food colour mixtures used. The results of the study do not provide a credible basis for public health concern and certainly do not provide the necessary scientific evidence to amend the existing permissions in the Food Standards Code.

FSANZ has concluded that the results were not consistent with respect to age and gender of the children, the effects of the two mixtures of additives tested and the type of observer. The data provides no information on dose response. The effect size was small and of unknown clinical or practical relevance. The study design uses mixtures of colours combined with preservatives and it is not possible to identify the effects of the individual additives. Further, there is no known plausible biological mechanism that might explain the possible link between the consumption of colours and behaviour.

FSANZ’s conclusions are consistent with separate and independent reviews conducted by the United Kingdom committee on toxicity and the European Food Safety Authority. Neither the UK Food Standards Agency nor the European Food Safety Authority has proposed to ban the colours used in this study and neither agency has concluded that the study provides a credible basis for such action.

In the context of Australian and New Zealand dietary intakes, the Southampton study did not test a real dietary exposure scenario that is relevant to Australia and New Zealand as the drinks given to the children contained food colours at a concentration based on maximum permitted levels in food rather than actual manufacturing levels. The combinations—

The DEPUTY PRESIDENT—Order! Senator McLucas, leave was granted for two minutes and you have been in excess of that for some time now.

Senator McLucas—Mr Deputy President, I seek leave for a very short finishing sentence.

Leave granted.

Senator McLucas—Thank you. The combinations and concentrations of colours used in the Southampton study are not present in food products available to the public in Australia and New Zealand. Notwithstanding the overwhelming view that the Southampton study is not sufficient cause to instigate any further tightening of the permissions in the Food Standards Code, FSANZ is
in the process of estimating the amounts of a range of colours that are consumed by Australian children based on the analytical concentrations found in a recent food study, and that report will be able to be provided later this year.

Question put:
That the motion (Senator Siewert’s) be agreed to.

The Senate divided. [3.54 pm]
(The Deputy President—Senator the Hon. AB Ferguson)

Ayes......... 7
Noes......... 45
Majority....... 38

AYES
Brown, B.J. Fielding, S.
Hanson-Young, S.C. Ludlam, S.
Milne, C. Siewert, R. *
Xenophon, N.

NOES
Adams, J. Arbib, M.V.
Bilyk, C.L. Birmingham, S.
Bishop, T.M. Boyce, S.
Brown, C.L. Bushby, D.C.
Cameron, D.N. Carr, K.J.
Cash, M.C. Colbeck, R.
Collins, J. Conroy, S.M.
Cormann, M.H.P. Crossin, P.M.
Eggleson, A. Ellison, C.M.
Farrell, D.E. Feeney, D.
Ferguson, A.B. Fierravanti-Wells, C.
Fifield, M.P. Fisher, M.J.
Forsyth, M.G. Furner, M.L.
Humphries, G. Hurley, A.
Joyce, B. Ludwig, J.W.
Lundy, K.A. Marshall, G.
McEwen, A. McGauran, J.J.
McLucas, J.E. Moore, C.
Nash, F. Parry, S. *
Polley, H. Pratt, L.C.
Ryan, S.M. Sterle, G.
Troeth, J.M. Williams, J.R.

* denotes teller

Question negatived.

MATTERS OF PUBLIC IMPORTANCE
Murray-Darling River System

The DEPUTY PRESIDENT—The President has received a letter from Senator Fisher proposing that a definite matter of public importance be submitted to the Senate for discussion, namely:

The failure of the Rudd Government to deliver its promise of evidence-based policy when working towards a solution for the water crisis facing communities throughout the Murray-Darling Basin, including:

(a) its attempts to both bring water back into and distribute water from the Basin, and in particular:

(i) the purchase of Toorale Station and foreshadowed conversion of a food and fibre producer to a national park, and

(ii) the construction of a pipeline to take 110 gigalitres of water from the Basin to supply the city of Melbourne; and

(b) its failure to act to better collect, store, use and re-use water.

I call upon those senators who approve of the proposed discussion to rise in their places.

More than the number of senators required by the standing orders having risen in their places—

The DEPUTY PRESIDENT—I understand that informal arrangements have been made to allocate specific times to each of the speakers in today’s debate. With the concurrence of the Senate, I shall ask the clerks to set the clock accordingly.

Senator JOYCE (Queensland—Leader of the Nationals in the Senate) (3.59 pm)—The Labor Party is really conjecturing on this. This is the absolute personification of Labor Party management. We have had some $23.75 million of this nation’s resources put towards the purchase of Toorale Station so that about 14 gigalitres of water can be removed from the station at this time. It will probably merrily go down the river for about
100 kilometres or 200 kilometres—we do not know; we do not even know if it goes into a charged system—and will quickly dissipate. There is an acknowledgment with this purchase that it is probably not going to do very much if in fact anything at all to relieve the pressure on the Lower Lakes and the pressure on Adelaide’s water requirements.

At the same time that this decision has been made, the same Labor government, through Mr Garrett, has approved the north-south pipeline in Victoria and the removal from the system of about 110 gigalitres of water. So, 110 gigalitres of water are going to be removed from the system and removed from where the system is charged—that is, there is a connection of water from the top to the bottom, where it actually has effect. At the same time, with a pious look on their faces, they are also including the purchase of Toorale, which they all acknowledge will have no real consequence for what happens in the Lower Darling—apart from the fact that they can hold it up and say, ‘Well, at least we did something.’

This something that they did with $23.75 million of the nation’s money was done, we find, without even an inspection. Senator Heffernan brought this up here the other day: it was made without even an inspection; it was bought sight unseen. This is a peculiar way for the finances of the nation to be managed by the Labor Party, which holds itself out to be fiscally responsible. This is a $23.75 million example of their fiscal responsibility: they will purchase an asset, sight unseen, that has no effect but to grab a headline.

We know what the effects of this sort of arbitrary decision-making process will be. We will see the effects of this sort of decision on the people who live proximate to the purchase site, the people of Bourke. The people of Bourke are going to have to deal with the fact that one of the big employment providers in their area is now under attack, the irrigation industry. It seems strange in the extreme that at the start of the new parliament we and Mr Rudd had the Sorry Day. We all believed that it was bona fide, that his word was his bond and that this was about making a meaningful difference to the Indigenous people of our nation. And yet one of the first decisions of real effect will decimate the economy where they live. In this area, one of their main employment opportunities is going to be decimated by this decision.

This is typical of the Labor Party. There is a gap between their rhetoric and their actual delivery of substance. The rhetoric was Sorry Day; the substance was the destruction of the economy of Bourke and of the economy of the Indigenous people who live in that area. The rhetoric was Fuelwatch; the substance was a scheme that was actually going to force the price of fuel up. The rhetoric was GroceryWatch; the substance was that they were going to vote to repeal the Birdsville amendment so as to put more pressure on the independents, reduce competition in the market and force up prices. This is the typical separation between the rhetoric and the substance of a Labor government.

Going back to Toorale Station, what are they going to do with this? Not only do we have the removal of employment opportunities for people in the area but we have the fact that this is going to be of absolutely no consequence to the people in the Lower Lakes and in South Australia. This is inconsequential. We are talking about 14 gigalitres from Bourke when they need about 1,000 gigalitres in the Lower Lakes. They are still 986 gigalitres short. And by the time this water gets there—unless they transport it there in little plastic bottles—there will not be any gigalitres; there will be no water that makes it down there. Why? Because of transpiration and evaporation and because of the
fact that it is going into a non-charged system that has to permeate through to charge up the system to get it to South Australia.

What has Australia really purchased? For their $23.75 million, they have managed to create serious consequences for all those people who have houses or businesses in Bourke. They have managed to completely threaten the economy of the people of Bourke. They have managed in the same breath to have Mr Garrett take 110 gigalitres out of the system in a way that actually does have an effect and move it to Melbourne. They have managed to go through this whole process without even sending anybody up to inspect the asset that they are buying. They are doing this on the premise that they are fiscally responsible! They have sent a shudder through the whole surrounding area as people now see a government making arbitrary decisions that have huge ramifications for the people there.

Where is the socioeconomic statement that the Labor Party put forward to show to the people of that area that they had the wider implications of this decision in mind? What are they going to do with this Toorale Station after purchasing it? We hear that they are going to turn it into a national park. They are removing productive land and turning it into a national park. For what purpose? What is the environmental benefit of that? Maybe they will be able to table some report justifying this on environmental grounds and clearly laying out what the environmental benefit of turning Toorale Station into a national park will be for our nation. What flora or fauna are we trying to protect in turning it into a national park?

Have they even considered this, or is this yet another example of the processes of a Labor government: jingoistic rhetoric on a position that is only there for the six o’clock news and after that has no real consequence whatsoever—except that somebody somewhere in Australia has to go to work to pay for that $23.75 million? As we all know, all Australians work for the government on Monday and Tuesday. They will be extremely happy to know that they are going to work to purchase an asset that is going to have no effect whatsoever in solving the problems of the lower Murray-Darling, and especially the southern lakes. I know that the Labor Party are going to be able to find people who are willing to sell. Without a shadow of doubt, people under stress are going to be willing to sell. But the implications of these decisions go far further than that.

At a time when the economic conditions in our nation are paramount, when they should be absolutely and clearly focused on the ramifications of the decisions they make about how our nation is run and how this economy will be able to deal with the stresses that will be placed on it by issues both domestic and international, they have shown us as a clear example that on this issue they had no real study into that. We have also had from the Labor government in Queensland the so-called ‘release’ of water from the Warrego. It was the release of water that was never actually captured. It was the release of water that was never actually in a ring tank. It was the release of water that did not actually exist. This is apparently part of the other sort of substance, the benefaction of the Labor governments to our nation.

Why couldn’t we have had a better expenditure of this money on other things, maybe even looking further at desalination, recycling or processes that could actually deliver something to Senator Fisher’s state of South Australia? Why couldn’t we have had a reasonable expenditure on a project that has a long-term future to deliver something to the people of Adelaide rather than this rhetorical purchase, this squandering of the nation’s wealth? It is a sad day indeed when this sort...
of process is peddled out there. I believe it did not even go to the Murray-Darling Basin Commission—I think that it did not even feature in any negotiations with them. That is the arbitrary nature of government that is emanating from a certain room on the lower floor of this parliament and it has now become profound in the way this nation is governed.

Senator FARRELL (South Australia) (4.09 pm)—I would have thought that Senator Fisher would have been too embarrassed to put her name to this particular resolution because, like me, she is a senator from South Australia.

Senator Fisher—Are you embarrassed?

Senator FARRELL—I would be embarrassed if I were you to have put your name to this resolution.

Senator Fisher—I am embarrassed about Labor’s inaction.

The ACTING DEPUTY PRESIDENT (Senator Hutchins)—Order, Senator! You have got your seven minutes coming up.

Senator FARRELL—Yes, she would be embarrassed, because for all the years that the Howard government was in power—those 11 disastrous years for Australia—the federal cabinet was chock-a-block full of South Australians. There was Minchin, Vanstone and Hill. Pyne even got a go. There was Downer. There were all these South Australians in the Howard government cabinet, and for all the time they were there they must have been seeing all of the scientific data that is now available to us about the catastrophe that was about to engulf the Murray River. They must have seen that information, but what did they do? They did nothing. They did not spend a single cent on providing additional water for South Australia. Now we have a cabinet minister from South Australia who is doing exactly what should have been done under the Howard government.

Senator Ian Macdonald—She is hopeless!

Senator FARRELL—No, she is not hopeless; she is a very good minister. She is doing what every good South Australia cabinet minister should do. She is doing exactly what every good cabinet minister should have been doing under the Howard government but wasn’t. What were they doing? They were spending all their time in that cabinet working out ways of ripping penalty rates from 15-year-old shop assistants. They were not worried about water at all. They were worried about Work Choices and how they could take money out of the pockets of young working Australians. They were not just working out how to do it; they were advertising. I found out today when I asked the Parliamentary Library how much money was spent by the former government on advertising Work Choices. The only figures that are available so far are those for the period 2005-06. The figure is $31.8 million.

Senator Ian Macdonald—This debate is about water!

Senator FARRELL—Yes, and I am getting to the point about water. That money that was absolutely wasted on Work Choices could have been spent on buying water for South Australia, and of course it was not. It was not spent; it was wasted on Work Choices and it should have been spent on water. We have got a South Australian cabinet minister, Minister Wong, and she has spent some money. She has gone out there and has made some of the hard choices that are going to have to be made. It is all about hard decisions. There are no easy options.

Senator Fisher—It is all about the right decisions!
Senator FARRELL—Yes, and she is making the right decisions because she is buying water.

Senator Fisher interjecting—

The ACTING DEPUTY PRESIDENT—Order, Senator Fisher!

Senator FARRELL—I know that you do not want to hear the truth, Senator Fisher, but you have got to listen. The truth is that Senator Fisher says to us that we have got to fix the problem of the Murray but they do not want to buy the water that is needed to send down the Murray to fix the problem. She is opposed to the federal government assisting the New South Wales government to buy this particular station to provide 20 gigalitres of water. I notice that Senator Joyce referred to 40 gigalitres of water so they have not even got their facts right. Toorale Station will provide 20 gigalitres of water each year into the Murray. I know that it is a small amount but we have got Senator Fisher opposing this water going into the Murray.

But there is another senator for South Australia—Simon Birmingham. He put out a press release on 7 July 2008. In it he said: Senator Birmingham joined Independent Senator Nick Xenophon—yes, joined Senator Xenophon—at a forum hosted by the Alexandria Council in Goolwa today where they backed calls by the council for the immediate release of 250 gigalitres of water from upstream storages.

We have Senator Wong doing exactly what Senator Birmingham from South Australia has asked her to do: buying some water upstream, releasing it into the river and starting to help the Murray to recover from all of the years of neglect by the Liberal government. Senator Birmingham has the right idea. He knows what South Australia needs: we have to go out there and buy some water. On the other hand, we have Senator Fisher saying, ‘No, you’ve bought this water; it’s the wrong decision.’

Senator Fisher—Tell us Toorale water will get to South Australia. You did yesterday.

Senator FARRELL—What do the South Australian Liberals want? Is this some sort of factional division that we are facing in members of the Liberal Party from South Australia? Is one a Nelson supporter and one a Turnbull supporter. Is that why we have this division in South Australia?

Senator Fisher—Tell us Toorale water will get to South Australia.

The ACTING DEPUTY PRESIDENT—Senator Fisher! I have warned you about a dozen times now. Do not interject again.

Senator FARRELL—Thank you for your protection, Mr Acting Deputy President. The reality is that Senator Wong is doing exactly what we need in South Australia. We need water. The purchase of Toorale Station is just the first step along the way. Labor understands that we have to provide drinking water for South Australia. We have to provide water for all those irrigators that Senator Xenophon talked about in the Riverland. We have to provide water for them and we have to try to save the Lower Lakes.

Labor has committed $3.1 billion to this process. The Liberal Party did not want to spend a zack. They were happy to spend money on advertising Work Choices, but they did not spend a zack to buy one drop of water. Labor is going to buy $3.1 billion worth and has started the process. This is the first step along the way to providing water to South Australia. Senator Joyce referred to Senator Heffernan’s claims that there had been no consultation about the sale. The truth of the matter is that the lands in the National Reserve System were assessed by officers of the Commonwealth Department of the Environment, Water, Heritage and the Arts using
information provided by the New South Wales Department of Environment and Climate Change. I think it is important to understand that the federal government is assisting in this purchase. It is actually the New South Wales government that is making the purchase. What Senator Heffernan said is not correct. There was an assessment made by the officers of the Commonwealth department.

So what are we doing at this particular station?

Senator Nash—Nothing.

Senator Farrell—We are doing something. We are buying from willing sellers. There is a suggestion around the place from a number of misguided senators that we want to compulsorily acquire this water. No, we are going out into the marketplace. We are looking for willing sellers and this was one of those willing sellers. Of course, we are providing assistance to the New South Wales government in the form of a grant so that they can make this purchase. Toorale Station will deliver 20 megalitres of water into the Darling to flow down the system. For those of you who are not mathematically inclined, that is 20 billion litres of water.

Senator Fisher—That sounds bigger.

Senator Farrell—Yes, it sounds like a lot and it is a lot. As a result of this purchase there will be lots of benefits to the wetlands along that section of the Darling River, including the Menindee Lakes, as well as to the Darling itself. This is all part of a water-sharing plan by the New South Wales government for the region—(Time expired)

Senator Siewert (Western Australia) (4.19 pm)—It is not often that we actually congratulate the government. I will freely admit that it is not often, but this is an example of where we do congratulate them. We have very publicly said that we think that the purchase of Toorale was a very important contribution.

Senator Chris Evans—What have you been smoking?

Senator Siewert—I did so publicly, Senator Evans. Mea culpa, I am on record saying that we congratulate the government and they have done a good job in purchasing that property.

Senator Chris Evans—Make sure Hansard got that.

Senator Siewert—Yes, we are making sure that has happened. Not only is this good for the Warrego; it is good for the Darling and it is good for the whole Murray-Darling Basin. On the one hand we have the coalition saying that we have to save the Lower Lakes, but, by the sound of it, on the other hand they are saying it cannot be done by buying water. What we are still obviously failing to grasp in this debate is that we have to change the way we manage the Murray-Darling system. We have grossly overallocated the system. Not only do we have the impact of climate change but—certainly, from the evidence that we received at the committee hearings that we have held so far into the Coorong and Lower Lakes—it sounds like we have grossly underestimated the impact that climate change and the reduction in run-off will have on the river.

This highlights yet again that we have to be managing the whole system. The purchase of Toorale is very important because it puts water back into the system, but it is also the beginning of the necessary restructuring that we are going to have to do. Yes, there may be some readjusting in the local area, but—I tell you what—there is going to be a massive restructuring in the area if it is not properly guided and is ad hoc. That will bring with it a lot of misery if we do not get ahead of the ball game. If we just let this happen by osmosis—or lack of osmosis, because there
ain’t gonna be any water—we are going to face a very bad situation in rural areas.

As Don Blackmore said the other day on national radio—Don Blackmore knows a thing or two about the Murray, let me remind people, having headed up the Murray-Darling Basin Commission for a number of years—it is about time we had an honest discussion about the Murray-Darling Basin. We need an honest discussion—no pretending that, if we close our eyes and do not listen, all of a sudden things are going to get better, we will return to normal and it will be business as usual. I am sorry. That is never going to happen. We can have an honest discussion where we actually allocate resources on a meaningful, purposeful basis that is fair and leads to the long-term sustainability of the environment, the river system, agriculture and the communities in that region. But, if we do not, we are going to end up with a series of crises, like that which is facing the Coorong, along all the wetlands along the Murray-Darling Basin. Buying Toorale and getting rid of the embankments there and allowing the Warrego to run free for the first time in a long time will have multiple benefits for the Murray-Darling system, for the wetlands along the system, for the river itself and for the native fish that are in that system. That station is one of the highest priority bioregions for protection of land as well. That area has very high biodiversity value, so the combination of the federal government working with the state government—unusual though that cooperation is—has a good shared outcome in terms of water for the river, for the ecosystems and for the native fish that are in that area. (Time expired)

Senator IAN MACDONALD (Queensland) (4.23 pm)—The Labor Party has been neglectful in the way it has dealt with the water in the Murray-Darling system for decades. The previous government had put aside a lot of money to address the problems in the Murray-Darling Basin, but the intransigence of the Victorian Labor government prevented that plan from ever being put into effect. So the Labor Party, under some real pressure to do something that they had not done for a decade past, have been looking around for stunts that will divert attention from their inaction.

I have to say with some regret that it is a pity that the minister is not here. I do not like saying this when she is not here to defend herself but her management of both climate change and water has been appalling. She had to come up with some stunt, so the Labor Party went out and bought Toorale Station—sight unseen, I understand—and, in doing that, they have destroyed a major impetus in that region. That was done without any suggestion of compensation for the people who will be put out of work and for the people who will be thrown out of their houses and thrown out of their jobs as a result of this decision. They have not done as the National Water Initiative suggested—and this is the New South Wales government’s problem in splitting the water licence from the land. In New South Wales, and Toorale Station as I understand it, the licence is attached to the land. Once they have shut down the usage of water on this land, the property is to be turned into a national park. We know about the New South Wales government’s—indeed, every state Labor government’s—administration of national parks: they become havens for feral pigs, feral animals and weeds, with no money offered for the proper management of what is left after the water has been taken from Toorale Station.

It does not stop there. The Labor government, in putting some 14 to 20 billion litres supposedly back into the Darling, have at the very same time facilitated the Victorian Labor government’s stealing of over 100 million litres of water from the system. The Toorale is well upstream—it will not have
any impact whatsoever at the mouth of the Murray-Darling system—but the water stolen by the Victorian government from the Murray system would have had a real impact. How can anyone attribute any credibility at all to the Labor Party—to the government here in Canberra and to the government in Melbourne—when on the one hand they are paying $24 million to get 14 to 20 billion litres of water into the Darling and, at the same time, letting six, seven or eight times that amount of water be stolen from the Murray-Darling system when that could have made a real difference at the mouth of the Murray? Why is the Victorian government stealing this Murray water? To flush the toilets of Melbourne citizens.

There were other alternatives available to the Victorian government to address the water problems that government has created through inaction in infrastructure over the past several years but, no, they chose the easy option: to steal the water from the Murray-Darling system. I wondered why Senator Siewert, in siding with the government on the Toorale purchase, did not make reference to this particular government’s—and to Mr Garrett’s in particular—facilitating the stealing of water from the Murray-Darling system to take it into Melbourne. If you were really serious about what happens at the mouth of the Murray, you would be doing something to get the water that is now going to Melbourne into the system and down to the lakes.

My friend and colleague Senator Heffernan, who unfortunately is absent today at a funeral, has pointed out some aspects of administration of the Murray-Darling by Labor governments, both state and federal, that really do require a very serious investigation. I note in passing that $24 million was paid to the Swire Group—the owner of Toorale Station—which has as one of its directors Sir Rod Eddington, who is the Labor government’s very close adviser on infrastructure and many other things. There is nothing particularly wrong with that, although it does muddy the waters slightly in relation to this acquisition.

So the whole position of the government, not only now but when they were in opposition, of opposing the previous government’s very deliberative and well-managed plans for the Murray really calls into question their commitment and their ability to manage this. We know that the Labor Party simply cannot manage money. In 10 short months they have really gone a long way to destroying all of the good work that Peter Costello did in the previous 11 years. It is a given fact that you cannot trust Labor governments anywhere with money, but we now find that you cannot trust the Labor Party and their governments with the management of water either.

I will never understand why the then opposition did not put more pressure on the Victorian government to join Mr Howard’s water plan, which set $10 billion aside to address the problems of the Murray. The Labor Party played politics in Victoria, played politics in this house and prevented that from happening. Now, when they have government in every state—except Western Australia, I should add—they are still unable to properly manage the problems in the Murray-Darling system. Sure, it is good to buy some water to put into the river, but it needs to be done right along the system. To at the same time allow the Victorian Labor government to steal water from the Murray system is just criminal. This government should stand condemned for facilitating the Victorian state Labor government’s stealing of water from the Murray system.

Senator STERLE (Western Australia) (4.31 pm)—I did promise myself that I would try not to politicise this debate this afternoon in my 10 minutes, but I have let
myself down because I am going to have to respond to Senator Macdonald’s absurd attack on Sir Rod Eddington. Fair dinkum! Talk about scraping the bottom of the barrel. But I do want to acknowledge Senator Siewert. Senator Siewert is my ex-deputy chair on the Senate Standing Committee on Rural and Regional Affairs and Transport, and I valued her input at every opportunity that we had to work together. She has not gone completely. Senator Siewert does pop in now again on certain inquiries, but she certainly put a non-political spin on the situation—the dire situation which is the Murray-Darling Basin.

I am so sorry—I wish I could wave some magical wand—but the sad reality is that we have been in drought for years. There is no magical wand to wave to make it rain. That side of politics can throw all this nonsense at us, and I am sure there will be some more nonsense—and I am not referring to Senator Fisher because she is sitting there; I am just saying there are other speakers from the opposite side that will have their say.

We know that on 10 September the New South Wales government reached an agreement with Clyde Agriculture to purchase the land and associated water rights on Toorale Station for $23.74 million, but may I say—no, not ‘may I say’; I will say—they did not have a gun stuck to their head. They did not have their arm twisted behind their back. They wanted to sell their water rights and their property and they did. The federal government took the responsible position and purchased it. It was not forced. They wanted to sell. I have heard some outrageous statements from Senator Joyce—and congratulations to Senator Joyce on leading the Nationals, although my money was on you, Senator Nash. I lost that bet, but I think it will come true sooner or later. But Senator Joyce carried on waffling something about Sorry Day—another derogatory political point to make, to the detriment of the stolen generation. That was disgraceful.

Let’s talk about the situation that is the Murray-Darling Basin and let’s talk about the purchase of Toorale Station. The purchase of Toorale Station will return on average 20 billion litres of water—20 billion litres that are not there now, 20 billion litres of water that have been welcomed by other irrigators and by environmentalists, 20 billion litres of water that they were not forced to sell but were happy to sell.

I become passionate when we start talking about jobs, to continue on Senator Joyce’s comments. It is sad if there are nine people employed at this station that may no longer have their jobs there. I did read that they would be offered jobs with New South Wales parks or somewhere like that, I think. But it is rich coming from the National Party, who rolled over and had their tummy tickled at every opportunity for a biscuit, a sugar cube or whatever it was every time that side of politics wanted to try and whack up workers under the guise of Work Choices. I find it really amazing that Senator Joyce can come riding in here on his white charger defending workers. How cruelly they have been treated because they might be offered a job with another employer! As my good colleague and friend Senator Farrell said, they did not give a damn when they were screwing over—sorry—giving employers an opportunity to strip hard-fought and hard-won conditions in awards and wages from young workers or workers who had English as their second language.

But I will continue. I will just say that significant environmental assets that will benefit from this purchase include some wetlands of national importance at Menindee Lakes as well as the Darling River itself. The recent CSIRO sustainable yields audit for the Bar-
The Murray-Darling system also found that the middle zone of the Darling Range between Bourke and Menindee Lakes is in poor condition, as is the whole Murray-Darling Basin.

To try and explain where we are coming from and where the argument is going, I have some statements here and I want to share them with the Senate and see if someone opposite can help me on where the coalition opposition actually sits on this important issue of the degradation of the Murray-Darling Basin. It may come as no surprise, but the coalition have seven positions—not one or two but seven positions. It just depends on what part of the Murray-Darling Basin they are talking about, whether they are down in Adelaide arguing over where the Coorong and the Lower Lakes are or whether they are happily, merrily skipping along the Top End, in Senator Joyce’s end in Queensland, in Bourke or wherever they are. But how can you have seven different positions?

I want to quote a few of them. I will share them with you, Mr Acting Deputy President.

**Position 1:** support for the Rudd government’s buyback, by none other than Mr Greg Hunt. On 29 April Mr Greg Hunt said: ‘We are’—and I assume he means the opposition, including the Nationals—’pleased that they are involved in the buyback.’ Great—good endorsement. That is wonderful. Let’s put the politics aside and move on to how we can address this dire situation. But then there is South Australian senator Simon Birmingham, who said in estimates on 22 February: … the government stated that the need to restore in the order of 500 billion litres to the Murray-Darling system was a matter of urgency—

I would agree with him there—

in part of your overall 1,500 billion litre commitment, which of course we all support.

Once again, ‘we’. I assume for you, Senator Nash, that would be the Nationals as well as the Liberals.

**Position 2:** buyback is meaningless. So, in the space of four or five weeks, it has gone from ‘support’ to ‘meaningless’. That was from Mr John Cobb, the member for Calare. I have to apologise: is Mr John Cobb a National or a Liberal? I do not know. You might be able to help me out, Senator Nash. Mr Cobb has said that Minister Wong’s announcement of a $50 million water buyback is ‘politics not policy’. We have Mr Cobb saying that it is meaningless; Senator Birmingham and Mr Hunt, who I believe is the shadow minister for environment or climate change, or something, are supporting it.

**Position 3**—this is a cracker—comes from none other than Mr Truss. I think he was still your leader on 29 April when he said that ‘shoppers will pay more because of Labor’s decision announced today to buy large quantities of water from farmers in the Murray-Darling Basin’. Maybe we should be spanked; maybe we should not give them the water so that they cannot grow food and we cannot buy it.

And here is this serial offender again: Mr Cobb. Help me out. Is he one of yours, Senator Nash? Sincerely, I am not being smart. I do not know. Of Minister Wong’s decision to buy $3.1 billion of water entitlements guarantees, Mr Cobb said something along the lines of, ‘Communities coping with the worst drought in living memory will go from a natural drought to a Rudd-made drought.’ We commit $3.1 billion for buying water to save the Murray-Darling and we have created the Rudd drought! Unbelievable.

**Position 4** is from Mr Christopher Pyne in Adelaide: ‘There should have been $1 billion spent on returning environmental flows into the Murray-Darling Basin.’

**Position 5** comes from another serial offender, none other than Mr Greg Hunt: ‘It won’t work.’ He was talking about buybacks. ‘Buybacks will not help the Murray. It can-
not help the Murray unless you make the efficiencies.’ For crying out loud! Senator Fisher, can your side of politics at least sing from the same hymn sheet or do you just make it up as you gallop from doorstep to doorstep? As soon as the microphone is shoved in front of a Liberal or National member of parliament, they think they have to comment on something they know nothing about or they are seen not to be supporting each other.

There are still another two positions. Position 6: not in my backyard. This is an absolute cracker from Dr Sharman Stone, the member for Murray, who said, ‘Minister Wong should conduct the buyback only on overallocated streams.’ A month later, Dr Stone said, ‘It is the overallocated areas in New South Wales that should be targeted to buy back water for the environment.’

They support it; they do not. ‘We should do it’; ‘We shouldn’t do it.’ No wonder the Australian population is confused listening to the rabble on that side. Position 7 is a purler. On 31 July on 5AA radio, the former leader of the coalition, when asked by the host, ‘Would you buy back licences compulsorily?’ answered, ‘I think that’s the kind of thing that needs to be considered in different parts of the basin.’ Fair dinkum! No wonder that side over there are an absolute and complete rabble. They embarrass themselves when they come in here and carry on after 11½ years of inaction—of doing absolutely nothing. Then 12 months after an election: ‘Oh, woe is us. We’ve got a problem in the Murray-Darling Basin. Woe is us. We’ve done absolutely nothing.’ The Rudd Labor government has been in power for nine months and all of a sudden it is our fault, after 11½ years of inaction—of doing absolutely nothing. Then 12 months after an election: ‘Oh, woe is us. We’ve got a problem in the Murray-Darling Basin. Woe is us. We’ve done absolutely nothing.’ The Rudd Labor government has been in power for nine months and all of a sudden it is our fault, after 11½ years of inaction. I commend Minister Wong on her action. I commend the Rudd Labor government for getting off its backside and realising that there is a problem in the Murray-Darling Basin and that no action is not a solution. No action is not an option. Something has to be done. (Time expired)

Senator HANSON-YOUNG (South Australia) (4.41 pm)—This is the fourth time in my three short weeks here as a senator that I have risen to talk about the plight of the Murray-Darling Basin, in particular the crisis we face in the Lower Lakes and the Coorong. While I agree with Senator Fisher that we are yet to see any real evidence based policy initiatives to address the urgency of the Murray-Darling water crisis, it is important to recognise the lack of action from the past government as well. It is important to recognise the devastating impact which decades of inaction and continued mismanagement from both sides of this chamber have had on the current state of Australia’s greatest river system. We must see positive action from state and federal governments on these issues, to allocate the lower Murray its fair share of freshwater flows and to alleviate ongoing damage that years of ineffective policy has had on our Storm Boy country.

In my home state of South Australia, the government has yet again failed this week to allocate any water from the increased flows for the environment. Again we have seen a lack of allocation for the river itself and a lack of allocation which has been prioritised to save the Lower Lakes and the Coorong. Despite the fact that we have had a small— and I acknowledge that it is small— improvement in the water volume available in South Australia, none of this has been shared with the environment and none of this has been allocated to the river itself.

On Monday this week during question time, I asked the minister whether or not a risk assessment had been conducted by the department on the devastating ecological and community impacts that flooding the Lower Lakes with sea water would have. We must
have a risk assessment before any government contemplates committing to such an environmentally devastating policy. We have heard evidence throughout the current Senate inquiry that once we let salt water flows into the lakes they will damage them in a way that will never allow them to fully recover. In response to my question and call for a risk assessment to occur as a matter of urgency, Minister Wong’s office has essentially passed the buck to the South Australian government to make a decision. Frankly, I do not care who does the risk assessment. No minister should be pushing for the flooding of salt water into the lakes without having all the facts. It is time that our governments, state and federal, started working together and it is time that our major parties started to accept that we have to change ‘business as usual’. We need to prioritise the environmental flows of the river right throughout the system and, in order for us to— (Time expired)

Senator FISHER (South Australia) (4.44 pm)—I rise to speak on this very important matter and to protest yet another failure of the government to keep their election promises—their failure to deliver evidence based policy to resolve the crisis facing the Murray-Darling Basin. Where is the Prime Minister’s evidence based plan to fix the problems facing the Murray-Darling Basin? Where is the Prime Minister’s evidence based action plan to resolve the crisis? In particular, where are the Prime Minister’s evidence based actions to bring water back into the system, to redistribute water from the system and to better collect, store, use and reuse water?

First, let us look at bringing water back into the system. Let it not be said that the coalition has an issue with buying back water or, indeed, trading in water. It was part of our policy. What the coalition has an issue with is adhocery and what is fast becoming Labor’s water madness. Where is the method in Labor’s proposals to resolve the crisis facing the Murray-Darling? Where is the method in what Labor is doing, or proposing to do, to bring water back into the basin? Buybacks and water trading are important provided that they are done on an evidence based platform and according to a method and not as part of Labor’s water madness, wherein there is no method—not one that can be discerned at this stage. What the coalition wants to see is Labor’s evidence. Where is the method to Labor’s water madness? You promised the electorate a method. You promised the electorate evidence based policy. No. 1 in terms of bringing water back into the system must be rebuilding the infrastructure that is used when carrying and utilising that water. If Labor does not tackle the infrastructure, then there is little point in bringing water back in because the same thing will happen to that water as has been happening to it thus far. So deliver the evidence based plan and the evidence based action to fix the infrastructure around the Murray-Darling Basin. Identify to the Australian electorate your plan for bringing water back in.

Look at the case of Toorale Station. Why purchase Toorale Station? Senator Faulkner’s answers in this place yesterday indicated that the government did not do any empirical analysis leading to their decision to purchase Toorale Station. Why Toorale Station? Why take a food and fibre producer out of the equation? Why this food and fibre producer? The government was not able to show, for example, that it has mapped Australia and identified those areas of Australia which currently enjoy water rights which may well be the areas that could most efficiently and properly be targeted for conversion so that that water can be brought back into the system for allocation elsewhere. Why Toorale Station? The empirical evidence has not been produced. Why the community around Toorale Station? Minister Wong says that
pain must be borne. Minister Wong, make the decisions and show us the evidence upon which you are making the decisions and taking the action in deciding which communities and where. Show us the strategic plan and the analysis that you have done to underpin it that then provides for those communities. This is not about state versus state, city versus country and user versus user if it is managed appropriately and in an evidence based way. Show us the method to your water madness.

In respect of Toorale Station, Senator Faulkner’s answer yesterday—and Senator Faulkner has undertaken to provide further information—indicated that, yes, it was federal government money that was provided for the purchase, yet he says the project was assessed at a state level by an independent advisory committee. If it is federal government money, one would have thought that the federal government would have done the assessment. Indeed, we are surprised to hear that the federal government apparently did not even visit Toorale Station prior to deciding that it is going to become a national park. On what basis has the government decided to convert a food and fibre producer to a national park? On what empirical basis have they made the decision to provide to the environment the 20 gigalitres of water purchased?

This brings us to the second stage: what is to be done with the water that has been realised? How is the government prioritising the redistribution of that water? We hear from time to time talk about the environment and talk about re-watering the river. We hear from time to time talk about human critical needs. How is the government defining those concepts? Where do farmers, irrigators and food producers fit in to the equation? What are the government’s priorities? On what basis has it formulated these priorities and what is its strategic plan to deliver them?

What is its definition of ‘critical human need’? The government must have one, presumably, because it is in charge. Yet those who have been involved in implementing part of what, at this stage, appears to be ad-hocery have not been informed by the government of what is meant by, for example, ‘critical human need’.

Senator WORTLEY (South Australia) (4.52 pm)—I rise to address the matter of public importance currently being debated in this place. Accusations from those opposite of ‘the government’s failure to act to better collect, store, use and reuse water’ are unbelievable. For an opposition senator to put up such a motion is an embarrassment. For nearly 12 years those opposite when in government failed to prepare Australia for the tough challenges of the future. The Rudd government is not sitting back with its feet up, nor is it turning its back on a crisis, denying its existence, like those opposite did. History will record that it was those opposite, in government for 11½ years, who failed to act to better collect, store, use and reuse water. It will not reflect kindly on their failure to do so.

So now, in government for only 10 months, the Rudd government is confronting the problem of historic overallocation, compounded by more than 10 years of drought and a future where it is likely there will be less water in the Murray-Darling Basin as a result of climate change. We know we need to act now for Australia’s long-term future, for our children’s future, to protect our economic security and to assist in protecting our environment.

As I have already said in this place, we have had so many different positions from those sitting opposite. What their position is depends on which state they live in or who they are speaking to. When they are downstream in South Australia they express out-
rage at the state of the Lower Lakes and then call for emergency action.

Senator Fisher—Same speech!

Senator WORTLEY—You can say it is the same speech; the message is the same. You change your message depending on where you are delivering it. The opposition cannot say they want to save the rivers but then say they do not want to send any water down them. They cannot have it both ways. When they are upstream in Victoria, they tell their constituents that the lakes cannot and should not be saved and that the government should stop purchasing water entitlements. Those opposite are all over the place on the issue of water.

The Leader of the Opposition, Mr Turnbull, said:

We’ve made it absolutely crystal clear that our plan is based on no acquisitions of water being other than from willing sellers.

The former Leader of the Opposition, Dr Nelson, when asked on Adelaide radio if he would buy back licences compulsorily, replied with:

Well I think that’s the kind of thing that needs to be considered in different parts of the basin …

It was then reported that the Victorian Nationals leader, Peter Ryan, communicated his concern over the comment to Warren Truss, who noted that Dr Nelson was speaking to a South Australian audience about the lower reaches of the Murray and ‘probably got caught up in the moment’. Perhaps, Senator Fisher, he got caught up in the fact that he was speaking to a South Australian audience. So, as I have already said, the coalition changes their position based on where they find themselves. That is not leadership. For 11½ years in government, the coalition lacked leadership when it came to our environment, particularly in addressing water needs and the health of our river systems.

We know there are no easy options. We know that hard choices have to be made. The Rudd government is the first federal government to purchase water entitlements. The opposition failed to deliver a single drop of water over their 12 years in government, they refused to support urban water infrastructure and now they want to spoil the government’s effort to improve the health of the rivers. The government is investing $3.1 billion in purchasing water from willing sellers so that water can be returned to the rivers to help improve their health. Let us be clear: we are not creating a false impression that any single intervention, any one act, will fix all of the problems of the Murray-Darling Basin or, for that matter, the Lower Lakes. There must be a concerted effort across the basin in purchasing water from those willing to sell and in improving infrastructure efficiency.

The opposition seems to be implying that somehow it was unfair for the government to be part of the purchase of Toorale Station. What they fail to say, though, is that Toorale Station was put up for sale. They wanted to sell and we wanted to buy. Let me also make it clear that the National Reserve System values of Toorale were assessed by— (Time expired)

Senator XENOPHON (South Australia) (4.57 pm)—The Murray-Darling crisis is arguably the greatest environmental challenge this nation has ever faced. It needs a national solution and it needs to be an informed, scientific solution. So I am deeply concerned that the federal government does not appear to be delivering on its promise of an evidence based approach to the Murray-Darling crisis. The environment in the Lower Lakes is dying. Countless irrigators in the Riverland face losing their homes and are being forced to witness the death of their communities.
So how, while all this is happening, could the federal government possibly approve the Victorian government’s north-south pipeline, which will take 110 gigalitres of water away from the Murray-Darling system every year and divert it to the city of Melbourne? How could the federal government have agreed to the purchase of the Toorale Station in New South Wales, using $24 million of taxpayers’ money, without consulting the Murray-Darling Basin Commission? And, more importantly for my state of South Australia, how could the federal government possibly be considering flooding the Lower Lakes with sea water without doing the necessary scientific research into the environmental impact of such a move?

I refer to evidence provided last week to the Senate Standing Committee on Rural and Regional Affairs and Transport inquiry into the Murray-Darling crisis by Dr Bill Phillips, the Director of RiverSmart Australia, who stated that the environmental impact of such a flooding is unknown. Dr Phillips argued very convincingly that allowing salt water into the Lower Lakes might lead to the destruction of significant parts of the Fleurieu Peninsula. This was certainly news to me and to others on the committee, and it was very bad news indeed. Dr Phillips said:

We do not know ... what will happen if you add sea water into that part of the system. It is highly likely it will end up in the groundwater systems, which could then flow up into the critically endangered Fleurieu Peninsula swamps. You might essentially kill off a critically endangered ecological community and the emu wrens that live there. So there are all sorts of collateral impacts that could happen from opening the barrages which force us to say that it has to be the absolute last resort.

I ask the government: what scientific study has been done on this doomsday scenario? Has the CSIRO been given the task and the resources needed to ensure that any plan to flood the lakes with salt water will not destroy the world-class wetland on the Fleurieu Peninsula and affect the groundwater? And has the CSIRO been asked to look into the role bioremediation can play in fighting the deadly spread of acid and salt in our soils?

We need to act quickly, but that is not the same as acting with undue haste. We need to act based on the best scientific knowledge available. In my first speech to this Senate a few weeks ago, I spoke of the importance of properly funding and ensuring the independence and effectiveness of bodies such as the CSIRO. I believe the approach of the government further demonstrates the need for this independence. (Time expired)

**The ACTING DEPUTY PRESIDENT**—
Order! The time for the debate has expired.

**COMMITTEES**

**Scrutiny of Bills Committee**

**Report**

**Senator NASH** (New South Wales) (5.00 pm)—On behalf of Senator Ellison, I present the 9th report of 2008 of the Senate Standing Committee for the Scrutiny of Bills. I also lay on the table Scrutiny of Bills Alert Digest No. 9 of 2008, dated 17 September 2008.

Ordered that the report be printed.

**Senator NASH**—I move:

That the Senate take note of the report.

I seek leave to incorporate Senator Ellison’s tabling statement in Hansard.

Leave granted.

**The statement read as follows**—

In tabling the Committee’s Alert Digest No. 9 of 2008, I would like to draw the Senate’s attention to clause 64 of the Safe Work Australia Bill 2008, which establishes the Safe Work Australia Special Account. If an Act establishes a Special Account and identifies the purposes of the account then, by virtue of section 21 of the Financial Management and Accountability Act 1997, the consolidated revenue fund is appropriated for those purposes.
Clause 64 of the Safe Work Australia Bill 2008 is, therefore, establishing a standing appropriation. Standing appropriations enable entities to spend money from Commonwealth revenue, subject to meeting legislative criteria. Their significance from an accountability perspective is that, once they have been enacted, the expenditure they involve does not require regular parliamentary approval and, therefore, escapes parliamentary control. They are not subject to approval through the standard annual appropriations process.

In its Fourteenth Report of 2005, the Committee stated that:

The appropriation of money from Commonwealth revenue is a legislative function. The committee considers that, by allowing the executive government to spend unspecified amounts of money for an indefinite time into the future, provisions which establish standing appropriations may, depending on the circumstances of the legislation, infringe upon the committee’s terms of reference relating to the delegation and exercise of legislative power.

In scrutinising standing appropriations, the Committee looks to the explanatory memorandum to the bill for an explanation of the reason for the standing appropriation. In addition, the Committee ideally likes to see:

- some limitation placed on the amount of funds that may be so appropriated; and
- a sunset clause that ensures the standing appropriation cannot go on indefinitely without any further reference to the Parliament.

In respect to the Safe Work Australia Bill 2008, the Committee noted from the explanatory memorandum that the amounts to be credited to the Safe Work Australia Special Account will come from the States and Territories and the Commonwealth, and will be the subject of an Intergovernmental Agreement. The Committee has sought advice from the Minister whether the Commonwealth contribution to Safe Work Australia could be subject to approval through the standard annual appropriations process, thus ensuring ongoing Parliamentary oversight.

I commend the Committee’s Alert Digest No. 9 of 2008 and Ninth Report of 2008 to the Senate.
pared as well. We are the only parliament, to the best of my knowledge, that has questions without notice. If we were to change the procedure so that all questions had to be placed on notice—as a primary question on the Notice Paper by 11 o’clock in the morning—it could save an enormous amount of preparation time by departmental officials and staff of ministers who prepare answers to questions that are never asked. As well as that, it would mean that ministers would then have no excuse for not knowing the topic that was going to be presented to them and they would have no excuse for not being able to answer questions.

Direct questions are rarely answered, yet we have other parliaments in the world where direct questions are directly answered, quite often in 30 seconds—not the sort of time that we take up here, in many cases. It is worth noting—and this is also in the report—that, while the standing orders of the Senate give senators the right to ask questions of ministers, there is no corresponding obligation on those questioned to give an answer. There are numerous rulings from Senate presidents, dating back to President Baker in 1902, that confirm and entrench this circumstance. This means that ministers, as long as they remain broadly relevant to the question, are free to answer as they see fit. This may take the form of simply reciting a preprepared brief on the matter or, in the case of the Senate currently, reading a preprepared answer from a monitor on a computer and providing only the key points that they wish to emphasise and/or using the opportunity to comment on the policy positions of other parties.

Question time is meant to be a time when the government has to account for its actions. I do not make any excuses for previous governments, because it is a practice that has taken place for as long as I can remember in this parliament. We see direct questions asked and short questions asked, which take four minutes to answer, and I have to say that most of the time those four-minute answers are scarcely or barely relevant to the questions that are asked. Another thing—and we see this in the other place—is that answers to simple, direct questions can take 10 or 15 minutes.

One of the things we are criticised for in this parliament is the unruly behaviour of members of parliament at question time. I tell you that the length of the answers and the prevarication that takes place are responsible, to a great degree, for the unruly behaviour that we see in question time. The Australian public judges its members of parliament by what it sees on television or what it hears, and the only part of Australia’s parliament that is televised completely is question time. Is it any wonder that the public’s opinion of members of parliament in Australia today—members’ standing in the community—is as low as it has ever been? How often do you hear people who come to this place, particularly the people who bring schoolchildren, say, ‘If my children behaved that way, they’d be sent to their room’? That problem is, I think, caused by lengthy answers. Short, direct answers that I have seen in other parliaments lead to far better behaviour than we ever see in the Australian parliament.

In particular, there are four proposals that I have made to the Procedure Committee which I would ask senators to comment on, because the Procedure Committee will be looking at this question again now that this report is available and circulated to senators. There are four major proposals that I wish to see used to radically alter question time as we know it today. The first of those proposals is that all primary questions be placed on a question time notice paper by 11 am. Ministers would then know that they would be asked a question that day; other ministers
would know that they would not be asked a question that day by the opposition or by other senators. If ministers have no question that day, their staff and the department can do work which is far more essential to the running of Australia than preparing answers for questions that are not going to be asked.

I have proposed that for each primary question up to six supplementary questions be allowed, which could be asked by any senator, not just the senator who asked the primary question. This is what takes place in all of the other Westminster style parliaments in the Commonwealth, particularly in New Zealand—which, incidentally, I think has the best question time I have ever seen in comparable parliaments.

The third proposal is that up to two minutes be allowed to answer a question. In the New Zealand parliament, rarely is two minutes ever used to answer a question, because questions are answered directly; a person might say yes or no and then say, ‘The reason I am saying yes or no is so and so.’ That is the way they answer their questions there. The questioner is usually allowed to ask one or two supplementary questions, and then anybody else in the chamber—government or minor parties—can ask supplementary questions on that same question. So I propose that up to two minutes be allowed for an answer to each primary or supplementary question. If it is long enough in all of those other parliaments, I cannot see why it cannot be long enough in the Australian parliament, to get a far more sensible and orderly question time.

The fourth proposal, and the one that I think is the most important, is that answers must be directly relevant to the question asked. In standing orders there is a very loose reference to relevance when people are in debate. In the section of the standing orders relating to question time nothing is said about relevance. So we have relevance that relates to other debates. Because of rulings that have been given in the past, the President says, ‘I cannot direct the minister on how to answer a question; I only refer him to the question.’ If it were in standing orders that each answer must be directly relevant to the question, we would have a far more effective question time, there would be far more opportunity for other senators to ask questions by way of supplementary questions, and all in all we would be far more effective—and not only for the people in this chamber. How often do you hear people outside say, ‘Why won’t they answer the questions?’ It is not any particular government that is guilty of this; all governments, of both persuasions, have been guilty of fudging questions for a long, long time. So I think that would be an important change.

I urge senators to read and comment on this report, because the Procedure Committee will be discussing it again. It is hard to make radical change, and this would be radical change. We have no control over what happens in the other place, but I would hope that by putting some of these ideas into practice the Senate may shame them into doing something about their question time as well. As I said, governments of both persuasions have been guilty. Unless any other senator wishes to speak to the report now, I seek leave to continue my remarks later.

Leave granted; debate adjourned.

MINISTERIAL STATEMENTS
National Consumer Law

Senator SHERRY (Tasmania—Minister for Superannuation and Corporate Law) (5.12 pm)—I table a ministerial statement titled Economics—A national consumer law, dated 17 September 2008
Commonwealth Ombudsman: Monitoring of Controlled Operations Report

The ACTING DEPUTY PRESIDENT (Senator Carol Brown)—I present the report of the Commonwealth Ombudsman for 2007-08 on activities in monitoring controlled operations conducted by the Australian Crime Commission, Australian Federal Police and the Australian Commission for Law Enforcement Integrity.

COMMITTEES

Senators’ Interests Committee

The ACTING DEPUTY PRESIDENT (Senator Carol Brown)—The President has received a letter from a party leader seeking to vary the membership of a committee.

Senator SHERRY (Tasmania—Minister for Superannuation and Corporate Law) (5.13 pm)—by leave—I move:

That Senator Bob Brown be appointed as a member of the Standing Committee of Senators’ Interests.

Question agreed to.

FIRST HOME SAVER ACCOUNTS (FURTHER PROVISIONS) AMENDMENT BILL 2008

First Reading

Bills received from the House of Representatives.

Senator SHERRY (Tasmania—Minister for Superannuation and Corporate Law) (5.15 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 SHERRY (Tasmania—Minister for Superannuation and Corporate Law) (5.15 pm)—I move:

That these bills be now read a second time.

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

Leave granted.

The speeches read as follows—

FIRST HOME SAVER ACCOUNTS (FURTHER PROVISIONS) AMENDMENT BILL 2008

Rising house prices and higher interest rates over the last three years have increased financial pressures on households and made it harder to save for a first home.

Home ownership is important to the wellbeing of Australians. In recognition of this, in the 2007 Federal election campaign, we announced that if elected, we would introduce First Home Saver Accounts.

First Home Saver Accounts are the first of their kind in Australia and will provide a tax effective way for Australians to save for a first home in which to live through a combination of Government contributions and low taxes.

For example, a couple each earning average incomes and both putting aside 10 per cent of their income into individual First Home Saver Accounts would be able to save more than $88,000 after five years.

Today, the Government is introducing Bills to implement some final parts of the scheme already passed in this place in June 2008.


The First Home Saver Accounts (Further Provisions) Amendment Bill 2008 includes various provisions to make the scheme operational. These include:

- a system for dealing with unclaimed money;
- amendments to secrecy and information sharing provisions between the ATO, APRA and ASIC; and
dealing comprehensively with family law situations.

Other amendments are also being made to ensure the accounts work as intended.

The changes also introduce a framework for imposing a levy on FHSA providers to provide funding for the Australian Prudential Regulation Authority to carry out its supervision of financial institutions which offer FHSAs.

The levy is consistent with the existing financial sector levy framework that funds APRA’s supervisory activities on a user-pays basis, and is modelled on the Retirement Savings Accounts supervisory levy.

Consistent with the existing financial sector levy framework, these Bills do not prescribe the amount of levies that will be imposed, as this is assessed each year and made by a Ministerial determination.

The Government is investing around $1.2 billion over four years in the First Home Saver Account policy, including administrative costs.

This is part of a package of measures costing $2.2 billion over four years to boost housing supply and assist those most in need; namely, first home buyers and renters on low and moderate incomes.

Full details of the measures in this bill are contained in the explanatory memorandum.

FIRST HOME SAVER ACCOUNT PROVIDERS SUPERVISORY LEVY IMPOSITION BILL 2008

The First Home Saver Account Providers Levy Imposition Bill 2008 is the second Bill in the package to finalise the Government’s First Home Saver Accounts scheme.

As described in the second reading speech to the main Bill, this bill imposes the levy to provide funding for the Australian Prudential Regulation Authority to carry out its supervision of financial institutions which offer FHSAs.

Full details of this bill are contained in the explanatory memorandum already presented.

Ordered that the reports be printed.

Senator MARK BISHOP (Western Australia) (5.17 pm)—by leave—I move:

That the Senate take note of the report of the Foreign Affairs, Defence and Trade Committee.

In taking note of the Senate Standing Committee on Foreign Affairs, Defence and Trade report on annual reports I want to pass a few brief comments on the contents of chapter 1 of that report. I do so in the context of ongoing efforts by this government—continuing a lot of the work commenced over the last two or three years by the previous government—to reform Australia’s military justice system within the Australian Defence Force. As I said, that reform program, commenced some years ago under the auspices of Senator Hill when he was the minister and continued under successive ministers, has made a quite significant contribution to reform. It is important, though, that the gains made to date are not lost, that teething problems are identified early and remedied promptly, and that...
the reform momentum continues in ongoing years.

What is the key element to that ongoing momentum? The key is that independence, transparency, accountability and scrutiny are critical to building public trust—public trust in the system and in the maintenance of its integrity. In this regard, I want to briefly pass some comments on the annual reports of the Chief Military Judge of the Australian Military Court, the Director of Military Prosecutions and the Judge Advocate General, who pursue different but complementary roles in overseeing various reforms that have been instituted within the military justice system as it applies to the Australian Defence Force. These three statutory officers have used their independence, experience, expertise and professional objectivity to comment freely and authoritatively, it must be said, on matters central to achieving a fair and effective military justice system.

For example, the Chief Military Judge of the Australian Military Court drew attention to a number of practical difficulties encountered with the operation of the AMC, including the increasing demand for resources. The report also suggested measures to improve the system, including refinements to recent legislation that would address issues of juror protection or misconduct by military jurors. The Director of Military Prosecutions used her annual report to speak quite frankly and quite openly about her concerns regarding the perceived independence of the Director of Military Prosecutions, as well as other matters affecting the operation of her office, such as the availability of staff. In particular, the DMP showed how the office could be an effective monitor of the standard of the ADF’s investigative capability. In that context, it should be noted that the ADF’s investigative capability has come under quite justified serious and sustained criticism for many years. Indeed, it is the subject of ongoing frank criticism.

Through his annual report, the Judge Advocate General similarly identified what he regarded as matters needing to be rectified through legislation. He also noted developments in overseas military justice systems. The committee, in its report, welcomes and supports the proactive stances of the Chief Military Judge of the Australian Military Court, the Director of Military Prosecutions, and the Judge Advocate General in using their annual report to improve the overall function and accountability of the military justice system. Those reports provide the necessary visibility and oversight of the ADF’s discipline system; provide independent and expert systemic insight into the operation of the military justice system; through their independence, provide impartiality and professional standing and confer credibility on the system; identify and issue early warning signals of problems in the discipline system, including any teething problems; make considered recommendations on how the system could be improved or problems remedied; and, most importantly, keep the government and the parliament appraised of any shortfalls in necessary funding or staffing for Australia’s military justice system.

Without doubt, their independent and critical voices are vital to the health of the system. They clearly demonstrate the value of having strong independent oversight of Australia’s military justice system, and the reporting regime that has been established is indeed critical to the ongoing functioning of the military justice system. So we currently have three independent arms, if you like: the annual report of the Chief Military Judge of the Australian Military Court, the annual report of the Director of Military Prosecutions and the annual report of the Judge Advocate General.
Because of continued publicity about and interest in ongoing reform of the military justice system, it is fair to say that a range of Commonwealth offices are maintaining a watch on the activities of the military. It is fair to say that there has been significant institutional reform. It is also correct to identify the fact that additional resources have been allocated by successive governments to ensure that permanent change in terms of the administration and functioning of military justice within the Defence Force is achieved.

We really are now at the tipping point, and a lot of the earlier mainstream and critical problems have been attended to, have been remedied, and one presumes that legislation passed in more recent years is going to attend to them permanently and into the future. What is now emerging, though, are concerns that the vigour of independence might become not as vigorous as it has been—hence the continuing assurances that are required by the provision of annual reports to the parliament on the operations of the military justice system from a cross-section of different viewpoints so that one gets a total picture of what is going on. The annual report under discussion clearly brings that to the attention of the parliament, and I commend it to the Senate.

Question agreed to.

BUSINESS
Rearrangement

Senator SHERRY (Tasmania—Minister for Superannuation and Corporate Law) (5.24 pm)—I move:

That intervening business be postponed till after consideration of government business notice of motion No. 4.

Question agreed to.

TAX LAWS AMENDMENT (LUXURY CAR TAX) BILL 2008
A NEW TAX SYSTEM (LUXURY CAR TAX IMPOSITION—GENERAL) AMENDMENT BILL 2008
A NEW TAX SYSTEM (LUXURY CAR TAX IMPOSITION—CUSTOMS) AMENDMENT BILL 2008
A NEW TAX SYSTEM (LUXURY CAR TAX IMPOSITION—EXCISE) AMENDMENT BILL 2008

Second Reading
Recommittal

Senator SHERRY (Tasmania—Minister for Superannuation and Corporate Law) (5.24 pm)—I move:


Senator ABETZ (Tasmania) (5.25 pm)—The opposition remains opposed to this tax grab by the Labor Party. Before dealing with the specifics of the legislation, the Tax Laws Amendment (Luxury Car Tax) Bill 2008 and related bills, it should be remembered that this legislation was only before this place some four sitting days ago. The Labor Party, in typical style, are using their bullyboy tactics to bring it on again, in complete contempt of the procedures of the Senate and the fact that the Senate voted against this legislation only four sitting days ago. What they have clearly done in the interim is made all sorts of deals with senators of all sorts of persuasions in this place to try to get this badly thought out proposal through the Senate.

It is interesting that, when in opposition, Labor said the Senate had to be treated with
respect; its decisions had to be respected. Of course, as is very much coming to light now, whatever Labor said in opposition is not to be trusted and it is a completely different situation now that they are in government. But I think everybody did expect the Labor Party, especially under Mr Rudd’s leadership, to engage in these sorts of bullyboy tactics, so the issue really is for us to consider the detail of this legislation.

We as the opposition are opposed to this legislation because we oppose increased taxes. That is a very principled position that we have put, and we believe that taxes should only be increased if there is a real case made out in support. The Australian Labor Party told us, in introducing this new tax, this surcharge on a tax, this 30 per cent increase in the luxury car tax, that we needed this to fight inflation. That was the mantra: we need this proposal to fight inflation. So the Senate Standing Committee on Economics looked at this proposal, and Senator Annette Hurley, the Labor committee chair, came back to this chamber with a report which, in paragraph 2.19, told the Senate and the world that this proposal will be—you guessed it—inflationary. So the one and only reason that the Labor Party could muster for the new luxury car tax surcharge was to fight inflation, yet Labor senators themselves, even Senator Doug Cameron, acknowledge that it will be inflationary.

Given that that is the fact of the matter, one would have thought the Australian Labor Party would have had the decency to withdraw the legislation in the face of the criticism provided by their own senators. But, as is so often the case with the Rudd government, the reasoning, the rationale, for a proposal does not match their real thinking. This was purely and simply a tax grab, a tax grab against the better interests of the Australian people—and, might I add, against the better interests of the Australian car industry.

All three Australian car producers and the Federation of Automotive Products Manufacturers in Australia are opposed to this proposal, the reason being that this will hurt the manufacturing sector in Australia big time—no ifs, no buts: it will hurt the manufacturing sector. Of course the Labor Party, in their high and mighty way, say that this is simply a tax measure.

Senator Kim Carr, the Minister for Innovation, Industry, Science and Research responsible for the automotive sector, has been deafeningly quiet in relation to this debate. He has not come into this debate to defend the manufacturing sector or defend the automotive sector. He has simply been absent. Of course we on this side do not mind that he has not come into the debate, because, if he had, chances are that it would have been even worse. He championed the CSIRO and they suffered $63 million worth of cuts. He championed ANSTO and they suffered $12 million worth of cuts. He reckons that he championed the Commercial Ready program—that was completely abolished. Everything in his area of responsibility is being hacked to pieces and this is just the latest episode in Senator Carr’s very poor management of the Innovation, Industry, Science and Research portfolio.

Let us deal with some of the reasons and rationale. When asked about this, Senator Carr says, ‘We are not in the business of giving millionaires handouts or assistance.’ So he believes that any Australian who today is driving a motor vehicle worth more than $57,180—that is the threshold—is somehow a millionaire. How very mistaken. He is just factually wrong. But how indicative of the terrible social dogma that he still carries around in between his ears. I would have thought that sort of politics of envy would have left the Labor Party, those now sitting on the government benches. They swept it under the carpet whilst in opposition. Now
that they are in government it is all coming out again.

One of the most disappointing things about the last vote was that a former national secretary of the AMWU, now senator, Doug Cameron, voted for the increase in this tax. Senator Cameron knocked off Senator George Campbell in a vicious preselection fight in New South Wales because Senator George Campbell had not done enough for the automotive sector and the manufacturing sector. And so one of the very first votes in this place of this great white knight, who was going to fight for the jobs of workers in the automotive and manufacturing sector, is to do these workers in the eye. Make no mistake about it: all three of Australia’s car manufacturers that are left have said that this will damage them. That is code for reduced sales, which of course translates into fewer jobs. We all know that. The Labor Party know that. Senator Doug Cameron knows that. And yet one of the very first votes he is involved in is to do these workers in the eye.

This is a punitive tax in anybody’s language. When somebody buys a motor vehicle they pay stamp duty, and of course that varies according to the state but from a federal point of view there is the 10 per cent GST. After you go over the luxury car tax threshold of $57,180 there is the 25 per cent luxury car tax—10 per cent plus 25 per cent equals 35 per cent. Labor are now seeking to add another eight per cent in relation to motor vehicles that are over $57,180. In anybody’s language, that is a punitive tax. And what makes it so obscene is that if a family, say, wants a top of the range Toyota Tarago then they are looking at around the $60,000 or $60,000-plus mark. This is not a status symbol in anybody’s language. It is not the sort of car that self-made millionaires would drive around in. So people who are genuinely concerned about the safety and security of their family will be paying a luxury car tax. But those who happen to have sufficient money to buy a private plane, a private yacht or indeed a $200,000 Rolex watch do not pay one cent of luxury tax in any way, shape or form. This is now the new social equity under a Labor government, under Mr Rudd and his regime. It is unfair, it is punitive and we oppose the tax.

Since we have had this legislation before us, I understand that a number of agreements have been reached by the Labor Party and the minor parties in this place in relation to a whole host of things. When you examine what is being proposed, you see that the people they seek to champion will in fact be sold down the creek—and some of the amendments are absolutely contradictory. Allow me to go through just some of the examples for the Senate.

First of all, we are going to have, according to Family First, an amendment to exempt primary production business. That is very interesting because primary production, as I read it as defined by this amendment, will mean you have to be a registered primary producer under the Income Tax Assessment Act. So if you live in rural Australia and you happen to be a primary producer—and we all know how hard times are there and how cash-strapped and drought stricken those people are—you will have to borrow the money to pay the luxury car tax and then seek a rebate later on and get the money back a month or so later. What a silly, bureaucratic system. How stupid. Why not just exempt them right up-front? This is the sort of nonsense we get when the Labor Party try to cobble things together and make policy on the run.

Do they think, ‘Rural Australia means farmers. There could only be primary producers out there, surely’? The problem is that the Labor Party’s primary industries minister has never set foot in the country areas of
Australia. He represents a Sydney outer-suburban seat. He has no idea, and of course that is clearly shown in this legislation.

In rural and regional Australia you do not only have farmers and primary producers who need four-wheel drives to gain their income. What about the Australia Post contractor, who has to get the mail through? What about the vet who has to drive onto the farm to access a cow or a horse that is down? What about the general practitioner, the doctor? What about the mechanic who has to service the tractor that has broken down in the middle of a paddock? All these people need four-wheel drives for the purpose of earning their income. Yet Family First—and I am surprised at this—and the government have done a deal to say: ‘No, blow the vet, the Australia Post contractor, the general practitioner and the agricultural contractor, who might be the local fencing contractor. Forget all of those. We think that in rural and regional Australia there are only farmers and nobody else.’ This is a very bad amendment.

We then have the tourism amendment that applies only to four-wheel drives. That is very interesting. The tourism sector buys about 8,000 so-called luxury cars each year and relies heavily on sedans, such as the Holden Statesman and top of the range Fords, to take tourists around, let us say, the Adelaide Hills for wine tourism or around my home state of Tasmania. These sedans are very important. Might I add that the sedans would be more fuel efficient than the four-wheel drives. Under this amendment, if they buy a sedan and they are registered in the tourism sector, they would not get an exemption but, if they converted to a four-wheel drive, which consumes more fuel, they would get the exemption. What sort of policy nonsense is that? Why would you favour the tourism sector that only has four-wheel drives and not help the tourism sector that needs two-wheel drives and sedans? There is no logic in it.

This is a desperate attempt by the government to cobble together a policy which was fatally flawed from the outset. The opposition will oppose this legislation not only on its second reading but also on its third reading. Having said that, we have a hunch that, unfortunately, this legislation will go to the committee stage. If it goes to the committee stage, we will actively involve ourselves in that stage and intervene to try to make this fatally flawed legislation less fatally flawed. But, unless this is thrown out completely, we will be voting against the legislation on the third reading as well.

I am interested to see the amendment that the Australian government cobbled together. It is interesting that Family First seem to have their amendment done by Senator Fielding. The closeness and cosiness of the relationship between Labor and the Greens has been shown, as the Green amendment is now in fact a government sponsored amendment, with an explanatory memorandum by Mr Swan, the Treasurer. That amendment will ensure that six Australian-made motor vehicle models will be subjected to this punitive higher tax but about 25—over two dozen—imported models will be exempted. I am sure all the international car makers tonight are cheering on Mr Rudd, the Prime Minister, and Senator Bob Brown, the Leader of the Australian Greens, and saying, ‘You beauty.’ The international car makers above all will be cheering on Senator Doug Cameron, the man who came into this place to fight for the workers in the automotive and manufacturing sector. They will be cheering those people on, but the poor workers in South Australia and Victoria, whose jobs are in jeopardy as we speak, without this extra impost, will be even more concerned and worried than before about their job prospects.
One other gross inequity of this legislation is its retrospectivity. What occurred was an absolute disgrace. The Treasurer announced that this would apply to any vehicle that was delivered after 1 July 2008, that any vehicle that had been ordered, signed up for or contracted for prior to budget night would not be exempted. So good ordinary Australian citizens, having done their sums, having worked out their calculations, have now been confronted with the prospect of this tax being applied retrospectively.

We as an opposition make no bones about the fact that we oppose retrospectivity, especially when it comes to taxation. Therefore, if this bill does go to the committee stage, we will be moving an amendment to delete this evil—and I describe it as an evil—of retrospectivity in taxation. No Australian should have to worry that a government might come along and whack an extra tax on their purchase after they have entered into a binding contract. That is fundamental first principal stuff, I would have thought, for any government, but of course not for the Australian Labor Party because they believe that anyone who can afford a car above $57,180 does not deserve to be protected by the basic considerations of the law.

Senator Conroy—It’s your tax.

Senator ABETZ—Senator Conroy foolishly interjects and says, ‘It’s your tax.’ If it is our tax, why are we opposing it? We are opposing your eight per cent surcharge. And what is more Senator Carr had to correct an answer, Senator Conroy, when he made the same foolish assertion during question time.

The ACTING DEPUTY PRESIDENT (Senator Carol Brown)—Senator Abetz, direct your remarks through the chair, please.

Senator ABETZ—It was the Hawke-Keating government that introduced that concept. So before you interject—

Senator Conroy interjecting—

The ACTING DEPUTY PRESIDENT—Senator Conroy! Senator Abetz, address your remarks through the chair.

Senator ABETZ—I quite like Senator Conroy’s interjections because they put on the record his ignorance about this issue. The car manufacturers will be delighted to know that the person who represents the Treasurer in this place has no idea about the history or the impact of the luxury car tax.

Time is short, but my opposition colleagues and I will have a lot more to say in relation to this legislation if it reaches the committee stage. This is a punitive tax, it is an unfair tax and it will most of all impact on Australian workers and Australian car manufacturers at a time when we have just seen Mitsubishi close and General Motors and Ford struggling. But the one company that has a windfall is the multinational Toyota Motor Corporation, which has made record profits in recent times. This is the Australian Labor Party’s stewardship over the car industry. We believe that it is appalling. We believe that this impost needs to be opposed, and we will be doing so. (*Time expired*)

Senator EGGLESTON (Western Australia) (5.45 pm)—I rise to speak on the Tax Laws Amendment (Luxury Car Tax) Bill 2008 and related bills. The Rudd government’s decision to increase the luxury car tax from 25 per cent to 33 per cent on the end price of a vehicle appears to be yet another example of a measure imposed by this government that selectively disadvantages those living in regional areas of Australia. To explain why this is the case, I draw the attention of senators to the fact that statistics kept by the car industry show that 70 per cent of the vehicles subject to the luxury car tax are purchased below the $75,000 price line. This is relevant because the top selling luxury car is the Toyota LandCruiser, which costs $74,000 and is the workhorse of regional
Australia. Some 6,000 of these vehicles are sold each year, compared to Australia-wide sales of just 17 Rolls Royces and 522 Porsche 911s, both of which would be more widely regarded as genuine luxury cars.

The point is that the Toyota LandCruiser, as I said, is a common-use vehicle all over regional and rural Australia, as are other four-wheel-drive vehicles such as the Mitsubishi Pajero, which costs $58,290 for the basic model, and the Nissan Patrol, which costs $58,000 for the basic model.

Senators should know that all three of these four-wheel-drive vehicles—which as I said, and will repeat, are in common use in regional Australia—attract the luxury car tax, which the Rudd government proposes to increase. Yet very often these so-called luxury cars do not even have carpets on the floor, much less leather upholstery—they instead have vinyl seat covers—and have none of the other standard fittings that would qualify them to be regarded as luxury cars.

There are of course some four-wheel-drives that really do fit into the definition of luxury cars. These include the Porsche Cayenne, the basic model of which costs $265,000, the Mercedes Benz M Class four wheel drive, which costs $167,245, and the Lexus 570 Sports luxury auto, which is an SUV that costs no less than $175,000. These cars have all the features that you would expect to find in a luxury vehicle, from genuine leather upholstery to all of the latest electronic fittings; however, you do not find these vehicles in common use in rural and regional Australia. In fact, these vehicles are to be found in the suburbs of the big cities of Australia—suburbs such as Double Bay in Sydney, Toorak and Camberwell in Melbourne, and Peppermint Grove, Cottesloe and Dalkeith in Perth.

As Mr Smith from the Motor Traders Association of New South Wales said in reference to my questions in the Economics Committee hearings in Sydney:

I do not know any dealers in the outback region who actually even sell those upper vehicles such as the Lexus and the Porsche.

Mr Smith was referring to high value four-wheel-drive vehicles.

The point that I want to emphasise is that the market for these high-priced genuine luxury cars is very small. Sales of them represent fewer than 2.5 per cent of the sales of so-called luxury cars, compared to 70 per cent of the market being represented by vehicles under $75,000, which are mostly sold in regional Australia and which are chiefly standard four-wheel-drive vehicles of the type I have described.

It seems quite clear that the luxury car tax is a selective penalty applying for the most part to people purchasing four-wheel-drive vehicles in rural and regional Australia. This is consistent with what appears to be the deliberate agenda of the Rudd government to penalise rural and regional communities and the people living in them.

In the short period that it has been in office, the Rudd government has cut programs for rural and regional Australia. It has abolished the hugely successful Regional Partnerships and Growing Regions programs, with no new money for regional projects proposed until late 2009, which, coincidentally, will be just before the next federal election. It has axed the Agriculture Advancing Australia program, including Advancing Agricultural Industries, FarmBis and Farm Help. It has axed the women’s representation in decision-making program. There have also been cuts to rural health services, regional arts programs and the Rural Financial Counselling Service. Most importantly considering that we have Minister Conroy here, it has cancelled the $900 million Optus and Elders joint venture, denying regional and rural
Australians access to competitive high-speed broadband by the end of 2009. Given this record it would appear that the luxury car tax is no more than yet another penalty the Rudd government is applying to Australians living in regional areas.

I repeat that the so-called luxury four-wheel drive vehicles such as LandCruisers are vehicles that are used in country towns by small business and in mining, fishing and a myriad of other purposes for which a robust vehicle that can handle country roads and rough conditions is required. These are standard use vehicles just like ordinary sedan cars are in metropolitan areas. These vehicles represent some 70 per cent of the vehicles classified as luxury cars for the purposes of the luxury car tax and one must say that by any reasonable understanding of the meaning of the word ‘luxury’ these vehicles do not fit that definition. It seems clear to me that the Rudd government, as I said, is selectively penalising those living in rural and regional Australia by proposing this tax increase on what for them are standard use vehicles.

Another rather interesting question, which has been raised about this proposed increase in luxury car tax, is that it may be a discriminatory non-tariff trade barrier designed to protect locally made luxury vehicles from competition from imported cars. This possibility was raised in the *Sydney Morning Herald* in an article on 20 May this year by Mark Davis, who reported on evidence given by the European Union ambassador to Australia to the Bracks inquiry into the motor vehicle industry. Most of the real luxury cars to which the new tax will apply are imported from Europe. As I said, it was the EU ambassador to Australia at the Bracks inquiry into the Australian car industry who first raised the question of the luxury car tax being a non-tariff discriminatory trade barrier.

At the Sydney hearings of the Standing Committee on Economics inquiry into the luxury car tax I asked Mr Hofmann, CEO of Audi in Australia, whether the increase in the luxury car tax to 33 per cent could be regarded as a non-tariff trade barrier directed at European imported luxury cars. Mr Hofmann stated that there was certainly a strong opinion in that direction, which was a view reinforced by the Victorian Automobile Chamber of Commerce submission to the Bracks review which stated in the *Hansard*:

From the European Union’s perspective the luxury car tax should be seen as a non-tariff barrier, as it is discriminatory in its effect by mainly impacting on imported cars, particularly from Europe; and, as recognised by the Productivity Commission, provides a form of domestic assistance.

It is understandable that the European car importers could take such a view based on the fact that the majority of genuinely luxury cars are priced above the luxury car tax threshold and are imported especially from Germany and are disproportionately taxed compared to cheaper, locally made vehicles as well as other imported vehicles, as Senator Abetz has referred to. This is a very interesting issue. There is no doubt at all that these issues concerning whether the luxury car tax is a non-tariff trade barrier and is in fact a subsidy to the local car industry, together with the fact that there has been a delay in lowering tariffs on imported cars, raises questions about the Rudd government’s commitment to freer trade.

In conclusion, while this bill may on the surface appear to be a simple alteration to a rate of tax, during the inquiry held by the Senate Standing Committee on Economics it became clear that there was far more to this change than was evident at first reading. Quite obviously, this bill discriminates against rural, regional and remote Australians and I look forward to the contribution
of Senator Bushby on this point. This tax ignores the needs and the day-to-day realities faced by people living in rural and regional Australia and it places an insulting level of luxury on a vehicle which is often a necessity in the country areas of Australia. There are many issues that this bill raises but the government has failed to provide answers to those issues and I therefore urge the Senate to reject this bill and, most importantly, do so because of the manner in which it extends the Rudd government’s well-established agenda of discrimination against those living in rural and regional areas.

Senator BUSHBY (Tasmania) (5.59 pm)—I find it slightly surreal that I am standing here again to speak on this suite of bills so soon after I did the same thing some few short weeks ago. The fact is that the government had every opportunity to educate, lobby and negotiate on the Tax Laws Amendment (Luxury Car Tax) Bill 2008 and related bills prior to them being voted on at that time. The budget was handed down over four months ago—that is right: over four months ago. So between then and the vote some two weeks ago there was no shortage of time for the government to sit down with the opposition to work through our concerns and to discuss in a cooperative and meaningful manner our very legitimate worries about these bills—about their effect on the Australian car industry and the parts suppliers it supports and the grave effect on farmers, tourism operators, families and Australians who live in rural and regional parts of our great nation.

We in the opposition are not unreasonable people. We would gladly have sat down and discussed amendments that we believe could allay some of our fears about the dire consequences these bills will have on Australian businesses and everyday Australians. But no attempt was made to talk to us about these concerns or to try to allay our fears. In that four-month period we did have the time and the opportunity for the Senate Economics Committee to conduct a full inquiry into the effect of these bills. We had the time to travel across the nation and take evidence from witnesses ranging from the Australian car manufacturing industry through to local car dealers, motorist representative organisations, car clubs and academics. This evidence, time and time again, highlighted the folly of this suite of bills. It highlighted how the bills are simply bad policy and, most of all, that their stated aim—to add to the budget bottom line—was not likely to be achieved in whole, or even at all, because of the behavioural effects of increasing prices in a highly competitive environment. This is already leading to reduced sales and a consequent reduction in the quantum of the luxury car tax raised.

Despite the almost unanimous presentation to the inquiry of very concerning evidence—which I might say was on the whole, inexplicably, dismissed or ignored in the findings of the government majority report of the committee—the government still failed to sit down with the opposition to discuss issues that clearly required more thought. These were issues we would gladly have discussed with the government and worked through, if given a chance. But, no, the government chose not to take up this opportunity. They did appear, belatedly, to have tried to negotiate with others in this place. But even then they failed to take seriously the fact that the Australian people at the last election expressed a clear desire for the government to be consultative and flexible in their legislation by returning a Senate of the current make-up. This approach by the government is in itself very surprising and counterintuitive, given the strong campaigning by the Labor Party before the last election calling for a return to just such a Senate make-up.
As a result of their lack of seriousness in their approach to these matters and their failure to accept the need to negotiate to deliver an outcome addressing the obvious flaws in their proposed legislation, they failed to get their legislation passed into law two weeks ago—and rightly so. If the government are serious about ensuring they get their legislation passed, they need to satisfy a majority of members of this place that their legislation is good legislation; that it contains a minimum number of flaws or, even better, none; and that such legislation will not impact unduly on Australians. In this they failed miserably when last presenting this suite of bills. But here they are back again, two weeks later. What is different now? Why is this government trying again? Because now they appear to have capitulated to the concerns of others in this place. They have acknowledged their error in trying to ram through legislation without accepting the legitimate role of this place as a house of review.

The government have caved in and compromised. However, the time lines in this are also interesting. In the period of four months between the budget and the first vote on these bills in this place, they refused to take the opportunity to negotiate on the worrying aspects of these bills, ignored almost unanimous and compelling evidence from many reliable sources and rammed their highly flawed bills through parliament. They had four months to get the legislation right but they did not get it right. And in the two weeks since the first vote the government have rushed through negotiations with some senators to try to deliver these bills in a manner that they hope will receive the approval of the majority of the Senate.

What do we have before us as a result? We have a mishmash of rushed amendments designed to do a deal to get the bills passed. These amendments are not carefully considered and crafted. They are not changes that will still deliver much of what the government is trying to achieve without the very negative and unsavoury consequences for Australian businesses and consumers that the original bills would have had. This is because these proposed amendments simply do nothing to address most of the problems these bills will create.

But there are answers that could solve this conundrum for the government. There is an approach that could help the government deliver its stated aim of raising considerable funds for the budget bottom line while at the same time significantly alleviating much of the negative baggage that the bills as they stand carry with them. It is obvious that the amendments proposed by the government as part of its deal to assuage the varying concerns of various senators in this place will lead to a significant reduction in the estimate of funds raised. So, in that respect, the approach of the government today in seeking to introduce a mishmash of convoluted exceptions to the luxury tax hike is in no qualitative way superior to the far preferable approach I refer to. This approach is the one foreshadowed by the opposition in the amendments it will introduce in the committee stage. This approach would be a far more elegant way of dealing with the disastrous effects of the proposed luxury car tax hike on purchases by farmers and tourism operators. It is an approach that would almost completely excise the onerous effect of this tax hike on the Australian car industry by introducing a second limit at which the higher rate of luxury tax cuts in. It is a shame that the opposition has had to do the government’s job for them. If the government had asked us we would have helped them, because the problems can be fixed.

It is probably appropriate at this point to restate what some of these problems are in the bills as they stand, as I did in my comments in this place some two weeks ago. As I
noted then, the government has budgeted $555 million over four years for the savings from this measure. But the evidence from the Senate inquiry clearly demonstrated that this figure is purely conjectural at best and, in all likelihood, unlikely to be realised. The fact is that this figure is based on first-round effects only. It is calculated on the basis of a pure change in the rate and assumes very little, if any, elasticity in demand for the vehicles priced above the threshold. It takes no account of the effect on the local car industry, of the loss of jobs it is likely to cause in that industry and its support industries, of the inevitable reduction in investment in new showrooms and head offices by car sales businesses and the local industry and car importers, and of the consequences of these effects on government revenue. The reality is that buyers of cars around the threshold for this tax are highly price sensitive and there is a high level of price elasticity.

The sales evidence for July and August of this year clearly proves that the sales of cars above the threshold will dramatically fall as a result of this measure. The evidence we received at the Senate Standing Committee on Economics inquiry into the bills is that there is a point at which higher elasticity of demand firms into inelasticity. The evidence was variable on where this point was but suggested it was at least $125,000, maybe higher. Put simply, the higher the price of the car the more likely the purchasers are people who have means to pay the cost of the car plus whatever taxes might be put on it. For example, buyers of Aston Martins, Porsches and S-class Mercedes—cars that cost many hundreds of thousands of dollars—are more likely to be in a position to fork out the extra imposition proposed by these bills. This is probably even more so when looking at the purchasers of $1 million-plus Rolls Royces.

As I noted two weeks ago, and as referred to by my colleague Senator Eggleston, it is not in the Rolls Royce price range that the government will make the bulk of its money on this tax. The importers of Rolls Royces in Australia reported a total sales figure in Australia over 2007-08 of just 17 cars. Despite government rhetoric, this is not where the government intends to raise the funds it says it expects to. Between the threshold of $57,180 and around $75,000 is where the vast majority of the cars attracting this tax are sold, and it is where the vast majority of tax takings will be generated. Indeed, the facts show that almost 60 per cent of all vehicles incurring the luxury car tax are priced below $70,000, so this is the price range where the effect on sales figures of this tax hike needs to be examined.

The trends apparent from sales figures for July and August of this year and the advance orders being received by car retailers report a huge downturn in this very price range. Clearly, if the first or even second round effect of the proposed tax hike is a part of the cause of this trend, the tax hike itself is likely to be counterproductive. As such, the potential increase in the take by the government as a result could be far less than anticipated. As I noted two weeks ago, some car retailers even suggested during the Senate committee hearings that their figures and experience suggest it could even cost the government money as the sales of the cars within the threshold range fall to such a low that less tax is generated. But, again, as noted two weeks ago, the problems with the measures contained in this bill extend further than just the remote likelihood that the government will achieve its budgeted revenue out of this tax hike.

The facts, supported by the evidence, are that the tax hike will likely have perverse results on local car manufacturers, on incentives to fit and the availability of safety equipment and environmentally friendly technologies and will decrease the possibili-
ties for those on lower incomes to access cars better equipped with safety and improved technology. The reality is that most cars around the threshold and up to $100,000 are bought by people who simply do not have the means to purchase a car in the $100,000-plus range and who have to be careful with their money. They love the safety features of these cars, and they love the efficient new environmentally friendly technology of these cars. But they do not have unlimited resources.

As such, they buy the best car that comes with the most features they desire and can afford. The price of these cars is vital to their purchasing decision. Adding to the price of cars within this price range will seriously impact upon the purchasing decisions of those who buy them. They will either have to buy a car without the full range of specifications they would prefer to have at a price comparable to the pre-tax hike figure or not buy the car at all. In making such a decision they may be forced to abandon the choice to purchase additional airbags or the latest dynamic stability control, or even be forced to purchase a non-hybrid version of the same or a different car.

Sure, the amendments proposed by the government today will exempt cars with high levels of fuel efficiency, but this does not necessarily equate to exemptions for all cars that are equipped with the latest environmental technologies—for example, the Lexus hybrid. It also does not equate to an exemption for purchasers of cars with innovative safety features, again, forcing Australians on a budget to pay the money they might otherwise have paid to add an innovative new safety option to the government, at their and their family’s ultimate risk. Even worse, these amendments do not exempt any Australian made cars. They amount to an exemption for top-end Alpha Romeos, BMWs and Saabs. So good on you if you can afford one of those—no luxury car tax hike for you. But, if you want to purchase a well-equipped Australian made Ford Territory, you get no exemption.

As I noted two weeks ago, it is a generally known rule in the business of car retailing, as confirmed by evidence at the committee hearings of this matter, that the base models that turn over the highest volume also have the lowest retail margins, and that the viability of many retail operations depends on the much higher margins that are applied to the higher spec models. The evidence also shows that car manufacturers in Australia rely on this principle—that is, that the top end sales of Calais, Statesmans, Caprices, HSVs, fully loaded Toyota Orions, Ford G6Es, XR8s, Territorys and FPVs contribute more to the viability of car manufacturers per car than do the base models. This is where the government is seeking to attack local car manufacturers and retailers of locally made cars: right where they make the margin that makes them viable. I find this unbelievable. This is a government which, as one of its first acts, commissioned a review of the automobile manufacturing industry in this country and which has declared how it stands with that industry, how it is its best friend and that it will see it through the many challenges it faces. But these words, like most of those emanating from the mouths of this government’s representatives, are very hollow ones.

One only has to look at the evidence provided by the Australian car manufacturing industry itself, and I encourage every one of my colleagues in this place to do so before they cast their vote at the end of this debate. They make it absolutely clear that this tax hike will have disastrous consequences on the viability of the local car manufacturing industry and the retail car industry across our nation. For this reason above all others I find it inconceivable that any senator in this place
could even consider this tax hike. In the face of severe challenges, the local Australian car manufacturing industry is doing a great job designing and producing quality innovative products, many of which are exported across the globe. But it does face many challenges. I simply cannot understand why the government would deliberately place another major hurdle in its path.

Two weeks ago, I noted in this place that the luxury car tax hike will also have a serious impact on the delivery of innovative safety options on new cars in Australia. History shows us that almost all innovations in safety equipment have been developed at significant cost by major luxury brands. These include ABS brakes, airbags, electronic stability control and traction control. The manufacturers of these high-end cars need to price their cars accordingly to cover the substantial development cost of innovative safety features. As such, when first developed these features are not readily available on mass market cars. However, as the technology is proven and as economies of scale kick in, these technologies do become available in what is termed the trickle-down effect. Progressively, less expensive cars gain them as an option and then as standard until over a period of years these features are available on even the least expensive vehicles. The relevance of this to these bills is that their passing would work to delay the trickle-down effect on the introduction of these technologies do become available in what is termed the trickle-down effect. Progressively, less expensive cars gain them as an option and then as standard until over a period of years these features are available on even the least expensive vehicles. The relevance of this to these bills is that their passing would work to delay the trickle-down effect on the introduction of this technology, thereby delaying the benefit of them to Australians at given pricepoints.

There is no doubt that the luxury car tax is a tax on innovation, even as it stands. But to increase it further makes it even more likely that it will take longer before we see such innovations in Australia on lower and middle priced cars. Quite clearly, I am not saying that the passing of these bills would lead to less safe cars being built or imported into Australia. On the contrary, what I am saying and what the evidence at the hearings supported is that Australians buying cars to a price will sacrifice some of these new features in order to afford the car and the newly raised tax. Similarly, some manufacturers and importers will build and import cars without some of these features in order to remain competitive on price—all at a loss for Australian consumers.

I am also astounded that the Labor government, supposedly the custodian of social justice and equity, would want to make it harder for people who are less financially able to afford cars that are well equipped with innovative and improved safety features. I would have thought that a Labor government would be looking to bring the price of such vehicles down, so that more Australian working families could afford them. But no, here we have a government saying, ‘No, let only the rich have them.’ What happened to equity in the Labor Party? Are they really looking to create a world in which there are two classes, first, the very rich, who can afford the best of everything, and, second, the rest, who have to accept mediocrity in all aspects of their lives?

The simple fact is that the only rationale that the Rudd Labor government has for pursuing this tax hike is to hit the rich. The irony is that in increasing the tax they put those cars they refer to as luxury cars further out of the reach of many Australians. I am also astounded by the claim that the tax hike will somehow curb inflation, when the proposed luxury car tax will increase the price of 12 per cent of cars sold in Australia, including the most common luxury car, the Toyota LandCruiser wagon, and a whole range of locally made vehicles. This tax hike will put the price up for these cars. This is inflationary; it is not deflationary.

Contrary to the constant bleating by ministers in answer to just about every question
posed to them, given the momentous and very serious economic ructions taking place in the international economy—particularly those originating in the United States—the most likely economic challenge we now face is that posed by a slowing economy, not an overheating one. In an overheating economy, withdrawing money from the economy through the retention of a significant surplus is one tool that might be employed to attempt to cool it to avoid inflationary pressures. However, the same conclusion does not follow in a slowing economy. On the contrary, in view of the impending worldwide economic downturn, a responsible government is likely to need to look to employ both fiscal and monetary policy to stimulate the economy, not dampen it. This means giving more money back to the people—putting more money back into the economy—to increase economic activity. Through fiscal policy, this is achieved through either tax cuts or increased spending. Through monetary policy, it is achieved through interest rate reductions.

The new Leader of the Opposition was warning the government in February of this year that the international economic climate was likely to have a strong dampening effect on the Australian economy. The government ridiculed him at the time. Now the government admits that he was right and acknowledges the serious impact that the international economic climate is likely to have on our economy. But it has yet to change its rhetoric or admit that with its acknowledgment of that threat must come an entire reversal of its fiscal policy. If it accepts that the international economic crisis presents a threat to our economy, then it must look to measures that stimulate, not dampen. As such, the need to withdraw money from the economy to cool it no longer exists. On the contrary, it should now be looking to put money back into the economy to ensure that economic activity remains at levels sufficient to avoid job losses, business closures and bankruptcies. Accordingly, the approach of the opposition in opposing these bills is in effect doing what the government should be doing but will not or cannot admit that it should do. *(Time expired)*

**Senator BIRMINGHAM** (South Australia) *(6.19 pm)*—It feels a little like deja vu, I must say. Only a couple of weeks after I stood in this place speaking to this legislation—legislation that the Senate duly voted down at that time—and, remarkably, here we are again. There was Senator Bushby again making a passionate speech against the passage of this legislation, joined by Senator Abetz, Senator Eggleston and others, who made very strong contributions as to why this tax impost should not be passed through the Senate. It is remarkable that, after the Senate exercised its democratic will just a few weeks ago, here we find the government wasting the time of the Senate by putting us through the very same debate yet again. Coming into this place, one has to ask whether it is a contempt of the Senate, a misjudgement by the government of its legislative program or indeed quite possibly a combination of both.

The government spent much time when it was on this side lecturing and hectoring about the Senate and the way that the former government handled the processes in the Senate. They argued that we showed some sort of contempt. There is nothing more contemptuous than bringing legislation in, putting it to a vote, having it voted down and then turning around and saying, ‘We’ve got nothing more important to do, so we’re going to put it straight back on the table again.’ That shows great contempt for the views of those Liberal, National and Family First senators who chose to vote against this and who had a clear view that this tax hike
should not be passed. It is certainly contemptuous.

One also has to wonder whether it is a case of total mismanagement by the government of their legislative program. This time around they have cobbled together a whole raft of amendments to the legislation. They have put together a bit of an amendment to try to pacify this person and a bit of an amendment to try to pacify another person, to get a majority together in this place.

Quite clearly, what that shows is that the government did not do the necessary leg-work the first time around. The government seems to have forgotten what the Senate is truly like. For all that the government is complaining about the role that the Liberal and National parties had when they had a majority in this place, the government seems to have totally forgotten what it is like managing a Senate where nobody has a majority. They seem to have totally forgotten that there is a need—not just a need but indeed a responsibility—to consult, to listen and to talk to senators in this place. They seem to have totally forgotten that there is a need to talk to the opposition about changes that we might accept to pass legislation, or to talk to the crossbench about changes they might accept to pass legislation. There is a need to work cooperatively.

Many uphold that that is the strength of the Senate. It is certainly what many people have praised about the new Senate structure. Whilst of course I would rather the Liberal and National parties still had a majority, I accept that there are some pluses perhaps for the country in the Senate having that strange balance of power situation. In doing so, I recognise that there is then a need for cooperation and conciliation between the parties sitting in here. It is amazing that the government fails so miserably to work to achieve that cooperation between the crossbench and the parties to put its legislation through. If it believes that its amendments that are being proposed this time around are acceptable just a couple of weeks later, you really do have to wonder why it could not manage the legislative program well enough a couple of weeks ago to get these amendments on the table and to get the result that it was seeking. Quite clearly, it is contemptuous. It is mismanagement. It is both.

We do have some amendments thrown on the table that obviously the government hopes will see the passage of this legislation this time around—a couple of weeks later. They have thrown a bone here and a bone there. They have put some amendments forward in the name of the government that I assume are amendments meant to pacify the Greens. They have thrown them a bone. There are some amendments put forward by Senator Fielding that may or may not have been developed in cooperation or conjunction with the government, so there is potentially a bone there. But when you look at the detail of these amendments, the important thing is that there is no meat on the bones. They have thrown these bones out but they are well chewed before they got to them. There is no meat on the bones of these amendments. In fact they do very little to improve the substance of the legislation that is before us.

The government-Greens proposal tries to provide some exemptions from this tax hike on fuel-efficient cars, but it sets a dollar cap on that. You can only have fuel-efficient cars up to $75,000 in value. That is your limit of fuel efficiency, then the tax hike kicks in again. As I have said in this place before when speaking about the solar rebate program, carbon emissions do not understand means testing. Carbon emissions are not means tested. They do not have threshold caps set to them. Indeed, in this instance, if the government is serious about supporting
fuel-efficient vehicles and their place in the economy, and if the Australian Greens are serious about supporting fuel-efficient vehicles and their place in the economy, then they will provide an exemption from the luxury car tax increase for those fuel-efficient vehicles. They will make sure that it covers all potential vehicles on the market.

As Senator Bushby was saying before, much of the innovation that occurs in the automotive sector occurs in those vehicles at higher prices. Innovation is what we want to see in the automotive sector to get more fuel-efficient vehicles on the road—increasingly fuel-efficient vehicles on the road. To get that innovation we need to be incentivising it in all price brackets not just have a cop-out amendment that is designed to say, ‘Well, we have done something for fuel-efficient vehicles.’ Those at the cutting edge of development, those that will be the most efficient vehicles, the ones that provide the technology we rely on into the future, are not included in any exemption. They still get the full tax hike because this really is just about playing politics to claim to have done something to support fuel-efficient vehicles.

So there is the Greens-government proposed amendment, the bone that was thrown there. There is no meat on the bone there. It is a token amendment that ticks a box to say that they have done something for efficiency but in reality it does nothing at all that will provide long-term benefits for the development of fuel-efficient vehicles in the Australian economy.

Then we turn to Senator Fielding’s amendments, which we can only assume the government has either given a nod and a wink to or played some role in the development thereof. Senator Fielding’s amendments attempt to provide some exemptions to the increase for primary producers and for tourism operators. They are very worthy aims. They are aims I spoke about when speaking on this legislation a couple of weeks ago. I spoke about fuel-efficient vehicles. I spoke about primary producers and tourism operators, so I agree with all three of the aims of these amendments. It is not the objective that is the problem here from the Greens amendments or Senator Fielding’s amendments. It is the substance that is sorely lacking.

In regards to Senator Fielding’s amendments, there are numerous holes, I am sad to say. We look at primary producers—and that is just it: it covers only primary producers. It covers only those in primary production businesses. There are plenty of people in rural and regional Australia who rely on having a four-wheel drive or all-wheel drive vehicle to get around—to undertake their business or to take their children to school safely, or to get to and from the hospital or the town, or to do their shopping or anything else of that sort. There are plenty of people in rural and regional Australia who rely on such vehicles who are not in primary production businesses. Lots of Australians would be cut out. This is an extraordinarily narrow definition if you are going to protect the interests of rural and regional Australia from this tax hike. Have no doubt about it, a large number of the vehicles that are hit by this tax hike are sold into rural and regional Australia. Proportionately, rural communities are some of the communities most hit by this $555 million tax slug. So we think about those people and communities who may not be in the primary production business.

We can see that there are many people going about other forms of business in rural communities, such as postal contractors, who actually need to get into remote areas. There is no exemption for them because theirs is not a primary production business. There are fencing contractors who need to get into primary production areas, rural areas and agricultural areas. There is no exemption for
fencing contractors who may need to access these types of vehicles. They all get hit by this tax slug, even with Senator Fielding’s amendment. It is a well-intentioned amendment but, unfortunately, an amendment that just creates further inequities in the system. If we are going to fix this legislation, it needs to be in a far more comprehensive way than isolating primary production businesses so that people directly on farms earning on-farm income may get an exemption but everyone else in regional Australia misses out. There is nothing equitable about that—far from it.

On the tourism side of the ledger, Senator Fielding’s amendment attempts to exempt tourism operators. As I said, that is another wise and reasonable objective. I have had many representations from the tourism industry on this matter. I was at a function for the Australian Regional Tourism Network in the Barossa Valley only last week. It was their annual conference, where tourism operators from regional areas right around Australia gathered together and talked about their industry and some of the challenges they face at present. There are many challenges that the tourism industry faces at this present time. There are challenges relating to the increase in oil prices and transport costs for both the air sector and on-ground transport. There are challenges imposed by the government not only with this tax slug in the budget but also with the increase in the passenger movement charge—the ‘tax on tourists’, as it is.

The tourism industry is feeling some angst and in—as Senator Conroy reminds us constantly—these uncertain global economic times we know that discretionary expenditure on things such as tourism will be one of the first things to be hit. The tourism industry is worried and regional tourism operators are very worried. They made known to me, quite clearly, their concerns and their views that this tax measure has unfairly hit them.

Senator Fielding has quite wisely and rightly attempted to draft an amendment to cater for those tourism operators, but again, unfortunately, it does not go far enough. His amendment only covers four-wheel drive or all-wheel drive vehicles. That is fine for those tourism operators in areas of my home state like Kangaroo Island, the Flinders Ranges or outback South Australia—some of whom may be based near Senator Williams’s hometown of Jamestown, well on the way to the Flinders. There are some beautiful parts of SA there. Those operators may well be providing services in four-wheel drives, but that is only a small part of the tourism industry. Left out of that are the hire car operators who operate throughout cities and tourism operators who provide tours in wine districts.

In my home state of South Australia, tours to wine districts are a critical part of the tourism industry, but they are not done in four-wheel drives. They are done in quality vehicles—luxury vehicles, as some may say. Of course, people paying for a tourism experience, travelling around wine districts and contributing to regional tourism, expect a good experience. They do not expect to be picked up in a second-hand car, but they also do not expect to be picked up in a four-wheel-drive.

That is the problem with Senator Fielding’s amendment: it excludes, once again in the tourism sector, a whole raft of tourism operators, creating great inequity. Indeed, if anything, it potentially runs the risk that tourism operators operating other businesses will be drawn towards four-wheel drive or all-wheel drive vehicles as the solution, because with the way it is structured there is nothing to say that you have to be in a regional area to get that exemption—you just have to be a tourism operator. We may well
have the hire car industry suddenly switching over to four-wheel drives, which is hardly a sensible outcome from this legislation. It is hardly a good thing for the tourism industry, the environment or our roads. Unfortunately, well intentioned as they are, the amendments of the Greens and of Senator Fielding leave many inequalities and inequities in this legislation.

It is not just those sectors, though, where there is inequality. There are others who have been totally overlooked by these amendments. There are others who will still be hit by this tax. There are large families, whom many have spoken about before in this place, who need a large vehicle to get all of the children around. They are hit by this tax. Families may need a specialised vehicle because they have a disabled child—they will be hit. Then we have those who for recreational purposes may need a four-wheel drive but are not primary producers and do not even live in regional areas. Many recreational fishers or indeed commercial fishers need four-wheel drives to be able to tow their fishing boats. Many in the recreational horse industry need four-wheel drives to be able to legally tow their horses, as do many in the commercial horse industry.

There are many practical implications here; there are many others who will be damaged, hurt, by this $5,555 million tax slug that the government has proposed. It is just not good enough for the government to say that these people should wear it and cop the tax. It is just not good enough for the Greens or Senator Fielding to say that the proposed amendments will do enough to cover these people. They will not. There will be thousands of hardworking Australians still forced to pay an unnecessary tax slug because of this measure.

As has been spoken of in this place before and as I emphasised in my address a couple of weeks ago, it is also a terrible decision for, and a terrible hit on, the Australian car industry. In my home state of South Australia we have already been hit, as Senator Carr would well know, with the loss of Mitsubishi from the manufacturing sector. We see Holden—

Senator Carr—What about the tax on Ferraris? You just want to defend the Ferrari! Talk about the tax on Ferraris.

Senator BIRMINGHAM—Senator Carr of course wants to focus on the Ferrari. Senator Carr, how about the 4,754 Statesmen and Caprices sold in Australia last year, all of them built in South Australia? You may want to talk about Ferraris; there are not that many Ferraris sold in Australia each year, Senator Carr.

As has already been indicated, the opposition will be moving its own amendment to impose a threshold that would cover the issues of four-wheel drives, a threshold of $90,000 for this tax hike. Senator Carr, that would mean the tax would cover your Ferraris, but it would exempt the Statesmen and Caprices built in my state of South Australia and the Ford Fairlanes which have been built in your state of Victoria and which I understand Ford is planning to discontinue production of—no surprise, of course, knowing that this government wishes to put this tax hike on luxury cars and Australian made vehicles like this. This decision of the government hurts the Australian automotive industry. They have railed against it and they expect us to do our bit to support this industry. I find it remarkable that the Minister for Innovation, Industry, Science and Research somehow thinks this policy, which hits a sector that he claims to support aggressively yet obviously delivers so little to, is good policy. That is why we on this side are determined to make sure we stand up for the interests of the industry and of the many thousands of Australians who are hit by this
and who would be left out even from the effect of the amendments that are proposed by the minor parties. It is why in all honesty we should be ashamed that the government has put this tax hike back on the table so soon after the Senate quite rightly rejected it. I hope the Senate will reject it again.

Senator JOYCE (Queensland—Leader of the Nationals in the Senate) (6.39 pm)—We always hear, don’t we, that somehow the Labor Party knows where you can buy a Ferrari for $57,180? The only way you can buy a Ferrari for $57,180 is if it is hot—if it is dodgy; if it has been stolen. That is the sort of policy that we currently have with this: something that has been manipulated and turned around. These people know where to buy Porsches for about $57,180 because they are so dodgy. This is a dodgy policy from a dodgy premise but it is also an attack on manufacturing workers at Australian manufacturing and car plants—an attack on Australian working families. It is an attack on those who are in a precarious position by reason of the stresses manufacturing plants are under. In their infinite wisdom, the Labor Party have decided that they are going to help the show by putting another tax on it. They are going to be responsible for putting Australian manufacturing workers out of a job. That will be the effect of this. If they believe in market principles and price signals then the price signal is to stop you buying. So what are people going to buy? They are going to buy cheap imported Chinese and Indian cars or, if they do not care about the price, they will buy European cars. But it will be Australian cars and Australian manufacturing workers that are dealt such a cruel blow by this.

In the government’s insistence on trying to put this through, they have come up with a horse designed by committee which has become a camel. That is the sort of legislation that is being put before us. They are corralling the Greens and corralling other sectors. There are exemptions for environmentally friendly cars. There are rebates for people who have rural property. Possibly I will get one because I am a primary producer, but the person who comes to do the contract farming on my place will not. The person who builds a fence on my place will not. The mechanic who comes to my place will not.

A saying that goes round now is that the only tractor you need on a farm these days is a contractor. They are the people that the Labor Party think do not exist. So a big thankyou from absentee landlords like myself to you good people for helping us out, but you have left out the people who actually do the majority of work on so many places. You cannot go into a town and start dividing people up—‘You are in; you are out.’ You cannot walk down the streets of a place like St George and say, ‘You over here will get an exemption for buying that Toyota wagon to put your family in but you over there will not.’ It is a ridiculous concept. And these are the sorts of things that are coming forward.

This legislation is based on a ridiculous premise that we will now have arbiters elegantiae who will determine what luxury is. We look forward to the Henry review—what an absolute document of wonder that will be!—to discern other things that are luxuries. The government have already said they will be looking at jewellery and artwork. I look forward to the day when somebody on the other side will be discerning whether my fridge is a luxury fridge or just a regular old Kelvinator. Some bastion of information will sit down and ponder the universe as to what is and what is not luxury and tax me accordingly. That is the sort of ridiculous scenario that will descend on us.

The government have thought about it for a long while! The legislation failed about a week ago and it is back here today, like a lost
dog looking for a bone. It is back here wandering around the chamber, and we are going to see if it struggles through this time. The legislation, Labor’s idea of structural policy, is evolving into bathos. It has hairs all over it. Why can’t we do what is reasonable and just kick it out? It is too confusing. Why didn’t the Labor Party at least have the decency to look at the sorts of cars that Australia produces and at least exempt them—to at least keep out of it the Australian workers who are going to have their jobs threatened by this?

Maybe they have not been reading the mail lately, but a fair few stresses are coming onto the manufacturing workers in the manufacturing plants of Victoria and South Australia. They will be absolutely fascinated to know that tonight the Labor Party has created basically an upside-down tariff—a reason for Australians to buy a product made by workers overseas. They will be thrilled to bits with the logic.

Then there is this concept of luxury. I truly believe that if we walked down the street and asked people, ‘Do you believe that your Statesman is a car of luxury? Do you believe that your Toyota LandCruiser wagon is a sign that you are up there with those people who occupy the BRW 200?’ I wonder if these people feel that they are in possession of an item of luxury.

The reality is that the motor car, for so many people, is the one article that they can extend themselves to that means so much. How many times do you drive past a house and see the car in absolutely immaculate condition? They might live in a house where they are actually struggling a little bit, in a street which might not be at the best end of town, but they concentrate on that vehicle because it means so much to them. It is something that personifies just a little bit of a corner of their life where they have something that they are proud of. It might be the highest-range Monaro, but for the government those sorts of vehicles might be a luxury. I think the people who are listening tonight would be saying, ‘It is nice to own one but I don’t see it as a luxury.’

It is an arbitrary tax, where the government have plucked a figure out of the air: ‘It’s going to be 33 per cent.’ That is a fair hit to put on someone because they dare to want something that, for all intents and purposes, may be just a bit nicer. Government senators may come in and say, ‘We are looking at the top of the range’. They always talk about Ferraris and Porsches. You know their argument is lacking when they keep referring to something that is a stellar orbit from the price where this tax cuts in—it is a million miles away. But they do not say, ‘You are helping all the people who won’t own Holdens. You are supporting all the people who won’t own Fords. You are supporting all those terrible people who own Toyotas.’ No, they have to go for the ridiculous notion of being mischievous and they mislead and suggest to the Australian people that this is a tax that comes in at a quarter of a million dollars or $150,000 for a period of elasticity.

This comes in where the demand for the motor vehicle is very elastic, where people respond to price. People do respond to price. That means that when you put the price up they buy another product, so they will buy a product from another country and they will be putting an Australian worker out of a job. They will be forced to do this because of politics of envy. And it is not just politics of envy but a misguided and completely implausible premise in a piece of legislation that now has so many junctures and amendments that it has become an absolute farce—all for the purpose of saying, and this is what it is all about: ‘We won. We got that
The policy, if it ever gets through, will be the archetypal grandpa’s axe: the head will have changed, the handle will have changed, but somebody somewhere will be able to say, ‘That was successful. That was good government tonight. We managed to really deliver to Australians a sign of how we will manage the economic times that are in front of us and how we will deal with the precarious nature of what is before us, because we brought into parliament something that had been shot to pieces to prove a point.’

We should be using this time tonight to debate other things that are far more important, like how we are going to deal with the effects of the threat to superannuation by reason of the international turmoil; how we are going to deal with the effects on the people who are going to be losing their job because of this international turmoil; how we are going to deal with the people in the western suburbs of the major capitals who are probably looking at negative equity on their homes—how we are going to deal with those issues. The Labor Party is going to deal with those issues by putting another tax on their vehicle. That is how they are going to do it. And if they live down south they are going— *(Time expired)*

Debate interrupted.

**DOCUMENTS**

**Consideration**

The government documents tabled earlier today were called on but no motion was moved. An order of the day relating to government documents was called on but no motion was moved.

**ADJOURNMENT**

The **ACTING DEPUTY PRESIDENT** *(Senator Humphries)—Order! It being 6.52 pm, I propose the question:*

That the Senate do now adjourn.

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**Murray-Darling River System**

**Senator FISHER** *(South Australia)* *(6.52 pm)—Thank you for this opportunity to speak about the critical issues facing the Murray-Darling Basin with particular emphasis on providing examples of the government’s very disappointing and potentially tragic failure to deliver on its commitment to evidence based policy in terms of saving the Murray-Darling. I earlier outlined in this place concerns about the government’s failure to do so in respect of bringing water back into the system by redistributing water or distributing the little water that becomes available and in respect of better collection, storage, use and reuse of water. I want to focus on this very critical question: once there is some little water, as and when it becomes available, where is the government’s evidence based plan to redistribute that water? Where is the government’s evidence based plan to decide who gets access to that water, on what terms, when they should get it, why they should get it, how they should get it and for what they should be able to use it?

It should be obvious that these questions are very important ones that the Australian electorate at large deserves answers to, particularly from a Prime Minister who has promised, and properly so, the development of evidence based policy—effectively the promise of an evidence based plan and evidence based actions to address the water crisis facing the country.

In assessing, mapping and presumably—hopefully—having some method to decide how water would be redistributed, let us start looking at who or what might have access to the little water that is available. Some of the contenders obviously include the river itself and the environment—a proper cause. Some of the contenders obviously and properly include the users—farmers and irrigators,
city people and townspeople, and country people. The everyday users include the communities along the river. At the moment they include those who use water to produce other things—farmers and irrigators. There might be a distinction drawn between farmers and irrigators who produce for consumption in the domestic market versus those who produce consumables for export. What is the government’s plan? What is the government’s process for deciding what its plan is? We have not heard its plan yet, so presumably it is still implementing its process for the plan. We would like to be told. We would like to be included. The Australian people would like to be included in the process.

Once we have decided to whom it should go, the question is: what water will they get? Some of us might think all water is the same. No. Of course, currently we have myriad licensing and allocation systems across the various states. There are permanent water entitlements. There are temporary water entitlements and a range of methods of treatment of water. In the process of working out who gets water the question arises: what water will people get? When will they get it? Now or in the future? Will there be transition periods? How will they get it? Will it be guaranteed? Will they get a minimum with the potential for more in the future, depending upon whether more becomes available in the basin? Where will they get it? From where will water come? Will there be differing treatment or distinctions between cities and towns, between capital cities and rural and regional cities? Will there be distinctions between states? Will there be distinctions between users for domestic consumption, commercial consumption, people consumption or animal consumption? To these questions we do not know the answers.

Why are these questions important? The importance was demonstrated yesterday, effectively, as we heard the government talking of priority being given to certain people and things for water right now. The compelling necessity to have the government’s method mapped out unfolds when you look at it in this context. In the current context you can ask questions like: who will get the water? For example, do towns on the Murray get priority over Adelaide or is it the other way around? If so, why so? Or, will Melbourne and Bendigo get priority over other users once the pipeline is built? If so, why so? Why does Adelaide seem to have first claim, in a contingency sense, to water held in reserve in the Menindee Lakes, when it is highly likely that water will evaporate before Adelaide will lay claim to it in any event?

Thus far, we cannot see any clear plan. It becomes all the more critical that there be a clear plan because, over time, we see the debate morphing into the vernacular use of the term ‘critical human needs’. Understanding what the government means by critical human needs is really important, particularly when the government uses that term with varying meanings and then, once a definition is miraculously ascribed to that term, those to whom water is given for those purposes get that water to the exclusion of all others and with priority over everybody else.

So it does matter. An example of where it does matter is the reserving of parts of the Menindee Lakes for critical human needs for Adelaide—which the minister has highlighted as something that needs to be done. It matters in the context of the Sugarloaf Pipeline, where 110 gigalitres of new water will be taken out of the system. Melbourne is not currently taking it out of the system but it will start to take up to 110 gigalitres of water a year presumably for critical human needs. That escalates the use of that water to the exclusion of others. Not only is it water that has not been used before, it gives it priority that it has not had thus far. Maybe those 110 gigalitres were previously used by irrigators.
who might have had a 20 per cent security to accessing that water. That gets changed as soon as it is miraculously ascribed as supplying ‘critical human needs’.

What does the minister mean when she refers, as she does, to ‘critical human needs’? This has been given as evidence before the Senate committee, and expert witnesses before the Senate committee have essentially agreed that at no stage have they had the meaning of ‘critical human needs’ provided to them by the government—yet it is a term that is used. We are assumed to know what it means. It is kind of obvious, isn’t it? Why then does the minister vary her language when she refers to it? Why has she sometimes referred to it as drinking water for the cities and the towns that rely upon the Murray? Why should it be provided only to those who rely on the Murray, particularly when it is able to be argued that some of those that rely upon the Murray—as does Adelaide for the majority of its water supply—should not? As a senator for South Australia I am a keen advocate of weaning Adelaide off the Murray. Why should Adelaide continue to suck on the Murray just because it has up to now? And when we are advocating taking Adelaide off the teat, why is Melbourne, another capital city, suddenly going to be put on the teat to the exclusion of others once we have ‘human critical needs’? The government owes it to the Australian electorate to tell them what it means when it says ‘critical human needs’. More than that, that is a really important but time critical example of the government’s failure to explain its method behind its water madness.

(Time expired)

Discrimination

Senator FEENEY (Victoria) (7.02 pm)—This evening I want to discuss a matter which has recently been brought to my attention by my friends at Unions ACT, the peak trade union body here in the Australian Capital Territory. It is an issue which will have ramifications for many people, not just in the ACT but across Australia. It is in part an issue of industrial relations but it also has far wider human rights implications, particularly for our fellow citizens who were born in countries other than Australia.

Last year a group of companies working in the aerospace and engineering fields applied to the ACT Human Rights and Discrimination Commissioner for an exemption from the provisions of the ACT Discrimination Act 1991. They sought exemption from section 109(1) of that act, which prohibits discrimination on the grounds of race, a term which is generally taken to include nationality or place of birth—in other words, they were seeking permission to discriminate against certain employees or applicants for employment on the grounds of their race or birthplace. Why should Australian companies want to discriminate against people on these grounds? Let me make it clear at the outset that I am not accusing those companies, or the executives of those companies, of racism. Rather, the explanation is simpler, if just as discouraging in some ways. These companies were in pursuit of commercial opportunities. Specifically they were seeking defence related contracts from the United States of America.

The difficulty for these companies is that contractors seeking to work on national security related projects for the US must comply with the guidelines, known as the International Traffic in Arms Regulations, or ITAR, which are laid down by the US State Department. These regulations prohibit people born in certain countries from having access to sensitive military information. The list of prohibited countries includes China, Lebanon, Vietnam, Burma, Syria, Iran and Cuba—to name just some. Companies seeking defence related contracts from the US...
cannot employ people born in these countries in any position which gives them access to sensitive information. The reasoning behind that is reasonably clear. The US is concerned, no doubt justifiably, that persons born in such countries may put their relatives at risk and are not necessarily being accused of being individually suspect. I am, of course, a pragmatist. I am a strong supporter of the alliance between Australia and the US and I understand that the US operates in an international world which is not always a pleasant or proper place. But the problem here is that we have a situation where Australian citizens are being discriminated against.

The difficulty that the ITAR regulations cause for Australian companies should be obvious. In this country we have over 200,000 people born in Vietnam, over 200,000 people born in China and over 100,000 people born in Lebanon. The majority of these people are Australian citizens or permanent residents intending to become citizens. When people come to Australia we, of course, accept them as part of our Australian community. When they become citizens they acquire equality with every other Australian. We do not classify our citizens by race, by prior nationality or by birthplace. All Australians enjoy the protection of our laws, including our anti-discrimination laws which protect them from discrimination on the grounds of race or nationality. On that basis it is quite unacceptable to me that Australian companies should be seeking permission to discriminate against Australian citizens in employment in order to comply with those US guidelines. These guidelines have been deployed to prevent the employment of persons on what I might say are spectacular grounds. I understand that one Australian was refused employment on the basis that they were born in Chad. The circumstance, however, is that this was a person of Greek ethnicity born to Greek parents on a plane that was flying over Chad; yet on that basis he was born in Chad and refused employment.

In another spectacular example, an Australian born in Vietnam, who had come to Australia in the aftermath of the Vietnam War, was raised here and served honourably in the Royal Australian Air Force, nonetheless was refused employment on the basis that they were born in Vietnam. Clearly, these examples reveal the stupidity and capriciousness with which this regulation is being enforced and equally make clear what a blunt policy instrument it is. Good, patriotic Australian citizens in individually impeccable circumstances are being prevented from accessing employment opportunities.

Let me make it clear that I am fully supportive of the desire of the United States to protect its military secrets. I am a strong supporter of the US alliance, and I understand that Australian companies benefit enormously from the opportunities and work that flows from working on projects associated with the national security of the US. I accept that such companies obviously have an obligation to comply with reasonable security guidelines to protect sensitive information. That does not mean, however, that Australia ought to allow companies to comply with demands imposed by the US when they so obviously contradict Australian law and the principles that we hold dear in Australia, such as the equality of all our citizens regardless of race or birthplace.

In order to comply with the ITAR regulations, companies such as those seeking the exemption are required to ask their employees not only whether they are Australian citizens but also where they were born. I point out that this would be illegal in the United States under US discrimination law. The ITAR regulations appear to impose a re-
requirement on Australian companies which could not, as a matter of law, be imposed in the US.

In delivering her judgement rejecting the application for an exemption, Dr Helen Watchirs, the ACT Human Rights and Discrimination Commissioner, said that she agreed that the protection of security related information was a legitimate concern. She said, however, that she was not persuaded that this consideration could outweigh the violation of the rights of the affected employees that granting the exemption would entail. Commissioner Watchirs said:

- even if the objective is of sufficient importance ... it is still possible that because of the severity of the deleterious effects of a measure on individuals or groups the measure will not be justified by the purpose it is intended to serve.

She also said:

I understand that an exemption would simplify the process of compliance with contractual obligations imposed by the US. However, the threshold for limiting the right to equality and non-discrimination on racial grounds is high.

I am not satisfied that sufficient efforts have been made to challenge the discriminatory terms of the ITAR as they apply in Australia.

I commend Commissioner Watchirs on this decision. I note that the Northern Territory Anti-Discrimination Commissioner, Tony Fitzgerald, has also rejected an application by Raytheon Australia for an exemption from the Territory’s anti-discrimination law.

It is disappointing, however, to see that David Boddice SC, a member of the Queensland Anti-Discrimination Tribunal, in a judgement in January of this year, did grant an exemption from the Queensland Anti-Discrimination Act to the same group of companies. This exemption granted in Queensland sets a very unfortunate precedent. It allows these companies to question their employees or prospective employees about their birthplace and to make employment decisions based on that information. It enables the absurd circumstances I spoke of earlier to come into place and affect an Australian citizen whose loyalty to this country is impeccable.

People have come to Australia from Vietnam, China, Lebanon and many other countries to escape poverty, war, violence and persecution. They have made a vital contribution to our economy, our culture and our national life. They are loyal to this country and we ought not to allow any form of discrimination against them. I believe the ITAR regulations policy is a blunt instrument that completely fails to take into account the most profoundly important personal circumstances. I believe these principles are more important than defence contracts.

**Economy**

**Senator ABETZ** (Tasmania) (7.11 pm)—

This evening I wish to make a few comments in relation to Australia’s current economic situation and also to respond to some of the mantra that we have been submitted to, question time after question time, by ministers opposite. Mere repetition of an assertion does not turn it into a fact. Unfortunately, it seems that Senator Conroy and others opposite think that simply repeating a mantra which is clearly wrong turns it into a fact. I can assure them that it does not. The thing that does concern me is that this continued repetition might unfortunately mislead some of our fellow Australians.

The issue that I first of all want to address is the assertion by the Prime Minister and his government that they are somehow economic conservatives. Indeed, I nearly choked when I heard Mr Rudd say that he was an economic conservative—that he always has been and always will be. I invite fellow Australians to read his first speech to the Australian parliament, where he attacked for about
five minutes—about a quarter of his speech, I would assume—the policies of one Margaret Thatcher. He has always been an economic conservative and yet the very first speech he gave in this parliament was designed to attack Margaret Thatcher’s policies! That is fine. That is what we expect of those from the left of the parliament—I accept that and I even respect it. But then please do not have the audacity to assert, contrary to what you said in your first speech, that somehow you have always been an economic conservative.

Then, in delivering his first budget, the Prime Minister told the Australian people that it was ‘a traditional Labor budget’. If it is a traditional Labor budget, and we are to believe that he is an economic conservative, we should be believing that Labor budgets at all times have been economically conservative.

Senator Nash—Hardly.

Senator ABETZ—Senator Nash, you are absolutely right—hardly. So Mr Whitlam’s budgets of the 1970s were good, economic conservative budgets because they were traditional Labor budgets—and the same with Mr Keating’s. This is absolute arrant nonsense.

But let us turn to some of the other statements that have been made. There was the statement that somehow the coalition wasted the years in government and the economic boom times and there is nothing to show for it. Let us analyse that. We came into government when the budget, after it had been promised that it would be at least balanced if not in surplus, was in fact $10 billion in deficit. We rectified that, despite union officials—some of whom now sit in this place as Labor Party senators—seeking to break down the doors of Parliament House in 1996 in opposition to our first budget, which sought to balance the budget, let alone bring it into surplus.

But they have always been economic conservatives, if you are to believe what they say. During the period of the Howard-Costello economic management of this country, not only did we turn the $10 billion budget deficits into surpluses but we paid off the $96 billion debt left to this country by Labor, and we also established the Future Fund. There was a net asset turnaround for this country well in excess of $150 billion. But that is just swept under the carpet and ignored as though all of it just happened by accident. We in fact took the hard and tough decisions, which were opposed every step of the way by Mr Rudd as we sought to achieve that result. And now they seek to deny it. We also of course left a legacy of low unemployment—the lowest for some 30-plus years.

Another of the statements that those opposite like to make during question time is the assertion that the then Howard government had 20 warnings from the Reserve Bank about the threat of inflation. That is interesting, because if there had been a warning to the government the statements and the comments would in fact have been public documents—they would be publicly available. The Labor opposition knew about those alleged warnings as well, yet during the election period did we ever hear Mr Rudd say that because of the Reserve Bank’s public warnings—20 of them—we cannot adopt Howard government policies. Of course not. He went to the people saying, ‘We fully support the economic management of the Howard and Costello team. We are economic conservatives.’ At no stage did Mr Rudd see these statements by the Reserve Bank as being the 20 warnings that, we are now led to believe, they provided to the Australian people. They fully endorsed our economic approach.
Another matter of some concern is the way that the Labor Party—and, I might say, they were aided and abetted by elements in the media—sought to rubbish Mr Costello’s warnings during the election campaign about tough economic times ahead. He warned that there would be some real international problems facing us. He was accused of scare-mongering. He was accused of trying to scare people into voting for the coalition, and it was said that there was no basis to his assertions. Less than 12 months later, Mr Costello’s statements are now economic orthodoxy. Indeed, we hear about the international situation day after day from Senator Conroy as though he somehow discovered it. It was the Howard-Costello team that warned the Australian people about these matters. They were ridiculed and pilloried for it, but now they are shown to have been absolutely correct. Will we get an apology from Mr Rudd and the Labor Party or, indeed, some of those commentators in the media? Of course not.

But may I suggest that the real economic conservatives are not those who like to call themselves economic conservatives, because they think it is popular in the short term; it is those who have taken the tough decisions and have balanced the budgets. People like Senator Faulkner, who sits in the chamber tonight, voted in this place against the budgets and the budget measures that brought about the surpluses and the tax reform that was so vitally needed for this country.

My colleague Senator Ferguson made some suggestions earlier today about how question time might be improved. He referred to the difficulty in getting ministers to have any degree of relevance to the actual question asked. I think Senator Ferguson made some very good points. When the ministers oppose answer questions in question time, I invite them to consider the facts and the actual truths of their assertions and to not just repeat parrot-like the focus-group-tested slogans that they think might have some cut through in the electorate. It does work for a while—I will give them that—but, as former Premier Carpenter found out in Western Australia in recent times, there is only so much spin that the people of Australia will put up with. After a while they will see through it.

We have now seen Labor spin on alcopops, on the luxury car tax—you name it—but when you start prodding and scratching and having a look behind the spin there is absolutely no substance. Just this evening we were discussing the luxury car tax, which is being brought in because we have to fight inflation. That was the reason—it was going to help us fight inflation. Yet Labor’s own senators on the Economics Committee admitted that it would be inflationary. So you ask the government, ‘Why are you introducing this, because it is going to have the exact opposite effect of what you said?’ and they just dismiss it, move the goal posts and move to the next argument. Australia was left a great economic legacy, which the Rudd Labor government is now unfortunately trashing.

Senate adjourned at 7.21 pm

DOCUMENTS
Tabling

The following documents were tabled:

Australian Federal Police—Ministerial direction, 25 August 2008—Government’s expectations and priorities for the AFP.

Australian Radiation Protection and Nuclear Safety Agency—Quarterly report for the period 1 April to 30 June 2008.

Finance—Budget 2008-09—Budget paper no. 3—Australia’s federal relations—Corrigendum.


Reserve Bank of Australia—Report for 2007-08.
The following documents were tabled by the Clerk:

**Legislative instruments are identified by a Federal Register of Legislative Instruments (FRLI) number**

Civil Aviation Act—Civil Aviation Safety Regulations—Airworthiness Directives—Part—

105—
AD/B727/100 Amdt 4—Elevator Rear Spar [F2008L03422]*.
AD/B747/382—Section 41 Fuselage Skins [F2008L03421]*.
AD/BEECH 55/97—Circuit Breaker Toggle Switches [F2008L03401]*.
AD/BEECH 56/35—Circuit Breaker Toggle Switches [F2008L03400]*.
AD/BEECH 77/16—Circuit Breaker Toggle Switches [F2008L03399]*.
AD/BEECH 200/37—Nacelle Fuel Tank Probe [F2008L03406]*.
AD/CCESSNA 206/6—Fuel System Drain Cock [F2008L03398]*.
AD/CCESSNA 206/13—Alternator Earth Lead [F2008L03397]*.
AD/CCESSNA 206/15—Right Hand Wing Rear Spar [F2008L03393]*.
AD/CCESSNA 206/26—Ammeter Type and Position [F2008L03392]*.
AD/CCESSNA 206/35—Cylinder Head Temperature Probe [F2008L03391]*.
AD/CCESSNA 303/1—Fuel Hose Clamping – Improvement [F2008L03350]*.
AD/CCESSNA 303/10—Auxiliary Fuel Pump Wiring Modification [F2008L03349]*.
AD/CCESSNA 400/87—Aileron Yoke Mounting Bracket Attachment – Inspection and Modification [F2008L03300]*.
AD/CCESSNA 400/116—Dual Battery Switch [F2008L03415]*.
AD/CCESSNA 400/117—Powerplant Electrical Wiring [F2008L03416]*.
AD/CCESSNA 500/7—Landing Gear Unlock Actuator and Control System [F2008L03377]*.
AD/CCESSNA 500/8—Static System Drainage – Inspection [F2008L03376]*.
AD/CCESSNA 500/14—Exhaust Nozzle Cone – Replacement [F2008L03371]*.
AD/CCESSNA 500/21—Nitrogen Bottle Installation – Inspection [F2008L03370]*.
AD/DHC-1/10—Superseded by AD/DHC-1/15 [F2008L03279]*.
AD/DHC-8/142—Spoiler Disconnect Sensing Device [F2008L03367]*.
AD/DHC-8/143—Nose Landing Gear Electrical Harness [F2008L03366]*.
AD/ECUREUIL/40—Tail Rotor Gearbox Casing [F2008L03418]*.
AD/ JBK 117/29—Cyclic Stick – Modification [F2008L03365]*.
AD/PA-32/15 Amdt 2—Rudder Trim Arm Assembly Cracking [F2008L03262]*.
AD/PA-32/20—Seat Frame – Modification [F2008L03439]*.
AD/PA-32/44—Throttle Linkage Bolts – Replacement [F2008L03340]*.
AD/PA-32/45—Lower Cowl Drain – Inspection and Modification [F2008L03339]*.
AD/PA-32/60—Manually Trippable Breaker for Pitch Trim Circuit – Installation [F2008L03334]*.
AD/ROCK-114/7—Landing Gear Retract Cylinder Retainer and Rod End Lockwasher – Installation [F2008L03353]*.


Defence Act—Determinations under section 58B—Defence Determinations—
2008/43—Salary non-reduction – amendment.
2008/44—Post indexes and removals – amendment.


∗ Explanatory statement tabled with legislative instrument.

Indexed Lists of Files

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

Indexed lists of departmental and agency files for the period 1 January to 30 June 2008—Statements of compliance—
Agriculture, Fisheries and Forestry portfolio agencies.
Broadband, Communications and the Digital Economy portfolio agencies.
Department of the Prime Minister and Cabinet.
Environment, Water, Heritage and the Arts portfolio agencies [2].
QUESTIONS ON NOTICE

The following answers to questions were circulated:

Asia-Pacific Economic Cooperation Forum
(Question No. 369)

Senator Milne asked the Minister representing the Prime Minister, upon notice, on 12 March 2008:

(1) At any point during the recent Asia-Pacific Economic Cooperation (APEC) forum, in Sydney, were the spouses of the APEC leaders transported by a coach with a parquetry floor; if so: (a) where did the coach come from and how was it transported to Sydney; (b) why was it deemed necessary for the leaders’ spouses to be transported in this manner; and (c) who made the decision about what level of luxury the leaders’ spouses would travel in.

(2) What were the costs and the greenhouse gas emissions associated with the transport of the coach to Sydney.

(3) Can descriptions be provided of the other features of the vehicles that the leaders’ spouses travelled in.

Senator Chris Evans—The Prime Minister has provided the following answer to the honourable senator’s question:

I am advised that:

(1) Yes.

(a) Queensland: The coaches were driven to Sydney by representatives of the company that owned the coaches.

(b) APEC NSW Police Security Command (APSC), responsible for overall security during APEC Leaders Week, specifically requested provision of small coaches, with darkened windows, to transport Leaders Spouses during their program of events. Research identified only four vehicles of this type available in Australia, all with one service provider. The service provider was previously used for the Ministers Spouse Program during the APEC Ministers Responsible for Trade Meeting. These vehicles were considered suitable to provide the required standard of coach transport for Leaders Spouses as requested by the NSW Police.

(c) as with all services delivered to APEC Leaders, Ministers and their corresponding spouses, levels of services were determined by the APEC 2007 Taskforce. In this instance it was determined that coaches should be in line with the vehicle service usually provided to Leaders Spouses, thus providing a consistent transition between motor vehicle and coach transport.

(2) The total cost to the Taskforce in relation to these coaches being utilised for the APEC Leaders Spouse Program was $41,513.20. We do not have a separate breakdown of the cost of transporting them to Sydney.

The department cannot accurately calculate the greenhouse emissions associated with the transport of these coaches by an external service provider.

(3) Other internal features of the coaches were curtains, double-tint windows, climate controlled air-conditioning and TV/DVD/CD/Radio/PA System.
Forestry
(Question No. 498)

Senator Milne asked the Minister representing the Minister for Agriculture, Fisheries and Forestry, upon notice, on 17 June 2008:

(1) At 24 November 2007, how many applications had been received in each category of Tasmanian Community Forest Agreement (TCFA) grants, approved or in progress?

(2) (a) Who were the members of the advisory committee? (b) Who represented the: (i) Tasmanian Government? and (ii) the Federal Government? (c) who was the independent member of the committee? and (d) who was the chair: (i) from inception until 24 November 2007? and (ii) since 24 November 2007?

(3) Did the membership of the advisory committee change between 2005 and 24 November 2007; if so, what are the details of the membership changes?

(4) Did the membership change after the 2007 Federal election; if so, who has been on the advisory committee since 24 November 2007?

(5) Were the three independent positions on the committee advertised; if not, how were the members chosen?

(6) Who selected the three independent members?

(7) Who was appointed as the Independent Assessor?

(8) What selection process was undertaken to choose the Independent Assessor?

(9) Who chose and appointed the Independent Assessor?

(10) (a) What criteria was used in choosing the Independent Assessor (b) why was the department’s ‘Chief Executive Instruction on Procurement’, including the department’s ‘Risk Assessment in Procurement Processes’, not implemented? (c) who decided not to implement it? and (d) was the Minister informed of the decision not to implement it; if not, why not; if so, which Minister was informed and by whom?

(11) What payments were made to the Independent Assessor: (a) until 24 November 2007? and (b) after 24 November 2007?

(12) (a) What oversight did the Tasmanian Government or the Australian Government have over the recruitment or appointment of the Independent Assessor and sub-contractor? and (b) why did the department not formalise a consultancy agreement with the Independent Assessor and the sub-contractor?

(13) Why did the Cabinet Implementation Unit (CIU) of the Department of the Prime Minister and Cabinet decide to no longer include the three TCFA programs in the CIU quarterly reports past September 2005?

(14) Why were the potential conflicts of members of the advisory committee, the Independent Assessor and sub-contractor not identified as a risk by the department as part of the program implementing planning process?

(15) (a) Why did the department not require the advisory committee to adhere to the ‘Better Practice Guide for Advisory Committees’ by requesting members, prior to their joining the advisory committee, to sign a declaration of interests advising the committee of conflicts of interest? (b) who made the decision not to implement the guidelines? and (c) were either of the Ministers informed of this decision?

(16) Why did the department, as the secretariat, not record the minutes of two of the three teleconferences held by the advisory committee?
(17) (a) Did the Independent Assessor have business interests, or direct or indirect involvement in the Tasmanian forest industry? and (b) was this identified as a risk to the grants scheme; if not, why not?

(18) Between 2005 and 24 November 2007 who were the members of the secretariat of the department: (a) responsible for chairing meetings of the advisory committee? (b) preparing and administering funding agreements? (c) the payment of grants; and (d) other administrative functions related to the programs?

(19) Why did the department not report against all the outcome indicators in its 2006-07 report?

(20) Why did the department not identify: (a) the number of jobs maintained? (b) the amount of new investment for the programs? and/or (c) assistance given within the agreed terms of reference?

(21) (a) How many companies were assessed? (b) how many jobs were likely to be created? (c) how many jobs were maintained? (d) what was the amount of new investment for the program? and (e) was assistance given with agreed time frames?

(22) (a) Which three applications for grants were refused but, following re-assessment by the Independent Assessor hearing of the applicant’s appeals, were then approved for funding? and (b) what funding was granted?

(23) Was either the Tasmanian Minister or the Federal Minister informed that the advisory committee had decided to not adhere to the eligibility criteria; and/or to not adopt a method or scale of rating applications; if so, when was the Minister informed; if not, who decided to not inform the Ministers?

(24) (a) Why was the ‘Chief Executive Instruction on Grant Management’, requiring that a systematic assessment process be established in advance, ignored by the department? and (b) who signed off on this bypass of proper process?

(25) (a) Until 24 November 2007, exactly what did the preliminary assessment conducted by the department secretariat assess? and (b) did the department’s preliminary assessment commit funding in any cases; if so, which cases?

(26) Will the Government produce implementation updates on the TCFA; if so, when?

(27) Why did the performance reviews for September 2006, December 2006 and January 2007 provided to the department’s executive by its Fisheries and Forestry Division not report progress against the outcome performance indicators in the project plan at Portfolio Budget Statements?

(28) Will the department report on the number of jobs maintained, given that all proposals require applicants to provide employment details at the time of the application, and expected employment when the project is completed?

(29) (a) Does the department validate the employment details provided by successful grant applicants; if not, why not? and (b) will the department institute this procedure via the recipients’ payroll data?

(30) (a) Why did the department agree to vary the guidelines for the TCFA grants from other forest-related industry proposal guidelines? (b) in particular, what is the reason detailed financial information on other sources of government funding was excluded? and (c) who requested the variation and what was the rationale provided?

(31) Who has taken responsibility for advising the Minister or the Government when the department did not adhere to its ‘Chief Executive Instruction on Grant Management’ in relation to good eligibility criteria and method and scale of rating applications?

(32) (a) Which nine grant applications had no departmental preliminary assessment (b) were any or all of these grant applications assessed by the Independent Assessor or sub-contractor; if so, which ones? (c) were any or all of these grant applications not assessed by any other body except the ad-
visory committee? and (d) were any or all of these the subject of a declared conflict of interest at any level; if so, what?

(33) Did the chair of the advisory committee document what she or he believed the ‘intent’ of the programs was since the criteria had been ignored; if not, why not?

(34) Which grant application for $49 950 had only a Department of Economic Development (DED) assessment?

(35) (a) Which six grant applications under $50 000 had no documented assessment covering financial viability on technical or operational viability? (b) were they approved? (c) what advice did the department provide to the Ministers as to whether or not they should be approved and on what basis? and (d) who takes responsibility for this advice?

(36) (a) Why did the advisory committee decide not to continue with a probity advisor after only one meeting with a probity advisor present? (b) did the department inform either the Tasmanian Government or Federal Government that the advisory committee had dispensed with the services of a probity advisor; if not, why not?

(37) (a) How many, and which, DED staff provided extensive support to applicants through the secretariat of the advisory committee? and (b) who invited, or agreed to, the DED having such a role when this role was not identified or formalised in the memorandum of understanding on exchange of letters between the state and Commonwealth governments?

(38) Was any assessment conducted of any conflicts of interest of these DED officers, since they undertook assessment of some applications?

(39) Which individuals or companies were recipients of: (a) Tasmanian Country Sawmills Association Programme (TCSAP) 2, worth $102 585? and (b) Tasmanian Softwood Development Programme (TSIDP) 23(a), worth $68 312?

(40) Following the December 2005 advisory committee meeting, the DED was asked to assist with 16 business cases for the TCSAP, 15 business cases for the Tasmanian Forest Industry Development Programme (TFIDF) and 6 visits: (a) which grant applications was this assistance requested for? and (b) who conducted the site visits for the DED?

(41) What criteria did the advisory committee use to decide which applications would be reviewed by the Independent Assessor?

(42) What advice did the department or the Federal Government representative on the advisory committee provide to the committee about the need for criteria on thresholds to determine which applications would be subjected to review by the Independent Assessor?

(43) Did the department or any section of the Tasmanian or Federal governments inform either Minister that the advisory committee had no criteria for referring applications to the Independent Assessor; if so: (i) who, and (ii) when; if not, why not?

(44) (a) Which 10 applications over $50 000 were approved without an independent assessment; (b) who were the applicants receiving $68 312 and $102 585 who were only assessed by the DED? and (c) which eight applications were sent to the assessors with the scope of assessment restricted by the advisory committee?

(45) (a) Were the decisions of the advisory committee made by consensus or majority? and (b) were votes recorded; if so, can these records be provided?
Senator Sherry—The Minister for Agriculture, Fisheries and Forestry has provided the following answer to the honourable senator’s question:

(1) As at 24 November 2007, the following applications had been received, approved or in progress for each category of the Tasmanian Community Forest Agreement (TCFA) industry grants program:

<table>
<thead>
<tr>
<th>Program</th>
<th>Applications received</th>
<th>Applications Approved</th>
<th>Applications in Progress</th>
</tr>
</thead>
<tbody>
<tr>
<td>Tasmanian Forest Industry Development Program</td>
<td>122</td>
<td>57</td>
<td>30</td>
</tr>
<tr>
<td>Tasmanian Softwood Industry Development Program</td>
<td>25</td>
<td>13</td>
<td>13</td>
</tr>
<tr>
<td>Tasmanian Country Sawmills Assistance Program</td>
<td>30</td>
<td>17</td>
<td>20</td>
</tr>
</tbody>
</table>

[1]Figures based on all applications submitted originally under each program prior to transfer to alternative programs. Some applications originally received under each program were determined to be more appropriate under an alternative program. Therefore the TFIDP received a number of applications which were considered under the other two programs.

[2]Figures exclude projects withdrawn, deemed ineligible or transferred to other programs by the advisory committee prior to 24 November 2007. For example, some programs were transferred from the TFIDP to the TCSAP based on their eligibility under either program.

(2) (a) General Manager, Forest Industries Branch of the Department of Agriculture, Fisheries and Forestry; Secretary, Department of Economic Development and Tourism; Mr Rob Woolley, Mr Craig Taylor and Mr Graeme Gooding.

(b) Secretary of the Department of Economic Development and Tourism.

(c) General Manager, Forest Industries Branch, Department of Agriculture, Fisheries and Forestry.

(d) Mr Rob Woolley, Mr Craig Taylor and Mr Graeme Gooding.

(3) No.

(4) No.

(5) No, the positions were not advertised. The independent members of the advisory committee were chosen jointly by the Australian and Tasmanian Governments based on the members’ extensive experience within the Australian forest industries and their knowledge of harvesting, processing, value adding, business development and sustainability.

(6) The independent members of the advisory committee were selected by the Department of Agriculture, Fisheries and Forestry (the department) in consultation with the Tasmanian Government.

(7) Pöyry Forest Industry Pty Ltd was appointed as the primary independent assessor. Pricewaterhouse Coopers was engaged to undertake some assessments where Pöyry Forest Industry Pty Ltd declared a conflict of interest based on existing relationships with an applicant.

(8) A public tender process was undertaken.
(9) The tender selection process was undertaken by members of the Forest Industries Branch, Department of Agriculture, Fisheries and Forestry and the independent assessor was appointed by the General Manager, Forest Industries Branch, Department of Agriculture, Fisheries and Forestry.

(10) (a) The tender specified criteria for an assessor with the following qualifications:
(i) expertise in financial assessment of applications for funding;
(ii) a good knowledge of the native hardwood and softwood forestry industry;
(iii) experience in dealing with forest industry and related businesses;
(iv) staff with relevant expertise;
(v) a competitive cost; and
(vi) ability to undertake assessments at short notice and complete them within ten working days of receipt of all relevant information, with the ability to complete 20 to 30 assessments between 1 January and 30 June 2006.

(b) The process by which the independent assessor was appointed was undertaken using the principles of the Chief Executive Instruction on Procurement. The department acknowledges that a formal risk assessment as outlined under the Chief Executive Instruction was not undertaken as part of this process. Potential risk was assessed as part of the selection process itself in assessing individual tender submissions. Any risk associated with the independent assessor’s appointment was considered low based on the reputation and expertise of the selected assessor.

(c) The process for selecting the preferred independent assessor was approved by the General Manager, Forest Industries Branch, Department of Agriculture, Fisheries and Forestry.

(d) The Minister for Fisheries, Forestry and Conservation was informed that the department had sought tenders from outside firms to provide independent financial assessment and advice on applications and of the selection of Pöyry Forest Industry Pty Ltd as Independent Assessor.

(11) (a) Pöyry Forest Industry Pty Ltd was paid $423,174.70 (ex GST) to 24 November 2007. No payments were made to Pricewaterhouse Coopers.

(b) Pöyry Forest Industry Pty Ltd was paid $108,490.46 (ex GST) after 24 November 2007. Pricewaterhouse Coopers were paid $23,057.67 (ex GST).

(12) (a) Oversight of the appointment of the primary independent assessor, Pöyry Forest Industry Pty Ltd, and Pricewaterhouse Coopers as the supplementary independent assessor, was undertaken by the department. The Tasmanian Government had no oversight of the appointment of the independent assessor.

(b) The department entered into a consultancy agreement in line with the arrangements outlined in question 12(a) with the Independent Assessor Pöyry Forest Industry Pty Ltd, in May 2007 and this was registered on the department’s consultancy register. The department also entered into a consultancy agreement with Pricewaterhouse Coopers in October 2007 and this was also registered on the department’s consultancy register.

(13) The Department of Prime Minister and Cabinet is unable to confirm which initiatives the Cabinet Implementation Unit is monitoring, or has ceased to monitor, as the Unit’s reports are considered by Cabinet and to release this information would breach the conventions of Cabinet confidentiality. In addition, the Unit’s recommendations on why a measure may require continued monitoring, or could be removed from the Unit’s list of initiatives being monitored, are matters considered by Cabinet and to disclose these details would therefore go to disclosing the deliberations of Cabinet. These arrangements have been in place since the Unit was established in 2003.

(14) Advisory committee members were required to sign a Code of Conduct which included their obligations relating to conflicts of interest. These were declared by members of the advisory committee.
as they arose on a meeting to meeting basis and recorded in meeting minutes. The department re-
quired the independent assessor to declare potential conflicts of interest when accepting requested
applications for assessment. Where a conflict of interest arose, applications were referred to the
supplementary independent assessor.

(15) (a) The Better Practice Guide for Advisory Committees was intended to be met by the process
outlined in Question 14.

(b) In administering the process for managing conflicts of interest of the advisory committee,
there was no decision made not to implement the Better Practice Guidelines for Advisory
Committees.

(c) Neither the Minister for Fisheries, Forestry and Conservation or the Tasmanian Minister for
Infrastructure, Energy and Resources as advised of the arrangements for managing potential
conflicts of interest.

(16) The two teleconference meetings for which minutes were not recorded were short in duration and
primarily for consultation between members on issues raised by stakeholders. No decisions relating
to applications received or under consideration were discussed.

(17) (a) Pöyry Forest Industry Pty Ltd is a large and well respected international forest consultancy
company which undertakes consultancy projects within Australia, including Tasmania, and in-
ternationally. Where the independent assessor had a business interest with any applicant, the
secretariat was advised. Where a direct business interest was identified, an alternative inde-
pendent assessor in Pricewaterhouse Coopers was used to undertake the assessment.

(b) The business interests of Pöyry Forest Industry Pty Ltd as principal independent assessors
were not identified as a major risk to the grants scheme. A contingency was put in place
through the use of Pricewaterhouse Coopers where a conflict of interest arose.

(18) (a) General Manager, Forest Industries Branch, Department of Agriculture, Fisheries and Forestry.

(b) Staff within the Forest Industries Branch of the Department of Agriculture, Fisheries and For-
erey.

(c) Staff within the Forest Industries Branch of the Department of Agriculture, Fisheries and For-
erey.

(d) Staff within the Forest Industries Branch of the Department of Agriculture, Fisheries and For-
erey.

(19) The department reported on the TCFA Industry Development Programs in the department’s 2006-
07 annual report against all identified indicators, namely the number of grants approved (busi-
nesses assisted); the number of people employed in the companies assisted (jobs maintained); the
total level of investment anticipated upon completion; and the timely and effective delivery of pro-
grams.

(20) (a) In its 2006-07 annual report, the department reported that 35 companies employing 1619 peo-
ple were awarded grants that would support the creation of 163 jobs.

(b) In its 2006-07 annual report, the department reported that upon completion, the approved
grants would support investment of $103.2 million in the Tasmanian forest industry.

(c) The 2006-07 annual report indicated that $33.8 million worth of grant assistance was approved
by the Minister for Fisheries, Forestry and Conservation and the Tasmanian Minister for Infra-
structure, Energy and Resources. $7.3 million of payments were made under the industry
grants program during the financial year. Payments were made subject to the accuracy and
timeliness of information submitted by grantees.
(21) (a) Up to the end of December 2007 the TCFA Industry Development Program had assessed 89 applications for recommendation to the Minister for Fisheries, Forestry and Conservation and the Tasmanian Minister for Infrastructure, Energy and Resources.

(b) Based on information submitted by applicants during the application process, it was estimated that the 89 applications recommended to Ministers for funding across the three TCFA Industry Development Programs would create 311 jobs.

(c) The department is implementing measures to report more fully on the job outcomes of the program when it is completed at the end of June 2009.

(d) The department will not be able to fully report on the level of new investment for the program until projects have been fully completed.

(e) In most cases, assistance was provided dependent on the provision of the necessary information by applicants to the advisory committee and to the department in the preparation of funding Deeds of Agreement.

(22) (a) The following applications were initially considered by the advisory committee to be unsuitable for funding, based on the information submitted in their applications and the Independent Assessor’s reports, but upon review of additional information supplied by applicants were subsequently recommended for funding:

KJ and B Mahnken,
Riella Pty Ltd, and
G and W Harvesting Pty Ltd.

(b) The grant provided to KJ and B Mahnken was for $1,150,516.

The grant provided to Riella Pty Ltd was for $161,000.

The grant provided to G and W Harvesting was for $397,875.

(23) All project applications were assessed against the relevant program eligibility criteria by the advisory committee, prior to making recommendations to Ministers. The specific guidelines and eligibility criteria for each program, which were approved by the relevant Australian and Tasmanian ministers, did not include provisions for ranking applications.

(24) (a) The principles of the ‘Chief Executive Instruction on Grant Management’ were taken into account in developing program guidelines, which included a framework for thoroughly assessing applications. The TCFA industry development programs were negotiated and administered jointly between the Australian and Tasmanian Governments and as a result some aspects of the program guidelines were different to other Australian Government grant programs. This occurred in advance of any approvals being made by the Minister for Fisheries, Forestry and Conservation and the Tasmanian Minister for Infrastructure, Energy and Resources.

(b) The assessment process was approved by the then Australian Government Minister for Fisheries, Forestry and Conservation and the then Tasmanian Government Minister for Infrastructure, Energy and Resources.

(25) (a) The department’s role in undertaking preliminary assessments of applications was to assist the efficiency of the advisory committee’s work. In particular, preliminary assessments conducted by the department based secretariat recorded the applicant’s name and address; a brief summary of the project; grant amount sought; initial summary of the financial position of the company based on information supplied by the applicant; access to timber resources and how well the company’s application met the program’s eligibility criteria.

(b) No.
(26) The department will provide updated information relating to implementation of TFCA Industry Development Programs in its annual report. An annual report of progress of TCFA commitments, including those relating to the Industry Development Programs, is produced annually for the first 5 years of this supplementary Regional Forest Agreement (RFA), in accordance with reporting requirements for the Tasmanian RFA and the RFA Act (2002).

(27) Progress of the TCFA Industry Development Program against the Portfolio Budget Statement was not reported to the department’s Executive in the performance reviews for September 2006, December 2006 and January 2007 as it was not required.

(28) The department is implementing measures to report on key program outcomes as outlined in Question 21.

(29) (a) The department accepts information provided by applicants in good faith unless it has reason to question it. However as part of the measures to report key project outcomes, it will make inquiries regarding grant recipient levels of employment.
(b) No, the department will not investigate payroll data.

(30) (a) Guidelines developed for the TCFA Industry Development Programs were developed specifically for those programs, taking account of the specific objectives and requirements of the TCFA and its impacts upon the Tasmanian forest industry.
(b) There were no exclusions applied regarding an applicant’s provision of detailed financial information or other sources of government funding. In applying for funding, recipients were required to provide details of all funding and its source, and to verify these claims where required.
(c) No recommendation to request a variation was made.

(31) The General Manager, Forest Industries Branch, Department of Agriculture, Fisheries and Forestry had responsibility for advising the Minister for Fisheries, Forestry and Conservation on the approval of guidelines for the programs.

(32) (a) The following applicants did not have a preliminary assessment undertaken by the department:
MC Cartage Enterprises Pty Ltd,
Casegrande Lumber Pty Ltd,
Southcape Harvesters Pty Ltd,
Wrights Harvesting Pty Ltd,
Australian Paper Pty Ltd,
Maclaine Enterprises,
McKay Investments Pty Ltd,
Mechanical Logging Pty Ltd, and
Auspine Pty Ltd.
(b) Yes, the following applicants were assessed by the independent assessor:
Maclaine Enterprises,
McKay Investments Pty Ltd,
Mechanical Logging Pty Ltd,
Australian Paper Pty Ltd,
Wrights Harvesting Pty Ltd,
Southcape Harvesters Pty Ltd, and
Casegrande Lumber Pty Ltd.
(c) Grants awarded to Auspine Pty Ltd and MC Cartage Enterprises Pty Ltd did not have assessments undertaken by another body except the advisory committee.

(d) Mr Woolley declared a potential conflict of interest through a family relationship with TFI 103 Wrights Harvesting Pty Ltd. He was not part of any decision made by the advisory committee on this application.

Mr McIlfatrick from the Department of Economic Development and Tourism declared a potential conflict of interest as he chairs the Tasmanian Government’s Natural Gas Steering Committee whose decisions could affect the grant application submitted by Australian Paper Pty Ltd to install natural gas boilers. He was not part of any decision made by the advisory committee on this application.

(33) The intent of the program was outlined in objectives established for each of the three sub programs’ guidelines approved by the then Australian Government Minister for Fisheries, Forestry and Conservation and the then Tasmanian Minister for Infrastructure, Energy and Resources.

(34) A grant provided to RA and LE Cunningham trading as Blue Tier Enterprises.

(35) (a) The following six applications under $50,000 were not considered by the Independent Assessor:
RM and MA Carter,
Goshen Sawmill,
Tasmanian Eucalypt and Native Seeds Pty Ltd,
Gunns Ltd,
Torenius Timber Pty Ltd, and
Statewide Forest Services Pty Ltd.

(b) Yes.

(c) The department did not provide specific advice to the relevant ministers that each of these six grant applications should be approved but provided support services through the secretariat. The secretariat prepared briefing papers for the Minister for Fisheries, Forestry and Conservation on behalf of the advisory committee after assessments, deliberations and subsequent recommendations were made in accordance with the program guidelines.

(d) The secretariat briefing papers were approved by the General Manager, Forest Industries Branch, Department of Agriculture, Fisheries and Forestry acting in their capacity as Chair of the advisory committee.

(36) (a) The probity advisor attended one meeting and had no comments on the advisory committee’s deliberations. The advisory committee then considered that the probity advisor’s presence was not required at future meetings.

(b) No. The department did not inform either the Tasmanian Government or Federal Government of having dispensed with the services of a probity advisor as it was not considered necessary to do so.

(37) (a) The Tasmanian Department of Economic Development and Tourism has provided assistance to applicants throughout the grant application process but does not assist with duties of the secretariat. Numerous regionally based and head office staff have assisted throughout the duration of the grant program by providing support to applicants in preparing submissions, including preparing business cases and the provision of advice and information related to the program, and in providing advice to the advisory committee.

(b) The use of the Tasmanian Department of Economic Development and Tourism to provide assistance to applicants was outlined in the guidelines approved by the Australian Government
Minister for Fisheries, Forestry and Conservation and the Tasmanian government Minister for Infrastructure, Energy and Resources relating to the Tasmanian Forest Industry Development Program and Tasmanian Country Sawmills Assistance Program.

(38) No.

(39) (a) A grant worth $102,585 was provided to Kelly Gang Timbers Pty Ltd.
      (b) A grant worth $68,312 was provided to Statewide Forest Services Pty Ltd.

(40) (a) The Department of Economic Development and Tourism assisted with the following applications and the preparation of business plans under the Tasmanian Country Sawmills Assistance Program after the December 2005 advisory committee meeting:
      Goshen Sawmill,
      Kelly Gang Timbers Pty Ltd,
      Southern Forest Farm Products,
      Bakes Sawmill Pty Ltd,
      Bishops Sawmill,
      Muskett’s Sawmill Pty Ltd,
      GL & VN Barber Pty Ltd,
      Karanja Timbers Pty Ltd,
      Cumming Timber & Veneers,
      Torenius Timber Pty Ltd,
      Mirragong Pty Ltd,
      Smart Timber Solutions Pty Ltd,
      I & J Kelly Pty Ltd,
      Lenffer Natural Resource Pty Ltd,
      Gondwana Forest Products Pty Ltd, and
      Maclaine Enterprises.
      The Department of Economic Development and Tourism assisted with the following applications and the preparation of business plans under the Tasmanian Forest Industries Development Program after the December 2005 advisory committee meeting:
      Aprin Logging Pty Ltd,
      Phillips Sawmill and Timber Products,
      Tasmanian Timber Pty Ltd,
      North West Softwoods Pty Ltd,
      TP Bennett and Sons Pty Ltd,
      DM and SJ Iles Pty Ltd,
      Maclaine Enterprises,
      G and W Harvesting Pty Ltd,
      The Last Resource Pty Ltd,
      RJ and JE Bishop Pty Ltd,
      Kaym Pty Ltd,
      Select Logging Pty Ltd,
      Buffalo Valley Logging Company Pty Ltd,
Koppers Wood Products Pty Ltd, and
Tasmanian Forest Contractors Association Ltd.

As part of the assistance provided to applicants by the Department of Economic Development
and Tourism, site visits to applicant's work sites were undertaken on an as needs be basis.
Specific site inspections were requested for the following applicants:
G and W Harvesting Pty Ltd,
Kaym Pty Ltd,
Select Logging Pty Ltd,
Buffalo Valley Logging Pty Ltd,
Koppers wood Products Pty Ltd, and
Low Impact Logging Pty Ltd.

(b) A combination of regionally based and Head Office staff.

(41) Formal criteria for such referrals were not established. The committee referred applications to the
assessor where they involved new technology or required more detailed analysis of an applicant's
business and financial status than the advisory committee felt able to conduct.

(42) The departmental representative did not provide formal advice to the advisory committee on this
issue but as an active member and chair of the committee participated in decisions relating to the
referral of applications for independent assessment in line with the process outlined in question 41.

(43) No. In developing the guidelines for each program, which include reference to the use of an inde-
pendent assessor, it was not considered necessary to specify the criteria for referring applications to
the assessor for independent review.

(44) (a) The following applications for grants over $50,000 were not reviewed by the Independent
Assessor:
RJ & JE Bishop Pty Ltd,
University of Tasmania,
Koppers Wood Products Pty Ltd,
Gunns Ltd,
Gunns Ltd,
Forest and Forest Industry Council of Tasmania,
Kelly Gang Timbers Pty Ltd,
Torenius Timber Pty Ltd,
I. & J. Kelly Pty Ltd, and
Statewide Forest Services Pty Ltd.

(b) Statewide Forest Services Pty Ltd received $68 312 and Kelly Gang Timbers Pty Ltd received
$102 585.

(c) McKay Investments Pty Ltd,
Integrated Tree Cropping Ltd,
Integrated Tree Cropping Ltd,
Integrated Tree Cropping Ltd,
Ta Ann Tasmania Pty Ltd,
Australian Paper Pty Ltd,
Attorney-General’s: Printer Products
(Question Nos 537 and 542)

Senator Milne asked the Minister representing the Attorney-General and the Minister representing the Minister for Home Affairs, upon notice, on 14 July 2008:

(1) Does the department have a policy regarding the use of remanufactured printer products as opposed to buying new one if so, does the department assess the cost and re-useability of the product as part of its decision-making in regard to the policy.

(2) Does the department have a policy directive to use remanufactured printer products and, by doing so, lower the balance of payments through reducing imports.

(3) What environmental standard has the department put in place in regard to the disposal of printer cartridges.

(4) Is the Minster aware that several of the printer companies are now putting chips in printer cartridges so that they cannot be re-used.

(5) Does the department have any contractual arrangements with Lexmark or Epson; if so, is the department party to any ‘Prebate’ program.

(6) Does the department know what happens to the printer cartridges when they are empty.

(7) With whom does the department hold a printer supply contract and what are the conditions of the contract.

(8) How much does the department spend on printer cartridges each financial year.

(9) Does the department use Planet Ark to recycle cartridges.

(10) Does the department use foreign companies such as Corporate Express when purchasing printer cartridges.

Senator Ludwig—The Attorney-General and the Minister for Home Affairs have provided the following answer to the honourable senator’s question:

(1) Cost and re-usability of printer products are assessed in the individual procurement exercises.

(2) The Department does not have a policy directive in place regarding the use of remanufactured printer products. The Department follows the manufacturer’s recommended product in order to maintain warranty.

(3) The Department complies with Planet Ark’s guidelines in relation to the environmental standard regarding the disposal of printer cartridges. The Department manages disposals centrally.

(4) I understand that the department is aware that some printer companies build microchips into their printer cartridges to reduce the use of third-party or refilled cartridges. The advice is that these cartridges can be reused by returning them to the original manufacturer.

(5) No

(6) Yes. I am advised that printer cartridges purchased through a ‘Prebate’ program are returned to the original manufacturer where they are remanufactured with the majority of the original cartridge being reused.
(7) For printer supply there is no single major contract, purchases are undertaken on an ‘as required basis’. An example of the conditions of the Department’s purchase order is attached (A copy is available from the Senate Table Office).

(8) The Department spends approximately $100,000 on printer cartridges each year.

(9) Yes

(10) Yes, the Department purchases printer supplies from Corporate Express.

**Carbon Pollution Reduction Scheme**  
(Question No. 569)

**Senator Milne** asked the Minister for Climate Change and Water, upon notice, on 8 August 2008: In regard to Chapter 2 of the report Carbon Pollution Reduction Scheme: Green Paper, ‘Coverage’:

(1) Figure 2.5 (p. 121) compares Australia’s emissions with and without Article 3.4 emissions: (a) what activities produce the fluctuations in Australia’s total net emissions (from 350 Mt CO2-e in 1994 to 800 Mt CO2-e in 2002) when Article 3.4 activities are included; and (b) can a table of the annual emissions for each Article 3.4 activity between 1990 and 2005 be provided.

(2) With reference to the statement on page 117 of the paper that the Intergovernmental Panel on Climate Change (IPCC), in its report Good Practice Guidance, ‘zero rated’ biofuels because emissions are offset by sequestration: (a) where emissions exceed annual sequestration, what is the IPCC recommendation in regard to reporting emissions; (b) what land base and time frame are used to determine whether emissions exceed sequestration; and (c) how does this apply in Australia to native forests, pre-1990 plantations and post-1990 plantations.

(3) With reference to the estimate of deforestation emissions from 2008 onwards at 44 Mt CO2-e per annum on page 134 of the paper and in Figure 2.6 and given that deforestation emissions in 2006 were 63 Mt CO2-e: (a) what is the basis for the projection; and (b) where are the details in the cited reference, National Greenhouse Gas Inventory, 2006.

**Senator Wong**—The answer to the honourable senator’s question is as follows:

(1) (a) and (b) Figure 2.5 in the Carbon Pollution Reduction Scheme Green Paper represents a preliminary assessment that includes non-anthropogenic emissions from grasslands remaining grasslands, croplands remaining croplands and forest land, as defined by the Intergovernmental Panel on Climate Change 2003 Good Practice Guidance for Land Use, Land Use Change and Forestry. These categories in composite may be considered as surrogates for Article 3.4 activities in totality, but do not fully reflect the Article 3.4 accounting framework. Although they yield, in composite, a result similar to the effect of electing Article 3.4 activities, it is not possible to disaggregate them into individual Article 3.4 activities (including in a data table of the form sought in (1) (b)). The main drivers of emissions in these categories are:

- carbon dioxide emissions from bushfires and savanna burning
- ephemeral changes in forest cover (primarily due to climate)
- changes in soil carbon in areas of croplands (primarily due to climate), and
- changes in soil carbon in areas of grassland (primarily due to climate).

The majority of the variation in emissions seen in Figure 2.5 is due to the inclusion of carbon dioxide from bushfires (included in the forest land category) and savanna burning (included in the grassland category). Substantial emissions occur when large areas are burnt (for example, during 2003 in southern Australia and 2002 in northern Australia). The subsequent regrowth following fire then results in significant uptake in areas recently burned, leading a net sink in some years. Climate
also has a significant effect on emissions, as seen in the cropland areas during the 2002 drought when extensive crop failures led to increased emissions.

(2) (a), (b) and (c) The ‘zero rating’ of CO2 emissions from the combustion of biofuels is the approach required under the IPCC Guidelines for inventory reporting, and hence the Kyoto Protocol. The ‘zero rating’ of CO2 emissions is not conditional on the relationship between emissions and sequestration on an annual basis or over other specified time frames.

(3) (a) The Department of Climate Change has projected that annual emissions from Land Use Change (also known as Deforestation) will be 44.2 million tonnes of carbon dioxide equivalent for the 2008-2012 period. This projection is based on average national land use change emissions from 1995 – 2005 (estimated using the National Carbon Accounting System) less the projected reductions in emissions resulting from vegetation legislation management reforms in Queensland and New South Wales.