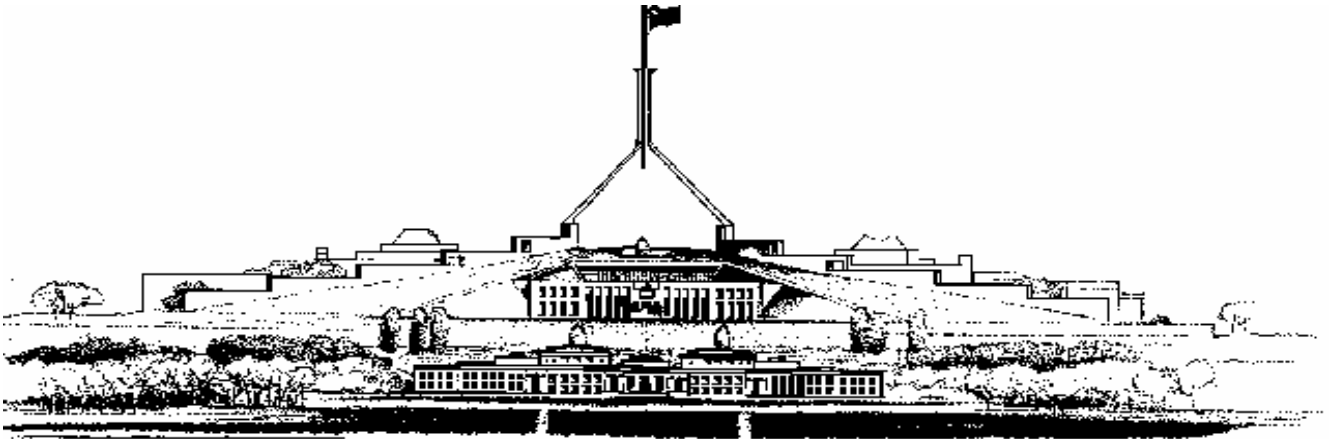




COMMONWEALTH OF AUSTRALIA

**PARLIAMENTARY DEBATES**



**Senate**

**Official Hansard**

**No. 8, 2006**

**TUESDAY, 15 AUGUST 2006**

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

**BY AUTHORITY OF THE SENATE**



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### SITTING DAYS—2006

Month	Date
February	7, 8, 9, 27, 28
March	1, 2, 27, 28, 29, 30
May	9, 10, 11
June	13, 14, 15, 16, 19, 20, 21, 22, 23
August	8, 9, 10, 14, 15, 16, 17
September	4, 5, 6, 7, 11, 12, 13, 14
October	9, 10, 11, 12, 16, 17, 18, 19
November	6, 7, 8, 9, 27, 28, 29, 30
December	4, 5, 6, 7

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

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

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

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

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

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

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

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

*Manager of Government Business in the Senate*—Senator the Hon. Christopher Martin Ellison

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

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

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

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

*Deputy Leader of The Nationals*—Senator the Hon. John Alexander Lindsay (Sandy) Macdonald

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

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

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

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

*Liberal Party of Australia Whips*—Senators Jeannie Margaret Ferris and Alan Eggleston

*Nationals Whip*—Senator Nigel Gregory Scullion

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

*Australian Democrats Whip*—Senator Andrew John Julian Bartlett

*Australian Greens Whip*—Senator Rachel Siewert

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### Members of the Senate

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

Senator	State or Territory	Term expires	Party
Mason, Brett John	QLD	30.6.2011	LP
Milne, Christine	TAS	30.6.2011	AG
Minchin, Hon. Nicholas Hugh	SA	30.6.2011	LP
Moore, Claire Mary	QLD	30.6.2008	ALP
Murray, Andrew James Marshall	WA	30.6.2008	AD
Nash, Fiona	NSW	30.6.2011	NATS
Nettle, Kerry Michelle	NSW	30.6.2008	AG
O'Brien, Kerry Williams Kelso	TAS	30.6.2011	ALP
Parry, Stephen	TAS	30.6.2011	LP
Patterson, Hon. Kay Christine Lesley	VIC	30.6.2008	LP
Payne, Marise Ann	NSW	30.6.2008	LP
Polley, Helen	TAS	30.6.2011	ALP
Ray, Hon. Robert Francis	VIC	30.6.2008	ALP
Ronaldson, Hon. Michael	VIC	30.6.2011	LP
Santoro, Hon. Santo <sup>(1)</sup>	QLD	30.6.2008	LP
Scullion, Nigel Gregory <sup>(3)</sup>	NT		CLP
Sherry, Hon. Nicholas John	TAS	30.6.2008	ALP
Siewert, Rachel	WA	30.6.2011	AG
Stephens, Ursula Mary	NSW	30.6.2008	ALP
Sterle, Glenn	WA	30.6.2011	ALP
Stott Despoja, Natasha Jessica	SA	30.6.2008	AD
Troeth, Hon. Judith Mary	VIC	30.6.2011	LP
Trood, Russell	QLD	30.6.2011	LP
Vanstone, Hon. Amanda Eloise	SA	30.6.2011	LP
Watson, John Odin Wentworth	TAS	30.6.2008	LP
Webber, Ruth Stephanie	WA	30.6.2008	ALP
Wong, Penelope Ying Yen	SA	30.6.2008	ALP
Wortley, Dana	SA	30.6.2011	ALP

- (1) Chosen by the Parliament of Queensland to fill a casual vacancy vice Hon. John Joseph Herron, resigned.  
(2) Chosen by the Parliament of Victoria to fill a casual vacancy vice Hon. Richard Kenneth Robert Alston, resigned.  
(3) Term expires at close of day next preceding the polling day for the general election of members of the House of Representatives.  
(4) Chosen by the Parliament of Tasmania to fill a casual vacancy vice Susan Mary Mackay, resigned.  
(5) Chosen by the Parliament of South Australia to fill a casual vacancy vice Hon. Robert Murray Hill, resigned.

#### PARTY ABBREVIATIONS

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

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

Clerk of the Senate—H Evans

Clerk of the House of Representatives—I C Harris

Secretary, Department of Parliamentary Services—H R Penfold QC

## HOWARD MINISTRY

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

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



**HOWARD MINISTRY—*continued***

Minister for Justice and Customs and Manager of Government Business in the Senate	Senator the Hon. Christopher Martin Ellison
Minister for Fisheries, Forestry and Conservation	Senator the Hon. Eric Abetz
Minister for the Arts and Sport	Senator the Hon. Charles Roderick Kemp
Minister for Human Services and Minister Assisting the Minister for Workplace Relations	The Hon. Joseph Benedict Hockey MP
Minister for Community Affairs	The Hon. John Kenneth Cobb MP
Minister for Revenue and Assistant Treasurer	The Hon. Peter Craig Dutton MP
Special Minister of State	The Hon. Gary Roy Nairn MP
Minister for Vocational and Technical Education and Minister Assisting the Prime Minister	The Hon. Gary Douglas Hardgrave MP
Minister for Ageing	Senator the Hon. Santo Santoro
Minister for Small Business and Tourism	The Hon. Frances Esther Bailey MP
Minister for Local Government, Territories and Roads	The Hon. James Eric Lloyd MP
Minister for Veterans' Affairs and Minister Assisting the Minister for Defence	The Hon. Bruce Frederick Billson MP
Minister for Workforce Participation	The Hon. Dr Sharman Nancy Stone MP
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Parliamentary Secretary to the Minister for Industry, Tourism and Resources	The Hon. Robert Charles Baldwin MP
Parliamentary Secretary to the Minister for Health and Ageing	The Hon. Christopher Maurice Pyne MP
Parliamentary Secretary to the Minister for Defence	Senator the Hon. John Alexander Lindsay (Sandy) Macdonald
Parliamentary Secretary (Trade)	The Hon. De-Anne Margaret Kelly MP
Parliamentary Secretary to the Minister for Immigration and Multicultural Affairs	The Hon. Andrew John Robb MP
Parliamentary Secretary to the Prime Minister	The Hon. Malcolm Bligh Turnbull MP
Parliamentary Secretary to the Treasurer	The Hon. Christopher John Pearce MP
Parliamentary Secretary to the Minister for the Environment and Heritage	The Hon. Gregory Andrew Hunt MP
Parliamentary Secretary to the Minister for Agriculture, Fisheries and Forestry	The Hon. Sussan Penelope Ley MP
Parliamentary Secretary to the Minister for Education, Science and Training	The Hon. Patrick Francis Farmer MP
Parliamentary Secretary (Foreign Affairs)	The Hon. Teresa Gambaro MP

## SHADOW MINISTRY

Leader of the Opposition	The Hon. Kim Christian Beazley MP
Deputy Leader of the Opposition and Shadow Minister for Education, Training, Science and Research	Jennifer Louise Macklin MP
Leader of the Opposition in the Senate, Shadow Minister for Indigenous Affairs and Shadow Minister for Family and Community Services	Senator Christopher Vaughan Evans
Deputy Leader of the Opposition in the Senate and Shadow Minister for Communications and Information Technology	Senator Stephen Michael Conroy
Shadow Minister for Health and Manager of Opposition Business in the House	Julia Eileen Gillard MP
Shadow Treasurer	Wayne Maxwell Swan MP
Shadow Attorney-General	Nicola Louise Roxon MP
Shadow Minister for Industry, Infrastructure and Industrial Relations	Stephen Francis Smith MP
Shadow Minister for Foreign Affairs and Trade and Shadow Minister for International Security	Kevin Michael Rudd MP
Shadow Minister for Defence	Robert Bruce McClelland MP
Shadow Minister for Regional Development	The Hon. Simon Findlay Crean MP
Shadow Minister for Primary Industries, Resources, Forestry and Tourism	Martin John Ferguson MP
Shadow Minister for Environment and Heritage, Shadow Minister for Water and Deputy Manager of Opposition Business in the House	Anthony Norman Albanese MP
Shadow Minister for Housing, Shadow Minister for Urban Development and Shadow Minister for Local Government and Territories	Senator Kim John Carr
Shadow Minister for Public Accountability and Shadow Minister for Human Services	Kelvin John Thomson MP
Shadow Minister for Finance	Lindsay James Tanner MP
Shadow Minister for Superannuation and Intergenerational Finance and Shadow Minister for Banking and Financial Services	Senator the Hon. Nicholas John Sherry
Shadow Minister for Child Care, Shadow Minister for Youth and Shadow Minister for Women	Tanya Joan Plibersek MP
Shadow Minister for Employment and Workforce Participation and Shadow Minister for Corporate Governance and Responsibility	Senator Penelope Ying Yen Wong

**(The above are shadow cabinet ministers)**

**SHADOW MINISTRY—*continued***

Shadow Minister for Consumer Affairs and Shadow Minister for Population Health and Health Regulation	Laurie Donald Thomas Ferguson MP
Shadow Minister for Agriculture and Fisheries	Gavan Michael O'Connor MP
Shadow Assistant Treasurer, Shadow Minister for Revenue and Shadow Minister for Small Business and Competition	Joel Andrew Fitzgibbon MP
Shadow Minister for Transport	Senator Kerry Williams Kelso O'Brien
Shadow Minister for Sport and Recreation	Senator Kate Alexandra Lundy
Shadow Minister for Homeland Security and Shadow Minister for Aviation and Transport Security	The Hon. Archibald Ronald Bevis MP
Shadow Minister for Veterans' Affairs and Shadow Special Minister of State	Alan Peter Griffin MP
Shadow Minister for Defence Industry, Procurement and Personnel	Senator Thomas Mark Bishop
Shadow Minister for Immigration	Anthony Stephen Burke MP
Shadow Minister for Ageing, Disabilities and Carers	Senator Jan Elizabeth McLucas
Shadow Minister for Justice and Customs and Manager of Opposition Business in the Senate	Senator Joseph William Ludwig
Shadow Minister for Overseas Aid and Pacific Island Affairs	Robert Charles Grant Sercombe MP
Shadow Minister for Citizenship and Multicultural Affairs	Senator Annette Hurley
Shadow Parliamentary Secretary for Reconciliation and the Arts	Peter Robert Garrett MP
Shadow Parliamentary Secretary to the Leader of the Opposition	John Paul Murphy MP
Shadow Parliamentary Secretary for Defence and Veterans' Affairs	The Hon. Graham John Edwards MP
Shadow Parliamentary Secretary for Education	Kirsten Fiona Livermore MP
Shadow Parliamentary Secretary for Environment and Heritage	Jennie George MP
Shadow Parliamentary Secretary for Industry, Infrastructure and Industrial Relations	Bernard Fernando Ripoll MP
Shadow Parliamentary Secretary for Immigration	Ann Kathleen Corcoran MP
Shadow Parliamentary Secretary for Treasury	Catherine Fiona King MP
Shadow Parliamentary Secretary for Science and Water	Senator Ursula Mary Stephens
Shadow Parliamentary Secretary for Northern Australia and Indigenous Affairs	The Hon. Warren Edward Snowdon MP

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TUESDAY, 15 AUGUST

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*Tuesday, 15 August 2006*

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

**ABORIGINAL LAND RIGHTS  
(NORTHERN TERRITORY)  
AMENDMENT BILL 2006**

**In Committee**

Consideration resumed from 14 August.

**The CHAIRMAN**—We are dealing with government amendments (1) to (3), (6), (7), (9) to (13) and (15) to (17), moved by Senator Kemp.

**Senator KEMP** (Victoria—Minister for the Arts and Sport) (12.31 pm)—Some questions were raised by Senator Evans just before we finished the debate on the bill yesterday. As Senator Evans is in the chamber, I think it is appropriate that I now respond to those questions. Senator Evans's questions related to the intertidal zone claims. I can advise Senator Evans that the bill, through regulations, finally disposes of claims to the intertidal zone and to the beds and banks of rivers not contiguous to Aboriginal land or claimed land. These narrow areas of land are clearly inappropriate to grant, as the adjoining land is generally pastoral lease land and not Aboriginal land.

I make the point—and this would weigh more heavily with Senator Evans than with Senator Siewert—that the Northern Territory Labor government supports the disposal of these claims. The Aboriginal Land Commissioner has recommended that some of these claims be granted. However, while the land commissioner reports on traditional ownership, I am advised that it is up to the minister to decide whether to grant land, after considering the possible detriment to other parties. While the minister could decide not to grant these claims, the government's view is that it

would prefer the matter to be dealt with by legislation.

I make the point that the decision was announced almost one year ago, with the package of reforms in November 2006. I repeat that no property rights are being disposed of. I think that was one of the issues that Senator Evans was concerned about. Therefore, my advice to Senator Evans is that there is no issue of compensation. The land commissioner's recommendation is just that: a recommendation. It has not always been up to the minister to decide whether or not to grant land. While it is not the general practice of the government to reveal its legal advice—this is something that I strongly support; and, in my time here in the Senate, governments have been very cautious on this front—in order to assist the debate, and with the genuine way that this question was asked, I can confirm for Senator Evans that we have legal advice that is clear on this matter. As the land in question is only land under claim, I repeat: there is no issue of ownership and therefore no issue of compensation.

**Senator CHRIS EVANS** (Western Australia—Leader of the Opposition in the Senate) (12.34 pm)—I thank the minister for his answer. I think there are still a few issues that remain outstanding, despite that answer. One is a question of procedural fairness: whether or not the Commonwealth has notified those claimants and also those who have been determined by the Northern Territory land commissioner to have rights over these areas. I think we have got two groups: those who have already successfully sought a decision from the Northern Territory land commissioner in their favour and those who have had claims outstanding and who were hoping to have them processed. I accept that these are not formally property rights in the sense that they have not been signed off under the act by the minister as being granted under the act—if that is the right term. Neverthe-

less, the process envisaged under the act has been successfully negotiated by the parties, they have been successful in getting the land commissioner to make a finding in their favour and, for some reason which is not clear to me, the successive ministers have failed to sign off on the land commissioner's decisions. As I understand it, they have not refused or rejected those decisions; they just have not acted upon them.

I would appreciate an answer as to why ministers have not signed off on those decisions. Given the fact that the minister currently has the power under the act to reject them, why is it felt necessary to do it by way of legislation—to remove all opportunity for access to claim over intertidal zones, given that the power rests with the government as the bottom line already? I am concerned about the procedural fairness aspect. I have discussed it with one claimant who had no knowledge of this provision. I am not saying that it has not been announced, but I am wondering what measures the Commonwealth has taken to advise claimants and those who have been successful and to give them a chance to express their view on this proposition.

I think the minister said it was clearly inappropriate that they have access to this land. I am not sure when the government came to that view and why it is now inappropriate, given that it was envisaged under the act. I wonder what impact the Blue Mud Bay litigation has had on the Commonwealth's thinking. Is that part of the Commonwealth approach? Is that why they are fearful of these claims being successfully pursued? Is that why they are intending to wipe them out under this measure?

**Senator KEMP** (Victoria—Minister for the Arts and Sport) (12.38 pm)—The decision, as I mentioned, was announced almost one year ago—I think I said November 2006

in my earlier remarks but of course I meant November 2005—so the government's attitude on this matter has been known for a comparatively long period of time. My advice is that the land in question was claimed at the last minute, in 1997, when the sunset clause on claims took effect. I think it was regarded as an ambit claim. I should repeat that the government is of the view that these are not appropriate to grant. I think I am right in saying that this was the view of successive ministers and, obviously, it is also the view of the current minister.

On the procedural fairness issue, I draw Senator Evans's attention to the fact that the decision was announced almost one year ago, so people should have been aware of this. I am looking anxiously at my advisers to see whether they know, but I think that is the case. Certainly the land councils were aware, as their representatives. I hope that gives you some comfort, Senator Evans.

**Senator CHRIS EVANS** (Western Australia—Leader of the Opposition in the Senate) (12.40 pm)—I do not want to delay the Senate any further on this issue. I must admit I am not terribly comforted. I think it again reflects the government's failure to properly consult or deal with people whose property rights are at stake. I am putting to one side the argument about their property rights et cetera, given the land commissioner's decision. If you have not even managed the courtesy of writing to those people or meeting with them after they have had a successful case before the land commissioner and you are now seeking to abolish those rights, it is a pretty poor performance, in my view. It reflects the sort of approach taken in this legislation which is not helpful.

I want to make it clear for Senator Kemp—as I thought I had—that I do not care what position the Northern Territory government takes on this. I take the position



that we have to express a view on behalf of the Australian Labor Party in the federal parliament about whether we think something is right or fair. They are entitled to their judgments; we are entitled to ours. They may have more information than I have; they may have different priorities but, on the basis of what you have advanced today, I do not see any reason why this Senate ought to wipe out those rights. We will be voting against that.

**Senator KEMP** (Victoria—Minister for the Arts and Sport) (12.41 pm)—The reason I mentioned the Northern Territory Labor government was not to score a political point, although that is obviously relevant. The reason I mentioned it is because it shows that people of goodwill can differ. That is the point I am making. Members of your party have a different view on this matter. You are quite right; the federal Labor Party is quite entitled to its view. I do not dispute that. I am very mindful of the relations that my own party sometimes has with our state reps. The point I am making is that people of goodwill will come down on different sides of this issue. It is not that one side is being callous, unresponsive and is not listening; it is just that everyone has weighed up the facts of the case. You do not feel that there been sufficient consultation. We do not agree with you on that. We think it is a time for action. This is not a view held solely by the Liberal-National Party government in Canberra; it is also a view held by a Labor government—in this case in the Territory.

**Senator BARTLETT** (Queensland) (12.43 pm)—For the record, these amendments, as Senator Kemp explained last night, basically seek to improve—to use his words—the various aspects that are already in the legislation. The Democrats' position is that we oppose the whole section. I think there is a Labor amendment down the track that goes to that, so whether or not we support these amendments is probably fairly

redundant inasmuch as they clearly do something that we do not support anyway. But I thought it appropriate to put our position on the record and also to emphasise that it is completely unsatisfactory to just say, 'We told the land councils.' I know the land councils are representative bodies, but surely if the federal government had any genuine commitment to the concept of genuine consultation with traditional owners and affected communities then they would consult directly with people. It is quite clear who the affected people are—certainly with regard to the land claims over intertidal zones.

This excuse, which was also given during the Senate inquiry, that, 'We told the land councils'—as though that is sufficient for consultation—is simply not good enough. If this legislation is to pass unamended, I hope that the federal government at least improves its performance in that regard. It cannot just rely on continuing to tell land councils things and then expecting them to do everything else with regard to consultation. This is particularly the case given that, if this legislation passes unamended, the land councils, if they upset the federal minister by something that they do, will have the concern that the federal minister may cut their budget down the track. This legislation, if it is unamended, will give the federal minister that power.

It also needs to be emphasised that people may have legal advice about the niceties of whether this is land that is legally owned by Aboriginal people or not, but the simple fact is that the governments may have thought that it was an ambit claim. There is no doubt that the Northern Territory government supports the federal government's approach; of course it would, because it is in the Northern Territory government's self-interest in this situation. It is no great secret that the Northern Territory government—whether it is a Labor government or a Country Liberal government—has always wanted to ensure that

it and not Indigenous people has control of these areas, so of course it would support it. It is in its self-interest.

The simple fact is that this is land that had been determined by the Aboriginal Land Commissioner as being entitled for claim. As was made quite clear to the Senate committee inquiry, if the grant had been allowed, it would have been used to generate resources for Indigenous communities. That is what is being removed by this overall section. In fact, these amendments might make it clearer that that is to happen. I suppose certainty is always desirable, even if it is certainty of injustice. There is no doubt of the position of the Northern Territory government on this, and in that Senator Kemp is right. But that does not make what is being done correct.

It was quite clear to the Senate committee inquiry that this process will remove an opportunity for some economic gain for the people who would have been successful in obtaining a grant of this land. The government want to wipe that aside by simply saying, 'We don't agree with it.' Obviously, governments can do that, because governments since European settlement have done that. They have taken away land and said: 'We don't think that's appropriate. We'll have it, thank you.' But I do not think that we should let that pass with just a wave of the hand, as though it is something of no great significance. It is significant, particularly given that, as the minister has said, it has been done without any direct notification of or consultation with the people who are directly affected. That shows a lack of respect. That is an indication of the broader problem with the approach that is being taken here. Some may suggest that process does not matter. I am not one of those. Process is important. The process of how you do things influences the final outcome.

**Senator SCULLION** (Northern Territory) (12.48 pm)—As a Territorian, I want to try and add some context to the material to allow both Senator Evans and Senator Bartlett to gain a clearer understanding of the process. I commend them both. Their questions are not mischievous questions; they are questions going to the core of why the Commonwealth is acting in these matters. The Aboriginal land rights act that we are very sensibly seeking to amend applies only in the Northern Territory, and that is perhaps why the issues are not widely known.

While we talk about this area as Aboriginal land, people need to remember that for half the day this is ocean. This is a very complex legal matter. It has been gone over again and again. We have had the Croker Island test case; we have had the Blue Mud Bay test case. To answer Senator Evans's earlier question: the Blue Mud Bay case does not deal with matters to do with the intertidal zone at all. It is being examined on this day by the full bench of the Federal Court, presided over by Justice French, and we look forward to the outcome of that matter. But, as I understand it, it has nothing to do with the intertidal zone in Blue Mud Bay.

Whether or not the Aboriginal Land Commissioner recommends that this land be granted is based on one simple piece of information, Senator Evans. If the land commissioner is convinced that Indigenous people have a continuing association with the land then the land must be granted. He has no discretionary powers over that matter at all. He then has to take into consideration at those hearings all the cases of detriment. In this circumstance, it was a case of detriment on behalf of the Northern Territory government. They have to manage the fisheries there and the people who move in and out of these areas—commercial fishers, recreational fishers, yachties and other people who use the water.

Generally, the Westminster system does not recognise landownership beyond the high-water mark for that very reason. So we have by dint of history a circumstance in which the land title goes to the low-water mark, when in every other case it goes to the high-water mark. The reasons for that are fairly simple. I may be wrong but I am pretty sure that in schedule 1 of the act it says that the original definition of places like Arnhem Land fell under the protected reserves. The protected reserve was described to the low-water mark. The low-water mark is something that is intangible. Where the low-water mark is changes every day, so in point of law it was so difficult to define where it was in general terms that we then went to using the mean low-water mark so that we could establish a couple of pieces of fact to enable us to work out whether people were on that land—or at least have a mechanism for doing so. There have been a number of cases that have failed to establish whether or not that is possible. I add those pieces of information, Senator Evans, so that you understand the complexity of these issues and the time that has gone into establishing some of them.

The minister's responsibility in this matter, Senator Evans, is to weigh up the balance of benefit, because that is outside the ken of the land commissioner. It is the role of the minister to take into consideration the cases of detriment. The cases of detriment are in the equivalent of *Hansard* and are part of the report from the land commissioner. The minister will examine cases of detriment to do with the beds and banks of the rivers, for example, and particularly regarding land that is not contiguous with Aboriginal land, which is significant. This is not a continuation of Aboriginal land; this is simply land that was claimed on the last day before the expiry of the sunset clause to ensure that it was all covered. And good luck to the land

councils—it is their responsibility to make sure that every possible claim can be made.

In considering this, the minister has taken into account the claims of detriment. For example, a pastoralist—and it may be an Aboriginal pastoralist—may need to move his cattle from his land to the water. To get a barge to come up and simply move the cattle across, you would have to seek permission or get permits. There are a whole range of processes which simply make it untenable under normal circumstances. That is the very reason that the Westminster system only recognises land tenure to the high-water mark.

To both Senator Evans and Senator Bartlett: I am just appealing for some common sense in this matter. I assure you quite sincerely that there is no mischief in this matter. The minister has sincerely considered the issues of detriment, which is his or her responsibility. The setting aside of these does not form any precedent. It should also be noted that no land in the intertidal zone not contiguous with Aboriginal land has ever been granted. This is simply a series of historical events. It does not take away any particular rights. You cannot move the land. The capacity for Indigenous Australians, or those people who see themselves as or who are traditional owners, to occupy that land or use the resources that, depending on the time of the day, walk upon or swim across that land will continue. I appeal to senators to take into consideration some of those circumstances.

**Senator CHRIS EVANS** (Western Australia—Leader of the Opposition in the Senate) (12.53 pm)—I want to raise another matter, but I would, firstly, like to respond to Senator Scullion. I appreciate his contribution. I suppose I share Senator Bartlett's view, though, that at the end of the day it is always easier to take away Aboriginal land rights. You talk about complexity and you

talk about time—and I accept all those arguments; I am sure they are well placed—but often the simple answer is then to deny Indigenous people what otherwise would be their right to the land. It just seems that we too easily fall into that. It does not seem to me that it is beyond the wit of people to negotiate land use agreements. We do it everywhere else. I also do not believe it is beyond the wit of people to resolve some of the complexities. I do not want to labour the point, but it concerns me that this is occurring again without proper procedural fairness. I know the government has the numbers, so I will not delay the matter.

It is interesting to note, though, that some of these claims found as justified by the lands commissioner go back to 2002. If the minister had considered the issues of detriment, one would have thought that he or she would have gotten around to making a decision before 2006. I am interested in why they did not take that step and why they see it as necessary to legislate away those rights. They have the power under the act, as both you and I understand, Senator Scullion, but they have not exercised that power. If someone could help me with that, that would be appreciated.

I want to move on to one of the other provisions contained in the government's suite of amendments that we are taking as a whole. This provision deals with the question of delegating the power to grant 99-year leases to regional bodies corporate—a hand-over from the land councils to regional bodies corporate. It comes up in a series of other places. As the Senate would be aware, previously under the act, only powers relating to mining exploration and subleasing were able to be delegated to those regional bodies corporate. It now seems that the government is moving an amendment to allow the bodies corporate to grant 99-year leases as well. I have not heard the justification for that and I

have concerns about what it will mean. There is also concern that this will inflame an issue that we are all aware of; that is, the potential conflict between Aboriginal residents on land and traditional owners, the relationships between them, and the fact that owners have rights that perhaps residents do not have over the land. This is a complex and difficult issue.

Through these amendments, the government seeks to allow the potential for a regional body to be in charge of negotiating and gaining consent for a 99-year lease. There has been concern expressed not only by the Northern Land Council but also by the Minerals Council about this whole process. They fear extra litigation and regional disputes might intensify as a result of handing over what has traditionally been a land council role to regional bodies corporate—if you like, diffusing that authority down the chain to organisations that may not be as well resourced or as knowledgeable in how to gain consent from Aboriginal traditional owners. They also have a concern about whether the rights of traditional owners in this process will be protected. Obviously there is also the issue of the expertise of land councils.

One of the issues that the Minerals Council raise is the fact that they want to know who they are dealing with and they want to have certainty. I do not want to put words in their mouth but, in my discussions with the Minerals Council and miners, it would seem that they feel that, after all the debates about native title et cetera, we have got to a position of certainty in dealing with these things and they just want the rules to stay the same so that they can get on with business. They do not want another set of amendments to the native title regime or massive changes that make business more complex. They are happy to deal with the land councils, representing traditional owners, to do business and to know what the rules are.

It seems to me that the government's amendments will create uncertainty and the capacity for more disputation and potential litigation. It seems to me that this also opens up the power for the minister to force land councils to delegate those functions to regional bodies corporate against their wishes, given the other provisions that relate to ministerial powers. This is an important development—one that I am not convinced of. I would appreciate it if the minister could allay my concerns about these matters. At the moment, I do not see the need for these amendments and I am inclined to oppose them.

**Senator KEMP** (Victoria—Minister for the Arts and Sport) (12.59 pm)—There are two substantive questions. I think Senator Evans was concerned about the delay in reaching a decision. My understanding is that these matters have been under consideration for a significant period of time, as the government was looking for a way to move forward on this matter. Until that was resolved, it was seen to be not appropriate to make a final decision. That was the thinking. I judge from Senator Evans's expression that he is not entirely happy with that explanation.

**Senator Chris Evans**—It is more that I do not understand what it means.

**Senator KEMP**—It means that these matters regarding how we move forward in relation to amendments were under consideration by the government. Therefore, until this matter had been resolved, the ministers felt that it was appropriate to wait for the final outcome of their own consideration before they moved on this particular issue. I think that is perfectly reasonable, Senator Evans. I know it gives you little comfort, but I think that was perfectly reasonable.

Senator Evans, you are worried about the delegating of powers to grant 99-year leases and, among other things, you are concerned

that this may inflame the relations between owners and residents. The advice that I have received, Senator Evans—and this confirms your view—is that under the new section 19A of the bill a land trust may grant a lease of a township at the direction of the relevant land council. The bill allows the land council's power of direction in relation to the granting of township leases to be delegated to committees of the land council but not to an incorporated regional body. My advice is that, consistent with the fact that land councils can delegate decisions about other land use matters, including leasing issues to incorporated regional bodies, this amendment would allow the delegation of decisions on township leases to such bodies.

It is quite possible for example, Senator Evans, that an incorporated body representing an area including a township would be willing to agree to the issuing of a township lease. Given the fact that incorporated bodies will be able to hold powers in relation to other land use matters, it is appropriate that they be able to hold powers in relation to the granting of township leases. The point which I hope will give some comfort to Senator Evans is that township leases will have to be agreed to by the minister—a power which the minister cannot delegate. The delegation to bodies corporate is generally a matter, I understand, for land councils. The ministerial override, which I referred to as a means of review of the land council's decision, must take into account the land council's views and the ability of the body to perform the functions. I hope that is an appropriate response, Senator Evans.

**Senator CHRIS EVANS** (Western Australia—Leader of the Opposition in the Senate) (1.02 pm)—I am pleased to hear that Senator Kemp is so worried about my level of comfort. It is a refreshing change. It has not been high on his list of priorities in the past. Obviously, in pre-retirement mode, he

is mellowing. I do not take a lot of comfort from that response because it seems to me that it very much enhances the powers of the minister and the minister's potential to interfere. I suppose the bottom line is this question, which I would appreciate the minister's answer to: is it the case that the minister, as a result of the amendments proposed by the government, can direct the delegation of a land council's powers to a regional body corporate in relation to leases?

**Senator KEMP** (Victoria—Minister for the Arts and Sport) (1.03 pm)—The answer is yes.

**Senator CHRIS EVANS** (Western Australia—Leader of the Opposition in the Senate) (1.03 pm)—What is the justification for giving the minister that power?

**Senator KEMP** (Victoria—Minister for the Arts and Sport) (1.03 pm)—Senator Evans, I did in some detail, I thought, explain that issue. But this may assist further: the advice I have received is that the delegation to bodies corporate adds to the flexibility. We do not expect that the minister would not agree to a reasonable land council decision not to delegate. The ministerial role is a safeguard or, if you like, a safety valve. It ensures that a land council does not act unreasonably to decide not to delegate to regional groups.

Question agreed to.

**Senator CHRIS EVANS** (Western Australia—Leader of the Opposition in the Senate) (1.04 pm)—The opposition opposes schedule 1 in the following terms:

- (1) Schedule 1, item 46, page 21 (line 28) to page 24 (line 14), section 19A, **TO BE OPPOSED.**

This goes to the question of the 99-year leases. I have said previously, and will not go over all the arguments about it, that we have concerns about the model adopted by the government. We have argued that there are

other models under development in places like Wadeye and Yarrabah, which is in Queensland, that provide other ways of seeking the sorts of objectives that are common to the government, to the opposition and, more importantly, to Indigenous people. I think the government's approach almost assumes that traditional owners are anti development and seems to seek at all stages to cut those traditional owners out of the equation, out of the decision-making process. Because of the lack of clarity about the way the entity which will be the repository of these leases will work, it is very hard to come to grips with exactly how the proposition will work.

Of particular concern to Labor is the prevention of traditional owner corporations holding the leases or having an ongoing say over how those occur. For instance, I have concerns—and they have been raised with me by others—about inappropriate development and the capacity, once the lease is signed, for traditional owners to have a say over what is appropriate or not appropriate development. For instance, if someone wants to set up a casino in the middle of a town, what say would the traditional owners have about that sort of development? It is not the aspect of the lease itself, but the conditions that would apply to the lease and what capacity there would be for traditional owners to continue to have some say, some influence, over what happens on their land. That is at the heart of the concern about the government's approach.

We do not have all the detail. We do not have a clear idea of how the entity will work, what consultation processes there will be or who will be running the entity et cetera. Fundamentally, the traditional owners' loss of control over development on their land is at the heart of Labor's concerns. We have not received any comfort so far from the government's explanation of their proposition. It seems to reflect the age-old response of gov-

ernments, which is: 'We'll take over the land and tell you what's best for you because you are incapable of doing it.' That seems to be the basis of the approach.

As I said, I do not think it is because there is mass disagreement about the objectives. Every Indigenous person I speak to wants services and development, but there are serious concerns about the capacity for people to have an ongoing say and control over what happens on their land. On that basis, we are moving to oppose section 19A of item 46 to make the point which has been central to the whole debate, which is about the model of the leases.

**Senator SIEWERT** (Western Australia) (1.08 pm)—Today some new information has become available that I thought should be shared with the Senate in the hope that the government might see the wisdom of our arguments on some of the concerns over this bill. Mr Miloon Kothari, who is the United Nations special rapporteur on adequate housing, is on a mission to Australia at the moment. In fact the special rapporteur was invited by the federal government to visit the country, with the general objective of examining and reporting on the status of the realisation of the right to adequate housing and other related rights in the country, with particular attention to aspects of gender equality and nondiscrimination. He was invited to engage in dialogues with the government and the civil society on their efforts to secure these rights and to identify practical solutions and best practices in the realisation of rights related to his mandate.

Just a bit over an hour ago he released some preliminary observations. His observations on housing, and Indigenous housing in particular, are a cause for concern in many areas. He made comments about what he perceives as the approach to the provision of adequate housing—that is, the belief that

ownership and the market will take care of the issues. He indicated that he believes that this could be a mistake, that it is a mistake that has been made in the US and Canada and that we should be learning from those mistakes. He expressed extreme concern about some of the situations that he saw in Indigenous communities. He said that he believes that they are amongst the worst that he has seen in the world. He also went on to say that this is in huge contrast to the wealth of this country. He questioned Australia's commitment to international instruments. Mr Kothari said that, given the scale of the Indigenous housing problem, it needs to be much more of a national priority. He was critical of the reliance on the homeownership model.

Mr Kothari made some specific comments about this particular bill. I understand that he has been out to visit many communities and has spoken to various government agencies and organisations. He believes, from his consultations, that this bill is too hurried and that there has been a lack of community information. People and service providers he spoke to did not know about it, despite the fact that this is a major change. He called into question Australia's commitment to international obligations and the UN convention on economic and cultural rights. He was concerned about the move from land as a community right and identity to an economic good, believing that that might be a mistake. I understand that Mr Kothari commented that the UN special rapporteur on indigenous rights will also be making a comment on this bill and that he hopes that the government will reconsider this bill.

Mr Kothari made those comments at the media conference that he has just had. He has also made some written comments. He has commented on the 'indivisible relationship between the right to land and the right to adequate housing'. He said:

This is even more so for Indigenous communities, where land is an integral part of their cultural identity. The amendments to the Aboriginal Land Rights (Northern Territory) Act 1976, submitted in parliament during the special rapporteur's visit to Australia, raise grave concerns as to the extent to which the land rights of Indigenous peoples in the NT will be maintained.

He went on to say:

The special rapporteur notes with concern reports he has received that there has been insufficient consultation with Indigenous landowners or the opportunity to provide input into this process, particularly on key issues such as the 99-year lease provision. Most concerning is the potential removal of the role of Indigenous people as decision makers over the use and access of land during the lease period. Such measures would undermine the right to self-determination of Indigenous peoples in the Northern Territory and may call into question Australia's obligations under the International Covenant on Economic, Social and Cultural Rights, including its provisions on self-determination.

This is from an outside person who has been invited in specifically by the federal government. I believe that these comments on the bill are of great concern. They re-emphasise, I believe, community concern about the provisions of the bill. Like us, Mr Kothari hopes that the federal government will reconsider some of the provisions in the bill.

Having said that, I have a specific question that I would like to have addressed, if possible. During the discussion and the debate on this bill there have been numerous references to the voluntary nature of the leases. However, we have also heard from members of the ALP, the Greens and the Democrats that we all have concerns about what I call cross-compliance between funding provisions and the requirement to sign leases. We have heard of at least two examples where this is supposedly already occurring. I am seeking a commitment that, if

these are voluntary leases, no such commitments will be required by the federal government—that is, they will not require communities to sign these leases to get any form of funding, whether it is additional funding or funding that many of us believe should be given to fulfil the basic requirements for housing and other services.

**Senator KEMP** (Victoria—Minister for the Arts and Sport) (1.14 pm)—I have some responses to the matters that have been raised. Let me deal with Senator Siewert's comments first. Senator Siewert, this is a government which listens to people. It is a consultative government. We do not think the UN is the fount of all wisdom. Sometimes the UN gets it right and sometimes it gets it wrong. That is where we differ from you. The mere fact you have 'UN' before some comment does not make it right. We do not dip our lid to anybody. We are an independent country and an independent government. The mere fact that you quote the UN does not immediately mean we must jump and ask how high.

It is interesting that you mention the UN special rapporteur. He met with Minister Mal Brough's office yesterday but he did not raise in that meeting the criticisms of the 99-year lease provisions and his questions about Australia's obligations under the International Covenant on Economic, Social and Cultural Rights and not enough consultation. Isn't that interesting? This is an individual who comes to Australia, meets with the office of the minister, apparently raises some issues with you—and fair enough; you are an important person—and apparently raises some issues with Senator Evans, another important person. If he is meeting with Minister Brough's office it is a little surprising that if he feels so strongly about this matter he does not raise it with them. I have no way to explain that. Maybe it was an oversight on his part, but if he said what you said he



said—again, he has obviously kept you fully informed—he might like to keep Minister Brough’s office fully informed. You might like to point out to him that in a democracy even the UN should consult with both sides and make its views known.

I am grateful that you have raised this, because it raises curious issues about what has transpired. We will be very happy to provide the rapporteur with a full briefing. We will be very happy to answer any criticisms that he has and to see what we can do to encourage a more rounded perspective. I do not attribute any mala fides to the rapporteur, and maybe it was an oversight on his part. But it is curious, is it not, that he feels so passionately about a variety of matters, which I have mentioned, and meets with Minister Mal Brough’s office but does not raise them. We will have to wait until another day for an explanation.

As the minister acting on behalf of Minister Brough, I find it curious. The rapporteur has been here for a preliminary two-week visit, and we will do what we can to make sure he has additional information and is better informed. However, he should recognise that offering the opportunity of property rights to township residents is offering them a basic human right that they do not share with other Australians at this point in time. It is strange that he did not mention that. If I can find anything more on these conversations, I will see what I can do to inform you—if not in this chamber then elsewhere—but it is strange.

In relation to the points that Senator Evans raised, I am not sure I can add much more to the discussions that we have already had. You and I will differ on this issue. As I said, it is a complex matter and a matter that a lot of people far wiser than me and, undoubtedly, even some who may be a little wiser than you have thought very hard about for a

long period of time. It has crossed party lines. That is the awkward nature of the debate for the Labor Party, but it has crossed party lines and there are significant elements in the Labor Party and the Territory government which are more on the side of this government than on the side of the federal Labor Party. It is a complication for the Labor Party. It shows you that people of goodwill can differ on this issue. It is not an intensely partisan issue; it is an attempt to work our way through and solve the very big social issues that we are facing in Northern Australia, and this will make a contribution. I do not pretend it is going to solve the problem, but it makes a contribution. We will not be supporting the amendment. If there is anything more I can provide you with on the rapporteur, I will see what I can do.

**Senator SIEWERT** (Western Australia) (1.21 pm)—To make it clear: these comments were made publicly this morning at a media conference. I will not and cannot speak for the rapporteur, but these comments were made in a preliminary report that he released this morning at a media conference where those other comments were made. Firstly, I presume that you have the same access to this report as I do. Secondly, I ask my question again about a commitment to not require cross-compliance between any funding made available to communities and a requirement to sign a 99-year lease.

**Senator KEMP** (Victoria—Minister for the Arts and Sport) (1.21 pm)—I am sorry, Senator, I did mean to respond to that question of yours. I got diverted by your reference to the UN rapporteur. Let me share with you the advice that I have received. The new township leasing arrangements are entirely voluntary, as has been noted, and no-one will be required to enter into a township lease in order to obtain essential services. There may be cases where a community is willing to enter into a township lease to obtain some

particular or special benefits which would not otherwise be available. This is the case in the Tiwi Islands where the Aboriginal people have agreed to negotiate a township lease as part of a deal to build a private secondary boarding college. I think that issue was raised earlier on in this debate.

**Senator SIEWERT** (Western Australia) (1.22 pm)—I suppose the crux of this issue is what you define as essential services. If you are providing additional services beyond essential services, such as school services, where do you draw the line when services that are currently provided are not adequate to meet the needs of the community? For example, in Wadeye the Aboriginal children were encouraged to go to school, and they turned up for school—in fact, I think, almost double the number of students turned up to school than there were places for those students. Is that an additional service or an essential service?

**Senator KEMP** (Victoria—Minister for the Arts and Sport) (1.23 pm)—We all understand what requirements we would like to provide as essential services, but some of them are additional. On Elcho Island, my understanding is that the offer of 50 houses is a homeownership scheme and it does require land tenure change. That is the offer which has been made.

**Senator CHRIS EVANS** (Western Australia—Leader of the Opposition in the Senate) (1.24 pm)—I appreciate the minister's last response to one of the key issues that we have been raising throughout the debate: cross-compliance. If I had any doubts at all about my reservations about this bill, the minister just nailed them and made me feel very reassured that I have done the right thing. In his answer, he made it very clear that this is about a deal; that this is about a fix: 'You do what we want and you'll get access to things like schools and housing.

You actually have to come to us and bargain for access to essential services such as adequate schools that allow you to educate children or housing that allows you to provide shelter for your family or your community.' That is the thing that has most concerned me about the proposition. It is the thing that has most concerned me about the minister's behaviour.

In reading the advice given to him, I think the minister correctly represented the government's position. I do not have any doubt about that. But I think it also highlighted for the Senate exactly why we have serious concerns about the approach being taken. The phrase I think the minister used was, 'These are special benefits not otherwise available.' That is, we will do a deal to provide some of the services that the Commonwealth normally provides under Commonwealth funding arrangements—basic services like schools and housing that allow people to live a basic life, have a basic existence and enjoy the rights of citizenship that all other Australian citizens expect.

This is at the heart of the disagreement about this measure. There is no disagreement about organising proper land tenure arrangements for Aboriginal communities. There is no disagreement about objective economic development. There is no disagreement about providing employment and other opportunities and better services in Indigenous communities. The disagreement in this process is about whether Indigenous people have to lose control over their land and whether they are going to be made to bargain for what we regard as citizenship services from the Commonwealth in return for signing up for the deal.

It seems clear from the minister's answer that Indigenous people will be required to bargain for services that should be made available to the community anyway; that the

requirement from the government in order to get its leasing proposals accepted is to exercise its superior bargaining power and say, 'If you want this school or if you want these houses, you're going to have to sign up to our leasing arrangement.' That has been a fundamental concern of the Labor opposition from the start and I think it is now clear that that is the government's intention. I said in my contribution in the second reading debate that it seemed to be reflected in the minister's activities, in his press releases and in the way he rampaged through communities, making it clear to the people that it was his way or the highway. To have it confirmed, I think, is seriously concerning, but it does confirm my view that we ought not to be going down that path.

I would like to hear the minister explain the extent to which traditional owners and other Indigenous people resident in a township or community will have any say over development that occurs on their land once the 99-year lease is signed away. It is a concern that I have raised throughout the debate. I have not heard the government's explanation of what it says will be the reality of Indigenous input into decisions about what happens on their land once the lease has been signed over to the entity. That is the other critical issue that has been concerning people. I would appreciate it if the minister could provide the same sort of clarity that he did on the question of cross-compliance in relation to the issue of exactly what ongoing role or input Indigenous traditional owners will have over their land, over the town site, once the lease is signed.

**Senator KEMP** (Victoria—Minister for the Arts and Sport) (1.29 pm)—Senator, I am glad that you—well, I am not glad; I am sorry that you feel that the arguments that have been put justify your decision. There is an unwillingness on your part, I think, Senator Evans, to accept that the vast amount of

these arrangements and essential services will be provided by the Northern Territory government. The Northern Territory government has made statements on this matter which I would like to share with you. In evidence to the committee inquiry, Mr Bree said:

... the resources of the Northern Territory government will not be allocated on the basis of whether or not there is a lease in place. I will make one exception to that—

this is the evidence from the Northern Territory government—

and that is housing; but it is housing over and above the programs that are provided now. Cabinet has recently made a decision that, in light of leasing being available in communities, Territory Housing—which is a government business division and works on a commercial basis, if you like—will be authorised to go into those areas where there are leases, which it has not before.

All housing funds for Indigenous housing in the Northern Territory go through a body which was previously known as IHANT and is now the Indigenous Housing Advisory Board. So all the programs have been allocated through that board, quite separately from our public housing. Our public housing was only in areas where tenure to land was available, and that has been the case forever. Cabinet has now said that with leases being available, Territory Housing will be authorised to move into those areas. That will not impact on current levels of funding; it will only increase it. Government is looking at rebalancing its efforts between urban and community areas.

So the essential services that you are talking about, Senator Evans, are supplied by the Northern Territory government—a Labor government. It supplies municipal services: normal schooling, public housing, safety, access to health services. All those key services come through the Northern Territory government, which is, as I have pointed out once or twice before, a Labor government. So, Senator, I am not sure what one needs to do to convince you of this. But, where mem-

bers of your own party have asked the Australian government to legislate in this area to provide the framework by which they will introduce their own legislation, and where they will be supplying the essential services, it does seem to me that your arguments start to look rather shaky, I have to say, and run into the sand. The debate is not between the Australian government and you. It is a debate between the federal Labor Party represented by you—contrary to the Australian government—and in this case the Northern Territory Labor government.

You asked about the relationship with leases, Senator Evans. Let me just reiterate that Aboriginal landowners will decide whether a headlease should be issued over a township area. You understand that. In negotiating a headlease, they will at that time be able to seek the inclusion of general conditions related to subleasing. The granting of individual subleases will be a matter for the entity holding the headlease. It would be possible, for example, for traditional owners to seek the inclusion of general conditions in the township lease relating to subleasing—for example, restrictions on the number of alcohol outlets. That seems perfectly reasonable to me and is something that I would have expected you to support, Senator.

I am not sure whether or not this alters your views, but I hope I have clarified the issue in relation to essential services. If you believe that there will be some inappropriate behaviour in relation to essential services, that is a matter that you should take up with the Labor government in the Northern Territory because they will have prime responsibility for the provision of those essential services. In relation to leases, as I mentioned, there will be the opportunity for subleases which can impose separate conditions.

**Senator CHRIS EVANS** (Western Australia—Leader of the Opposition in the Sen-

ate) (1.34 pm)—I do not want to enter into the same sort of point scoring that Minister Kemp seems to be concentrating on all the time. I made it very clear: we take responsibility for the position we adopt in relation to federal legislation. What we are debating today is not the Northern Territory government or their policy; that is obviously a matter for them. What we are debating is actually the Northern Territory land rights legislation, which is legislation of this parliament, and what we need to do is make sure we get that right. While the minister sought in a second instance to read the Northern Territory policy—and I am glad to see he is such a fan of the Northern Territory government and its policy!—what he did in his first answer was read the policy of the Commonwealth government, which was the more appropriate and interesting response. While I am reassured by the Northern Territory attitude towards housing, and I was aware of that, I am not reassured by the minister's comments about the special benefits. That is, as I say, a point on which we clearly disagree.

This is very much a debate about what legislation the federal parliament puts in place to determine matters arising out of the Northern Territory land rights act, and we are seeking reassurances about how these things will work and what their impact on the rights of traditional owners in the Northern Territory will be. While I am encouraged by the minister indicating that there is an understanding that the entity may be able to negotiate arrangements in the granting of subleases to principals who apply, that is not in the legislation. I may be wrong, but if it is I have not found it. The absolute lack of any detail about the entity is one of my concerns: we do not actually describe how this will work. So, if those provisions are in the bill, I would appreciate the minister pointing them out. But, as I say, I think there is fundamen-

tal disagreement about the Commonwealth's approach to what the minister describes as 'special benefits'.

**Senator SIEWERT** (Western Australia) (1.37 pm)—I would like to know who determines whether the service being provided is an essential service. Is it the community? I suspect that the community may have a different opinion on what should be an essential service. Or is it the government?

**Senator KEMP** (Victoria—Minister for the Arts and Sport) (1.38 pm)—Senator, I have run through the general list of essential services. They are essential services which are typically provided by the Territory government, in the case that we are talking about. I imagine that the Territory government consult with local communities and certainly have a view on what they believe is appropriate and what they regard as essential services.

The reason I mention the Northern Territory government—I normally do not get provoked, as Senator Evans knows—is simply that so much emphasis was being placed on essential services. It strikes me as relevant to point out that these essential services are typically supplied through the Northern Territory government. What I read out, Senator Evans, was entirely consistent with the Northern Territory government position. You tried to draw a contrast; the truth is that there is no contrast. From what I can see, they seem to be entirely consistent. You may have a different view. In the end, governments are responsible for providing essential services. You may have views on what you think is appropriate and not appropriate. In the end, the supply of those services is typically determined by a government decision. In this case, it is typically determined by a Northern Territory government decision.

**Senator SIEWERT** (Western Australia) (1.39 pm)—I am sorry, I still need further

clarification. Where the federal government is providing funding for, say, housing—because a community has a housing crisis where there are, as is typical, 17 to 18 people living in a house—I would argue that the provision of further funding for housing is an essential service. Is that a correct interpretation?

**Senator KEMP** (Victoria—Minister for the Arts and Sport) (1.40 pm)—This debate could go on for a very long time, Senator. I am attempting to explain to you that, in this case, the essential services, I am advised, will be largely supplied by the Northern Territory government; those matters are, in the end, for them to determine. You may not like that. If you do not, my advice to you is to campaign hard on the Green agenda up there in the Northern Territory and attempt to take control of the Northern Territory government. But this is a democracy and, in the end, governments make those decisions.

**Senator SIEWERT** (Western Australia) (1.40 pm)—I will give this one last try. My interpretation of what you have just said is that any Commonwealth funding that will be supplied to a community will require this provision.

**Senator KEMP** (Victoria—Minister for the Arts and Sport) (1.41 pm)—We are talking about essential services. My advice is that the answer to that is no.

**Senator SIEWERT** (Western Australia) (1.41 pm)—I am sorry, but your two answers contradict each other. I was specifically asking about what determines an essential service. You said, 'The Northern Territory government does.' But the federal government provides funding for communities. Is that for essential services or not? If not, they are therefore not classed as essential services and cross-compliance might be required for that arrangement.

**Senator KEMP** (Victoria—Minister for the Arts and Sport) (1.42 pm)—Senator, the point I am making to you is that most of the essential services that we are talking about would be provided by the Northern Territory government. Where it is the Australian government providing what are essential services—for example, in relation to some health matters—they will be provided. I do not think there is this complication that you are making out.

**Senator SIEWERT** (Western Australia) (1.42 pm)—I am sorry, but there is a complication in that you said that where essential services are provided cross-compliance will not be required. Therefore, my question is: whether it is state or federal, who decides what an essential service is? Where it is decided a service is not an essential service if the Commonwealth provides it, the Commonwealth will therefore require this arrangement and cross-compliance. I am trying to nut this out. The government has made it very clear that these are voluntary arrangements. But, then again, it is saying that there will be cross-compliance required for services provided beyond what is essential. I am trying to find out what is essential, because those that are, therefore, are not voluntary.

**Senator KEMP** (Victoria—Minister for the Arts and Sport) (1.43 pm)—Senator, I try to help you and you try to help me. That is because we are in a chamber where we like to see what we can do to assist each other. I have indicated that essential services will be supplied. They are not dependent on 99-year leases. I have indicated to you that the vast proportion of those essential services will probably be provided through the Northern Territory government. Where there are decisions on essential services provided by the Commonwealth government, they will not require 99-year leases.

We can nut all of this out—what an essential service is and the rest of it—but I hope my assurance gives you a degree of comfort; I am not convinced that it does. In relation to, for example, schooling in the Tiwi Islands, I understand that that is essentially a private service. So we are talking about matters which can be considered over and above essential services. It seems to me that they are things that the Northern Territory government certainly wants. As I said, it certainly seems to me to be an important principle.

As far as essential services go, there is the famous quote that I read out on my briefing note that Senator Evans has decided to provide some blistering insight on. It says, ‘The new township leasing arrangements are entirely voluntary and no-one will be required to enter into a township lease in order to obtain essential services.’ That is what I read out and the *Hansard* will show that.

**The TEMPORARY CHAIRMAN (Senator Moore)**—The question is that schedule 1, as amended, be agreed to.

Question agreed to.

**Senator CHRIS EVANS** (Western Australia—Leader of the Opposition in the Senate) (1.45 pm)—by leave—I move opposition amendments (2) and (3) on sheet 5008:

- (2) Schedule 1, item 52, page 29 (lines 3 and 4), omit “55%”, substitute “60%”.
- (3) Schedule 1, item 52, page 29 (line 4), at the end of subsection 21C(5), add “and there is free and informed consent from traditional Aboriginal owners”.

The question here is the question of the provisions regarding the creation of new land councils. Under the Aboriginal Land Rights (Northern Territory) Amendment Bill 2006, the government seeks to move a provision that new land councils can be created with the support of 55 per cent of local Indigenous residents. There are a number of con-

cerns about that approach. One can argue up hill and down dale about majorities et cetera. In other aspects of democratic life we often have a provision that is 50 per cent plus one. That has not been seen as appropriate in terms of Aboriginal consent in the past because of the nature of the issues at stake, the ownership of land and the need for a majority greater than 50 per cent plus one. As in other organisations where one requires a three-quarters or two-thirds majority to change a constitution, the acceptance inside this debate has been that a figure greater than 50 per cent was appropriate given the import and significance of the decision regarding the administration of Indigenous land.

The provisions that the government are seeking to amend here argue for a new benchmark of 55 per cent of local Indigenous residents. Quite notable is the failure to have any requirement for traditional owner consent. As the Senate would be aware, we have local Indigenous residents in the community who may not have any relationship with that particular land or community. They might be residents, temporary or permanent, but the traditional owners, the traditional people of the land, may be only a subset of those living in the community. So there are two distinct groups and they may not all be Indigenous, for a start. The community might consist of Indigenous and non-Indigenous people. Among the Indigenous people of the community there may be those who have traditional ownership and a relationship with the land and those who do not—for example, the people who have moved there for whatever reason.

The government's proposition is that a decision to create a new land council which has administration over Indigenous land ownership could be made with the support of only 55 per cent of local Indigenous residents. There is no requirement for traditional owner consent. It is conceivable that a decision

could be reached which has an impact in terms of the creation of a land council which does not have traditional owner consent. If traditional owners represent 30 or 40 per cent of the population, even if they all vote for a proposition or against a proposition, they are not guaranteed having their view prevail because of the proportion which they represent in the community.

There is a great deal of concern about these issues being expressed by the parties involved. I know the Minerals Council have expressed some concerns, as we discussed earlier, about some of the government amendments relating to land councils, which seem to reflect a bit of an effort to undermine the existing land councils and a move to what can only be a proposition for a proliferation of smaller land councils. I do not know whether the government is concerned about the power of particular land councils in the Northern Territory but certainly they seem to be going down the 'small is beautiful' path—so maybe they will get Greens' support on this one. They seem to be looking to insert provisions which undermine the capacity and authority of existing land councils.

In any event, Labor are concerned that the benchmark set in the government's proposal is too low, and we have looked at various propositions. Some people in submissions to the Senate inquiry have argued for 70 per cent approval or 75 per cent approval et cetera. Labor have determined that we will follow the advice provided by the House of Representatives Committee on Aboriginal and Torres Strait Islander Affairs inquiry into the Reeves review, which was the review of land council operations. That House of Representatives committee spent a great deal of time examining all these issues. They were allowed much greater time to examine the issues than the Senate inquiry into this bill was afforded—a note in passing. That in-

quiry unanimously recommended a benchmark of 60 per cent support amongst Aboriginal people living in the area and the requirement of traditional owner consent. The House of Representatives committee, consisting of both government and non-government senators, spent a great deal of time reviewing propositions relating to land councils and the administration of land inside the Northern Territory and they adopted a benchmark for the creation of new land councils at a level considerably higher in two respects than the government's benchmark. First of all, rather than 55 per cent support they recommend 60 per cent support, but there is also the insistence of the House of Representatives committee for the requirement of traditional owner consent—a key factor missing in the government's proposition.

In moving these amendments, Labor seek to bring the provisions in the bill into line with the unanimous recommendations of the House committee. This includes the requirement for traditional owner consent and lifting the required vote from 55 per cent to 60 per cent of local Aboriginal residents. We are concerned that the government has set the benchmark far too low, which would run the risk of exacerbating problems that exist between traditional owners and non-owning Indigenous people in communities. As I think the Senate understands, this is often a source of conflict. Although many communities obviously resolve problems to everyone's satisfaction, it is a key issue. It goes directly to the property rights of traditional owners. It is their land, upon which they and other people are living. It seems to me that they have a greater right to have a say over what happens on their land than people who have perhaps recently moved to live in the area or may be temporary residents et cetera.

As I said, it is a difficult issue, but we are concerned that the government's proposal

might lead to instability and greater dispute. We think that the rights of traditional owners require greater protection. Therefore, we recommend that the Senate supports our amendments, which seek to bring the proposition directly into line with the attitude of the House of Representatives committee. That committee inquired into the Reeves review, which had the support of government and non-government senators and made a very valuable contribution to the debate. The minister has been very keen to continually highlight that there might be differences between the views of federal Labor and those of the Northern Territory government. This is a statement of the views of his colleagues in the House of Representatives about what would be an appropriate benchmark. I urge the government to agree to these amendments, which would result in a better outcome than their proposition, and to support what I think are sensible findings of the House of Representatives committee.

**Senator SANDY MACDONALD** (New South Wales—Parliamentary Secretary to the Minister for Defence) (1.55 pm)—In relation to opposition amendment (2), the government believes that having 55 per cent of Aboriginal people voting constitutes a substantial majority for the purpose of establishing a new land council. We do not believe that there is a need to change this to 60 per cent. In relation to opposition amendment (3), under the provisions of the Aboriginal Land Rights (Northern Territory) Act 1976, land councils are required to represent the traditional owners of Aboriginal land and other Aboriginal people residing on Aboriginal land in the Northern Territory. In the current bill there is no requirement for traditional owner consent for new land councils. Such a requirement would disadvantage residents on Aboriginal land and would be an additional requirement to the current legisla-



tion. The government cannot accept these amendments.

A land council is required to represent every Aboriginal on that land, not just the traditional owners. We do not support a proliferation of small land councils—that would be in no-one's interest—but we do need workable provisions for new land councils. The current provisions are unworkable. The government has decided, on balance, that 55 per cent is an appropriate threshold. I remind the Senate that the government has added a viability assessment for any new land council in order to ensure workability.

**Senator SIEWERT** (Western Australia) (1.57 pm)—The Australian Greens support these amendments.

**Senator BARTLETT** (Queensland) (1.57 pm)—In lieu of a division, I want to put on record that the Democrats also support the amendments. They are based upon evidence. They are not something that has just been dreamed up by any of the political parties to try and differentiate or score a political point. They are not just based on evidence given to the Senate committee inquiry but also, as I understand it, based on previous deliberations. When the government say that something is unworkable, I think they mean that it does not work in the way that they want it to, and that is not a good enough reason, certainly in this particular area. I indicate our support for the amendments.

Question negatived.

**Senator CHRIS EVANS** (Western Australia—Leader of the Opposition in the Senate) (1.58 pm)—I move opposition amendment (4) on sheet 5008:

- (4) Schedule 1, item 65, page 37 (lines 24 to 26), omit subsection 28C(3), substitute:
- (3) The Minister must not approve the request unless he or she is satisfied that:

- (a) the body will be able to satisfactorily perform the functions and exercise the powers sought by the body; and
- (b) the body has a sound governance framework and prudent management; and
- (c) a majority of traditional Aboriginal owners of the region represented by the body consent to the delegation.

Given that question time is approaching, I will not launch into the spirited support of that amendment and its efficacy now, but I will later. Given that it seems to be falling on the minister's deaf ears anyway, perhaps it is best that I do it only once rather than twice. So, rather than speaking to that amendment now, I will speak to it when the legislation debate resumes later in the day.

Progress reported.

#### QUESTIONS WITHOUT NOTICE

##### Telstra

**Senator SHERRY** (2.00 pm)—My question is to Senator Minchin, the Minister for Finance and Administration. Is the minister aware of the Prime Minister's statement last Friday that the government does not want to dud existing Telstra shareholders as part of its plans to sell Telstra? Is the minister also aware of comments by leading columnist Terry McCrann that dumping Telstra shares into the Future Fund would be 'plain dumb, utterly pointless and against the interests of 1.6 million voters otherwise known as Telstra shareholders'? Given the Prime Minister's stated wish not to dud Telstra shareholders, can the minister explain why he is actively considering a policy that is against the interests of Telstra shareholders? Why is the minister intent on making Telstra shareholders pay for his incompetent management of the sale process? Haven't the shareholders already suffered enough?

**Senator MINCHIN**—The whole country—and, indeed, Telstra—continues to suffer from the idiotic policy of the Labor Party which has consistently denied all Australians the opportunity to have a stake in this company. The Labor Party have cost the Australian public \$50 billion by denying this government the right to sell Telstra at the time of T2. A \$50 billion bill hangs around the heads of Senator Sherry and his colleagues because of their refusal, and they have clung to their old socialist mantra that this company should remain hostage to the government. It is an outrage the way the Labor Party have behaved in relation to this company, forcing it for so many years to be shackled by government ownership. I will not take any abuse from the Labor Party about this. How dare they, when they have cost Australian taxpayers \$50 billion because of their intransigence on this issue?

The great thing that happened as a result of the last election was that the Australian people gave us a majority in this parliament, which enabled us to at last be in a position to free this company from the shackles of government ownership imposed on it by the Labor Party—in its hypocrisy. Having freed the Commonwealth Bank and Qantas from those shackles, Labor cannot see the wisdom of so doing in relation to Telstra. We can.

As to whether or not we will exercise the authority given to us by this parliament for a sale, that is a decision that we have not yet taken. We will take it in due course. There are a range of options open to the government. Of course, the government can do nothing. We can continue with the situation which has applied since 1999, with half the shares held by the government and half held by individual shareholders. Alternatively, there could be a full retail offer. There are a range of options in between, and we have suggested that one of those possibilities is that some or all of the shares could be placed

in the Future Fund. I reject the commentary made by Mr McCrann. I cannot see the difference between the government continuing to hold the 51 per cent and the Future Fund holding those shares. Mr McCrann does not, in any way, indicate what the difference would be from the perspective of his criticisms of a shareholder owning 51 per cent. That is the point. What Mr McCrann is worried about is the fact of one shareholder—whether it is the Future Fund or the government—holding 51 per cent. He is quite right in that concern, and we want to end it.

**Senator SHERRY**—Mr President, I ask a supplementary question. I do not know about ‘socialist mantra’ but we do know about your capitalist incompetence. Is the minister also aware of comments by Telstra CEO, Sol Trujillo, that a decision to dump Telstra into the Future Fund would be bad policy, bad for shareholders and it would create a ceiling for where a share price could go? Isn’t Mr Trujillo right when he says that the dumping of Telstra into the Future Fund would be bad for shareholders, who are already reeling from significant losses—from \$7.40 to \$3.60 per share? Why is the minister intent on pursuing a policy that will dud Telstra shareholders? Isn’t this what the Prime Minister said he did not want to do?

**Senator MINCHIN**—Mr Trujillo is entitled to express his views as the managing director of the company. What he is worried about is having a large shareholder who may want to sell down their shares. That is the situation now. You have the government with 51 per cent, as a result of the Labor Party, that wants to sell down its shares. We would like to do so by way of a retail offer. Your question is utterly hypothetical because we have not yet made a decision, but I do reaffirm that placing the shares in the Future Fund remains one of the options.

### Energy

**Senator CHAPMAN** (2.05 pm)—I direct my question to the Leader of the Government in the Senate, representing the Minister for Industry, Tourism and Resources. Will the minister outline to the Senate what steps the government is taking to help Australia address key energy challenges? In particular, will the minister inform the Senate of how the government will encourage new resource exploration in Australia?

**Senator MINCHIN**—I thank Senator Chapman for that good question. Yesterday the Prime Minister made a number of announcements, building on our energy white paper of 2004, to further address Australia's energy challenges. The reality that underpins our strategy is that Australia is blessed with substantial and diverse energy resources from coal, crude oil, natural gas, LPG, ethanol and, of course, uranium—which so troubles those opposite and has for so many years.

Australia is well placed to meet the challenges that are presented by high world energy prices, but we are of course conscious that, for most Australians, the reality of high world energy prices is the price they pay for petrol at their local service station. So yesterday the Prime Minister made a very significant announcement of initiatives to encourage alternative fuels—most specifically, a \$1,000 contribution from the government to the purchase cost of a new factory-fitted LPG-powered vehicle. I encourage all Australian manufacturers to follow Ford's example and produce in Australia a factory-fitted LPG vehicle. In addition to that, a \$2,000 grant will be provided to assist with the cost of converting vehicles to LPG for private use. The cost of this overall LPG initiative is estimated at \$1.3 billion over the next eight years.

In the past it has generally taken consumers up to two years for the ongoing savings associated with the lower cost of LPG to pay off the capital cost of a conversion. The LPG association estimates with our \$2,000 rebate it will take just four months for the average motorist to pay off that investment, and that is of course because the average LPG retail price in capital cities, as measured last month, was only 40 per cent of the price of unleaded petrol. LPG is available at 3,200 service stations around the country. I reiterate that yesterday's statement did not alter the excise treatment of LPG. It will remain excise free until 2011. By 2015, with an excise then of 12½c per litre, it will remain concessionally taxed with an excise rate around 50 per cent lower than fuels with similar energy content.

In addition to encouraging greater use of LPG, the government also will spend just over \$17 million over the next three years to help fuel retailers make the necessary investment to be able to sell E10. A further \$123 million over four years will be invested in extending the government's Renewable Remote Power Generation Program to encourage the replacement of diesel power generators with renewable energy sources. In addition to these initiatives to encourage alternative fuels, we will provide a new impetus to exploration activity. Despite our energy resources as a nation, this country is largely unexplored. It is a high-risk and high-cost activity, and we think there is a role for government in providing precompetitive geological data to better inform potential exploration activity. We are spending \$76 million to expand Geoscience Australia's big new oil program and a further \$59 million to identify onshore energy and mineral resources.

It is a very significant contribution to assisting Australians diversify their sources of transport fuels, not forgetting that at the end

of the day the reason that petrol prices are high is that world oil prices are high, and they are high because of the extraordinary economic growth of China and the demand it is placing on world oil supplies. But the government believes that, with this package of measures, we are going a long way to helping Australian motorists make use of alternative energy sources.

### Telstra

**Senator GEORGE CAMPBELL** (2.09 pm)—My question is to Senator Minchin, Minister for Finance and Administration. I again refer the minister to the Prime Minister's claims that the government does not want to dud existing Telstra shareholders. Is the minister aware of comments by the CEO of the Australian Shareholders Association, Mr Stuart Wilson, who has said that if the government dumps its Telstra shares into the Future Fund then:

... this will virtually guarantee that the share price will go sideways (at best) for years ...

How can the minister justify putting a ceiling on the Telstra share price when it has already collapsed from over \$9 to \$3.60 under the Howard government? What does the minister now have to say to the 1.6 million Telstra shareholders whose investment has already fallen by up to \$5.40 per share only to see the Howard government going out of its way to continue their pain?

**Senator MINCHIN**—As I said before, the reason the company is in this position of having 50 per cent of its shares owned by the government is the recalcitrance of those opposite, who have fought forever against freeing up this company from government ownership. Telstra is the great symbol of the wasted years of Labor's opposition. They have wasted 10 years in opposition. All they can do on a policy front is oppose anything that the government proposes. The government has been committed to—and has won

four elections on the back of—a platform of selling all the remaining government shares in Telstra, and that has been opposed by the Labor Party on every occasion all the way through.

To the extent that anyone can complain about the possibility of some share overhang, that is what you have as a result of the Labor Party refusing to agree in 1999 to the full sale of the Telstra shares. We should be in a position now where this company is entirely free of the government shareholdings so there is no share overhang. But it was the Labor Party in this place which refused to allow the government, the legislative authority, to sell all its remaining shares at that time. As a result taxpayers are \$50 billion worse off.

**Senator GEORGE CAMPBELL**—Mr President, I ask a supplementary question. Isn't columnist Stephen Bartholomeusz right when he says:

If the—

Telstra—

shares were parked in the Future Fund they would overhang the market for Telstra shares, imposing a ceiling of sorts on any upside.

Is the government so out of touch that the minister now wants to force Telstra's 1.6 million shareholders, who have already suffered massive losses on their investment, to pay the price for its incompetent management of the sale of Telstra?

**Senator MINCHIN**—I should state for the record that we do bear very much in mind the issues facing the 1.6 million shareholders, many of whom happen to be Labor Party members, ironically. The hypocrisy knows no bounds: they oppose the sale but then they buy the shares. They are important to us, and that is why, in the interest of their part-ownership of this company, we want to get the government out of the ownership of this company. It is a ridiculous situation to

have half of this company owned by the government. Those shareholders will be much better off when all those shares are floated. We hope to be in a position to make a full retail offer, but we have not yet made a decision. So the question is entirely hypothetical.

#### **Medicare**

**Senator HUMPHRIES** (2.13 pm)—My question is to Senator Rod Kemp, representing the Minister for Human Services. Will the minister inform the Senate of the action that the government is taking to make Medicare rebates easier to claim?

**Senator KEMP**—I thank Senator Humphries for that very important question and the continuing care that he shows for his constituents in the ACT. On the weekend, the Prime Minister, with the Minister for Health and Ageing and the Minister for Human Services, announced a significant change to the way people can claim their Medicare rebate. Currently 80,000 Australians queue up every day in Medicare offices to claim back their Medicare rebate. There are around 14,000 doctors' surgeries across the country, and most of them have EFTPOS machines already in place. Common sense would say that, if they can simply swipe their credit card or their debit card in the machine, along with their Medicare card, why can't we put the money straight into their bank accounts and save them going to a Medicare office?

From around the middle of next year, all Australians will be able to swipe their Medicare cards and a debit card to claim their Medicare rebate. It is a great win, not only for people in the metropolitan areas, where it takes an average of 25 days to 29 days for people to claim back their Medicare rebate, but for people in regional and rural areas, where the statistics I have suggest that it can take up to 79 days for people to get back their Medicare rebate. Under this new system, by simply swiping your Medicare and

debit cards, the Medicare rebate will be paid directly into your bank account within 24 hours.

The figures that have been presented to me suggest that the average cost to an Australian family of going and claiming their Medicare rebate is around \$10. That does not include things like parking fees and a range of other charges that people often have to put up with. The new Medicare claiming system will mean that there will be no need to fill out paperwork or wait in queues. By using the EFTPOS network, we can ensure that the new claiming process is available to the public as quickly as possible. The system will put an end to queuing up in lunch hours, filling out forms and waiting for cheques to come in the mail. The system will also free up Medicare officers so that we can continue to build on the number of services that are available, such as the introduction of the Family Assistance Office online services.

It is clear that the Australian government listens to the Australian people. We have listened to Australian families and we are responding accordingly. This is a very significant step forward. It is a positive step forward for all Australian families. It delivers real benefits to the Australian people and it illustrates yet again, as the minister for health would say, that the Howard government is the best friend that Medicare has ever had. I also say to my colleague Joe Hockey that this continues the excellent service that he is providing that very important portfolio. All Australians will be extremely grateful for this important announcement.

#### **Telstra**

**Senator CONROY** (2.17 pm)—My question is to Senator Minchin, the Minister for Finance and Administration. Is the minister aware of comments by his colleague the Minister for Communications, Information Technology and the Arts last weekend warn-

ing small investors to be wary of buying into Telstra? Is the minister further aware of Senator Coonan's claims that the recent downward spiral is the main reason why the government should sell Telstra? She said:

We don't think this is the best way to invest taxpayers' money. The volatility of the share price is proof of that.

Didn't the minister for communications also admit that it may get to the point at which the government would have to sack the Telstra board? Given Senator Coonan's comments that Telstra is not the best way to invest taxpayers' money and that the government may have to sack the Telstra board, can the minister now explain why he thinks Telstra will be a good buy for Australian small investors?

**Senator MINCHIN**—I would simply come back to the point that the government should not own any shares in Telstra. That has been our profound policy position since 1996. We have won four elections on the basis of a clear policy commitment that we should not own any shares in Telstra. It is absurd that the major telecommunications company of this country should have a majority government ownership. It is a massive, idiotic and irreconcilable conflict of interest for the government to be the regulator of telecommunications in this country and yet be the half-owner of this major corporation. Senator Coonan, like me and every other member of the coalition, wants to exit this company. We believe that the government should sell these shares. We have been working for some time, against the Labor Party—and contrary to the Labor Party's interests, apparently—to endeavour to be in a position where we can free this company and its shareholders from this yoke that government ownership represents.

The only role that the government has in relation to Telstra is indeed voting on board

members at annual general meetings and to fill casual vacancies. The government has every confidence in this board and its management. They are taking this company through a critical transition to ensure that it is able to meet the telecommunications needs of this country in a way that ensures it is profitable and able to deliver a return to its shareholders. It will be able to do that in a much more effective manner if it is free of the government's 50 per cent shareholding.

**Senator CONROY**—Mr President, I ask a supplementary question. Given that the minister for communications does not think that Telstra is a good investment and that the government may have to sack the Telstra board, how does the minister think that he can possibly convince small investors—many of whom were burnt in T2—to buy shares in T3? Haven't 1.6 million shareholders already seen the value of their shares collapse by over 50 per cent on your watch? Will the minister also take this opportunity to instruct Senator Coonan to stop undermining his job of trying to generate some confidence in a retail offering of Telstra? Why are you letting her out in public?

**Senator MINCHIN**—I take this opportunity to commend Senator Coonan on the outstanding job she is doing in regulating telecommunications in this country and ensuring that Australians have world-class standards of telecommunications, which the Labor Party never delivered to Australians. The standard of telecommunications in this country is so far superior now to that which prevailed under the Labor Party that it is not funny. Senator Coonan can take much of the credit.

As to shareholders, all government ministers would say that, while we want this to be the greatest share-owning democracy in the world and we are doing a lot to bring that about, all those investors who wish to invest

in the share market in any kind of stock must operate on a caveat emptor basis—buyer beware. The share market has risks and shareholders should be conscious of those risks when they invest in the share market.

#### Climate Change

**Senator EGGLESTON** (2.21 pm)—My question is to the Minister for the Environment and Heritage, Senator Ian Campbell. Will the minister inform the Senate of what action the government is taking to manage the impacts of climate change? Is the minister aware of any alternative policies?

**Senator IAN CAMPBELL**—I thank Senator Eggleston, from Western Australia, a state that has an enormous stake in getting the energy and climate change equation right. There are two approaches in Australia. Firstly, there is the government's approach, which is directed at practical measures, real projects, research and development, and deployment of world-leading technologies to solving the issue of climate change, and then there is an alternative approach.

For the record, I remind honourable senators that the government will be investing \$1 billion in low-emissions technology demonstration projects, many of which will be announced in coming weeks. We are in the process of investing \$100 million in the Renewable Energy Development Initiative, which is already funding projects like that of Geodynamics in Innamincka in South Australia to develop geothermal, which has the capacity to power the whole of Australia from renewable sources. There is also the rollout of the \$75 million Solar Cities program, which will transform entire suburbs, the first one of which will be in Adelaide and will be announced shortly, across to solar energy—solar power, clean energy from the sun. There are also a range of other programs.

Only yesterday I was able to announce with George Bush's Chief Climate Negotiator, Dr Harlan Watson, under the US-Australia Climate Action Partnership, a collaboration between Australian company Solar Systems, which is developing parabolic solar concentrators, and the Boeing company of the United States, which is using satellite based photovoltaic technology—three times more efficient than anything available anywhere else in the world—to develop US-Australian collaboration around solar energy. Two months ago I went to Newcastle and opened Australia's solar energy institute—a world-leading solar thermal demonstration project which increases the capacity of gas to store solar energy in what is now called 'solar gas'. And, yesterday, the Prime Minister announced another massive expansion of Australia's investment in renewables: an investment of \$123½ million to expand the Renewable Remote Power Generation Program, which will see solar cells rolled out across regional and remote Australia and further investment in wind turbines in regional and remote Australia.

Senator Eggleston sought information about an alternative policy. There is one. Labor put out what they call a 'blueprint'. It is not a policy or a discussion paper; it is a blueprint. Labor said that they were going to cut emissions in Australia by 60 per cent in the next 45 years. It is interesting that Labor have not quite caught onto the fact that a unilateral cut of 60 per cent to Australia's emissions without any of the money going into technology development would have catastrophic effects on the Australian economy. ABARE, in an independent report released two weeks ago, showed that Australia's gross domestic product would be reduced by 10 per cent, wages would be reduced by 20 per cent and the price of petrol would go up by around 100 per cent—all of this to unilaterally cut Australia's emissions

to 1.46 per cent of world emissions, when China will replicate Australia's entire emissions in one year. Mr Beazley's policy is for a carbon trading scheme without a carbon price. You cannot have a carbon trading scheme without a carbon price. So what does a carbon trading scheme with a carbon price—which is the Beazley policy—equal? It equals a carbon tax—a new tax on Australian households, a new tax on motorists, a new tax on energy, a new tax on industry, a new tax on jobs—to drive carbon emissions to Asia and jobs offshore.

#### **Economy**

**Senator MURRAY** (2.25 pm)—My question is to the Minister for Finance and Administration, representing the Treasurer. Has the government noted that chapters 1 and 6 of the recently released OECD Economic Survey of Australia 2006 still recommend tax reform for Australia? In particular, did the minister note that the OECD survey said that labour force participation, particularly for women, would be lifted by reducing low-wage traps, which are high in international comparison, by reducing the lowest income tax rate or raising the threshold at which income tax is first paid? Did the minister note that the report said that the focus of any future tax cuts should switch to reducing high effective marginal tax rates faced by many households in the lower income deciles? Does the government accept these OECD recommendations are worth considering for next year's budget? Or is the government ruling out now any further help for Australia's low-income earners?

**Senator MINCHIN**—I thank Senator Murray for that question and for his reference to the OECD report, to which I think I referred last week. That report was a glowing report on the Australian economy, making the very important point that living standards in this country are now second only to the

United States when compared to the major industrial countries of this planet. It made the point that the reform program that was, to their credit, begun by the Hawke and Keating governments and continued with great vigour by our government—particularly in the area of industrial relations—has produced one of the most robust economies in the world.

The report referred to the issue of tax reform. As Senator Murray knows, we have done an enormous amount in the area of tax reform, most particularly in the last budget. I think, from recollection, the Treasurer, in his response to the OECD report, did note that the OECD reminds us that reform is an ongoing process; that, in relation to any economy of the standard of Australia's, reform has to be a continuous process. I think the Treasurer particularly noted the fact that the OECD regards our industrial relations changes as important but only part of the process of reform and that the OECD had referred, helpfully, to areas in which further tax reform could be conducted.

It is not for me to indicate one way or the other what might be in next year's budget, but I do indicate that we do keep very much under observation suggestions as to how the Australian tax system could be improved. I acknowledge Senator Murray's interest in the area of the effective rate of tax on the lower paid members of our community. He shares with us an enthusiasm for ensuring we constantly seek to increase the participation rate in the Australian workforce. That is going to be critical to our capacity to deal with the major challenge we face of an ageing population. It is very important that the government keeps under review constantly the impact of both its tax and welfare policies on the incentives to participate in the workforce. So, without saying what might or might not be in next year's budget—because we are nowhere near considering that—I would say



that this is an area that is kept constantly under review, and we will have in mind, as we approach next year's budget, the full range of suggestions that come from the OECD and others.

**Senator MURRAY**—Mr President, I ask a supplementary question. I thank the minister for his answer. Minister, as Canada, the Netherlands, the United Kingdom and the United States all automatically index their tax thresholds, why does the government continue to deny this form of tax equity by not at least considering indexing the lowest tax-free threshold? Does the government concede that its tax cuts for higher income earners over the last two budgets were instead of real tax reform badly needed for low- and middle-income earners, a policy priority again stressed by the OECD in its latest survey?

**Senator MINCHIN**—I make the point that the OECD and others have indicated how out of step with the major economies have been our higher rates of taxation—the top of the tax rates—and the very low thresholds at which they cut in. That was one of the reforms we made last year to bring ourselves more into line with the Western world. Senator Murray has asked before about the issue of automatic indexation of thresholds. We have said repeatedly that it is not government policy to index the thresholds. If you examine the facts, they show that we have returned to taxpayers more than would have been returned in our 10 years in office if we had simply indexed the thresholds we inherited from the Labor government. The problem, I believe, with indexation is that in a sense you freeze the tax system, the tax thresholds and the tax rates that are indexed. I think it much better that the government takes an active part in reviewing the thresholds on a constant basis. (*Time expired*)

### Forestry

**Senator HEFFERNAN** (2.31 pm)—My question is to the Minister for Fisheries, Forestry and Conservation, Senator Abetz. Is the minister aware of the New South Wales government's new draft code of practice for private native forestry? What effect will this new code have on the timber industry and timber jobs in New South Wales? Further, is the minister aware of any alternative policies? And when is it likely to rain in the bush?

**Senator ABETZ**—If there is not sufficient time for the last question, I invite Senator Heffernan to ask a supplementary! I acknowledge Senator Heffernan's longstanding interest in farming and forestry issues. I am aware of the draft code to which the honourable senator refers, and I sincerely hope that this is a draft which does not see the light of day in terms of becoming an actual policy. Simply put, this draft code of practice for forestry on private land is nothing more than an attempt to gain the New South Wales Labor government Greens preferences in some Sydney electorates in the lead-up to the next state election.

Everybody has an interest in ensuring that the available timber resource is harvested on a sustainable basis. This is what the regional forest agreements were all about: ensuring a secure resource, a sustainable resource base and a comprehensive, adequate and representative reserve system. There is simply no need to force private landowners to add to this reserve system. This over-the-top draft code of practice will decimate the New South Wales timber industry, which has already suffered round after round of resource cuts under the New South Wales Labor government. Sixty-six per cent—two-thirds—of hardwood sawmills on the New South Wales North Coast are entirely dependent on timber from private property. The implications for

reduced resource supply are significant. The most significant impact will be on jobs in rural and regional New South Wales. In fact, the Forest Products Association of New South Wales estimates that up to 1,500 jobs could be lost as a result of state Labor's proposal.

It seems there is no end to the capacity of state Labor governments to do all they can to destroy our country's timber industry. In Victoria, the Bracks Labor government have locked up the Grampians, the Otways and the Wombat State Forest. Now they are flirting with locking up East Gippsland in exchange for Greens preferences. In Tasmania, the supposed friend of the timber industry Mr Lennon sold his soul and locked up Recherche Bay to appease the Greens just before the last state election. In Queensland, the western hardwood resource has just been locked up. With an election campaign now on, I fear other valuable resources in that state may also be locked up.

*Senator Faulkner interjecting—*

**Senator ABETZ**—Senator Faulkner interjects. The man who advised Mr Latham ought to keep his mouth shut.

In New South Wales, with virtually all of the timber resource on public land locked up, the Labor government has now moved to do the same to forests on private land. I remind the Senate that for every hectare of resource locked up in Australia there will be increased demand for timber resource from the Amazon and from other tropical hardwood forests around the world. Harvesting our natural resources is all about balance. Balance is a term that those over on the other side never understand. But balance is something that the Howard government understand, as we showed with the Tasmanian Community Forest Agreement, so overwhelmingly endorsed by the people of Tasmania and the rest of Australia. There is also balance in our

marine protected areas. I urge New South Wales Labor to follow our lead in restoring balance to the timber industry in that state. *(Time expired)*

### **Telstra**

**Senator WEBBER** (2.36 pm)—My question is to Senator Minchin, Minister for Finance and Administration. Can the minister confirm that UBS Australia, Caliburn Partnership, ABN AMRO Rothschild, Goldman Sachs JBWere, Gavin Anderson, DBM, Econtech, Freehills and Sparke Helmore have all been appointed by the government as consultants to the Telstra sale? Can the minister advise how much these lawyers and bankers have been paid by taxpayers to come up with the decision to dump the rest of Telstra into the Future Fund? Does the minister intend to ask these bankers and lawyers for a refund on behalf of the 1.6 million Telstra shareholders who will see their investment in Telstra damaged as a result of this anti-shareholder proposal?

**Senator MINCHIN**—The answer to the first question is yes. The answer to the second question is that it is based on the utterly hypothetical notion that the government have already made a decision on what we will do with the shares which the Labor Party has forced us to retain in this company. We have not yet made a decision. I have been very public in saying that if we are to have a retail offer of our shares it would need to be given effect to in the October-November period of this year. We have to make a decision as to whether to offer those shares to the public and institutional investors, by way of a prospectus and full retail offer, imminently, within the next couple of weeks.

We have a range of options open to us if we are not in a position to make a retail offer. One of the options which is open to us and on which we have not yet made a decision is that part or all of those shares could be

placed in the hands of the Future Fund. One of the great initiatives of the government, I might say, is the establishment of the Future Fund, which we will protect from the ravages of the Labor Party for as long as we can. Of course, it is Labor Party policy to ravage and raid the Future Fund as a slush fund. That is your policy.

This is what I do not get about the Labor Party's position: you say that you do not want us to sell any shares, but you do not want us to put them in the Future Fund. What is the difference? If the Labor Party has a policy, it is apparently that the government has the shares. That is an overhang. The issue with the Future Fund is the assertion that there would be a share overhang in the hands of the Future Fund. There is a share overhang now, which the Labor Party does not seem to understand, and that is because the government has been forced by this lot to continue to own 50 per cent of the shares. It has been only some eight months that we have had the authority from the parliament to dispose of the remainder of our shares.

I have said at all times that the only opportunity, the window, for a retail offer is in the August to December period of any year, after the financial results are available. We are now in that position and we are approaching a point at which we will have to make a decision. We will make a sensible decision in the interests of the shareholders, the country and the company.

**Senator WEBBER**—Mr President, I ask a supplementary question. Why should taxpayers have to line the pockets of all of those highly paid consultants, whose only advice to the government has been to dump the rest of Telstra into the Future Fund? If the minister cannot advise the Senate now, will he at least take on notice how much was paid in commission to all those highly paid bankers and lawyers so that the Telstra shareholders

and the people of Australia can know how much it cost?

**Senator MINCHIN**—Those advisers have been engaged by the government to assist us in the conduct of a retail share offer, should we decide to do so. It would be one of the biggest retail offers ever made by a government around the world. We hired those advisers just like the Labor Party hired a whole phalanx of advisers on how to sell the Commonwealth Bank and Qantas. This is the hypocrisy of the Labor Party: it did the right thing when it was in government by selling the Commonwealth Bank and Qantas, but now it attacks us.

**Senator Chris Evans**—Mr President, I rise on a point of order which goes to relevance. The minister has been given about four chances today to answer questions on these issues and his answer has always been: 'It's all the old Labor government's fault.' The question went to how much the government paid in commission to those companies. The minister has made no attempt to answer the question. He has been asked twice now. I ask you to draw his attention to the question.

**The PRESIDENT**—I hear your point of order.

*Honourable senators interjecting—*

**The PRESIDENT**—Order! Perhaps if there were a bit more quiet in the place the minister could give more precise answers.

**Senator MINCHIN**—Of course we paid the advisers, just like the Labor Party paid advisers to advise on the sale of the Commonwealth Bank and Qantas. All those figures will be revealed in due course, and appropriately, once we have completed the process.

### **Commonwealth Land Development Process**

**Senator MILNE** (2.41 pm)—My question is to the Minister representing the Minister for Transport and Regional Services, Senator Ian Campbell. In view of Minister Truss's statement that, as the Commonwealth is the owner of land at Hobart International Airport, the proposal for a 70,000 square metre Direct Factory Outlet and bulky goods retail centre—making it Australia's largest DFO—must be assessed under a Commonwealth process, will the minister explain why the social and economic impact statement relating to the development, which would provide critical and necessary information for those writing submissions, is being kept secret? Will the government now ensure, in the interests of natural justice, that that impact statement is released immediately?

**Senator IAN CAMPBELL**—The planning processes that surround Commonwealth airport land leave most of the state planning processes for dead. I am aware of the issues that surround the airport that Senator Milne is referring to. In fact, I am aware that Senator Eric Abetz has led a high-level delegation of interested parties from the vicinity to Mr Truss this morning. I am sure that Senator Abetz will be very happy to brief Senator Milne on the outcomes of the meetings with Mr Truss. I commend Senator Abetz for being proactive in representing the interests of Tasmanian taxpayers in relation to this issue.

**Senator Bob Brown**—Mr President, I rise on a point of order. The question asked directly for the publication of a social and economic impact statement. The charge is for the minister to answer that question: yes or no. Where is it? Is he going to release it? Is he going to inform the public?

**The PRESIDENT**—Senator Milne.

**Senator MILNE**—Mr President, I ask a supplementary question. Precisely the point I

make is: will the minister guarantee that that impact statement will be released immediately? People need it in order to make their submission in relation to the development. Will he explain whether or not Tasmanian businesses are going to be excluded from the development because it is only for national and multinational chain retailers? Finally, would he agree to review the biased assessment process that requires the community to make its submissions to Hobart International Airport Pty Ltd, which is also acting for the developer and which then summarises the objections and advises the minister? Will the minister guarantee the release of the impact statement and will he review the assessment process to remove the inherent bias?

**Senator IAN CAMPBELL**—Firstly, I make the point that it is the minister that will make those decisions. I know from working with Minister Truss that he handles these matters very diligently. Secondly, the Tasmanian businesses to which Senator Milne refers have already been given high-level and high-quality representation by Senator Eric Abetz, who apart from being an excellent minister is also an excellent representative of the state of Tasmania. Thirdly, the normal process is for the owner of the airport to make the submission, and it is not an indication of any bias whatsoever.

### **National Security**

**Senator LUDWIG** (2.45 pm)—My question is to Senator Ellison, Minister for Justice and Customs. Does the minister recall his claims yesterday about successful airport security enhancements, particularly at regional airports? Is the minister aware of comments by Ms Janine Hugo, the manager of Whyalla Airport, who said that they have 'been told that it's not a requirement to use the metal detectors at this stage' at a regional airport? Given the minister was in here yesterday boasting about the \$8 million that the

government has spent on so-called hand wand metal detection services, can he now advise the Senate about the other aspects of the regional airports security package that are also optional? Why, under the minister's watch, can something as fundamental to the security of the travelling public as metal detectors be considered optional?

**Senator ELLISON**—Since March 2005, for the first time, 250 regional airports and airlines have been captured under our aviation security initiative. By way of upgrade, I can advise the Senate—because it is relevant to what Senator Ludwig asked and he might want to listen to the answer—that 750 people are being trained in aviation security, including hand wand metal detection capability. That is a result of the regional initiatives that I mentioned yesterday. As well as that, the regional response teams that I mentioned, which are managed by the Australian Federal Police and which I have responsibility for, have been in action. Over 100 regional airports have been involved in exercises, training and an assessment of security.

At each regional airport, there are varying degrees of assessment in relation to security and various measures are required. This relates to the traffic and the risk assessed, and that has been done in relation to the various airports around Australia. In fact, some of the regional airports I have come across have been quite large; others have been quite remote, involving a strip, and charter aircraft being the only landings there. There is a huge variation when you look at regional airports in Australia. That is why we have put in place an assessment where our regional response teams go out to these regional areas. They deal with the local councils and local police and they operate in relation to joint exercises, training and security assessment. As I say, 750 people have been trained in relation to hand wand metal detection.

As well as that, we have approved funding of \$29 million for 124 regional airports. This relates to security infrastructure. It is an essential part of our plan. We have also provided \$1.5 million to expand eligibility to include no-jet non-screen transitioning airports, including places like Burnie, Devonport, Groote Eylandt, Mildura and Weipa. This demonstrates the variety of the sorts of regional airports that we are looking at from Tasmania to the gulf. A very important part of our regional initiative is that we look at the different circumstances applying to a particular region. It is not necessarily a one-size-fits-all. We have to address what a particular airport needs, and we rely on the locals to assist us in that regard. That is why we have the joint operations with local police. This is an initiative which has been comprehensive—a \$48 million securing our skies initiative. As I say, for the first time, since March 2005, over 250 regional airports and airlines have been captured under our security regime.

**Senator LUDWIG**—Mr President, I ask a supplementary question: is the minister aware of reports that more than 400,000 passengers have not been screened before boarding aircraft at South Australian regional airports alone? Does this mean that screening passengers is also optional under the minister's management of airport security? Is this what the minister meant yesterday when he was talking about world's best practice or would his alternative comment that 'security is a work in progress' be more appropriate?

**Senator ELLISON**—I can only reiterate what this government has done in relation to regional airport security. For the first time, we have put in place measures in regional Australia to address things like perimeter fencing, training people, joint exercises, and the technology of hand-held wands where a walk-through detector is not required, because a hand-held wand can do the job as

well where you have a low level of traffic and usage. That makes absolute sense. In relation to applications for funding, there are 130 approvals for funding at 124 airports, totalling \$29 million—that is, direct funding to regional airports for security infrastructure.

### Illicit Drugs

**Senator TROOD** (2.50 pm)—My question is also to the Minister for Justice and Customs, Senator Ellison. Will the minister update the Senate on the Australian government's commitment to the fight against illicit drugs? Is the minister aware of any alternative policies?

**Senator ELLISON**—Senator Trood raises a very important issue in the fight against illicit drugs. This is demonstrated by recent operations conducted by the Australian Federal Police, the Australian Crime Commission and the Australian Customs Service. Before I touch on those, I think the Senate needs to remember that the Howard government's Tough On Drugs strategy fights the war on drugs on three fronts: education—to educate people, particularly young Australians, to reduce demand so that our next generation of Australians will be educated as to the dangers of illicit drugs; law enforcement—to reduce supply, because you cannot have that success in relation to education and rehabilitation if you do not reduce supply; and rehabilitation, which, as I have mentioned, is very important. It is the third arm of our fight on illicit drugs, and I saw recently in Victoria excellent work being done by Odyssey House in relation to the rehabilitation of people who had a drug addiction.

Of course, recently we have seen great success in relation to major operations conducted on Australian soil and offshore. Just last month the AFP provided intelligence and forensic assistance to the Royal Malaysian

Police in relation to the detection and dismantling of a clandestine, illicit drug laboratory near Penang. It has now been confirmed that this is the largest clandestine, illicit drug laboratory ever dismantled. That was a great effort by the Royal Malaysian Police and of course the Australian Federal Police, who were working with them. A laboratory like that in our region was capable of supplying a large amount of amphetamine type stimulants to the region, including Australia.

As well as that, in a joint operation with Customs, the Australian Federal Police seized 370 kilograms of ecstasy in Melbourne in June this year. That equates to 1.3 million tablets which were stopped from reaching the streets of Australian towns and cities. As a result of that seizure, a man has been arrested in Canada. We were involved with police from China, Hong Kong and Canada in an operation which made a very large seizure indeed.

There was also a seizure of 120 kilograms of precursors in Sydney. That was capable of producing \$22 million of amphetamine type stimulants. Again, it was very good work by the Australian Federal Police. Again in Sydney, in June this year, a cocaine laboratory was dismantled and a person was arrested as a result of that. Furthermore, in April this year, in regional New South Wales, a major clandestine laboratory in a remote property was dismantled. Seven people who were allegedly involved were arrested. Again, it was very good work done by our federal agencies in the fight against drugs.

That demonstrates that the men and women of the Australian Federal Police, the men and women of Customs and the men and women of the Australian Crime Commission are carrying out a vital fight against illicit drugs in this country, particularly in reducing the supply. We acknowledge the great cooperation we get from the state and

territory police. We cannot do it alone. This is a fight in which all governments have to join.

Of course, when I am asked about alternative policies, I am reminded of the member for Denison, Mr Kerr, the former justice minister under the previous Labor government, who said that we have to look at a plan for the management and use of illicit drugs and how we can visit nightspots and see that drugs are taken safely. It is the totally wrong message by the member for Denison in saying that we take a soft approach. We want to see a condemnation of that approach by the Leader of the Opposition, Mr Beazley. We want a bipartisan approach in relation to this from the opposition, and we are still waiting for Mr Beazley to condemn those remarks by the member for Denison.

#### Westpoint

**Senator WONG** (2.55 pm)—My question is to Senator Coonan, the Minister representing the Minister for Revenue and Assistant Treasurer. I refer the minister to the Westpoint scandal in which 4,000 Australians lost \$300 million worth of savings. I also refer the minister to the \$50,000 promissory note loophole that the regulator, ASIC, says prevented it from taking earlier action in the Westpoint matter. Didn't the minister on a number of occasions in answers to questions in this place on 22 June emphatically state:

... there is no loophole.

Is the minister aware that the chair of ASIC, Mr Lucy, again called on the government to close the loophole on 27 June, a mere five days after the minister denied there was any problem? Didn't Mr Lucy say that the loophole could be closed very simply when he said, 'One way of addressing it would be to go from \$50,000 to \$500,000'? Can the minister tell the chamber who is right: Mr Lucy and the regulator or the minister?

**Senator COONAN**—Thank you to Senator Wong for the question. I can give Senator Wong the answer that I have in my brief because I am certainly not the Minister for Revenue. I can tell her that ASIC has been helping people deal with Westpoint on a number of fronts and is working to ensure people receive the full protection of the law. Firstly, ASIC has been actively warning the public about the risks of high-yield investments since 2003, and it did so again in 2004 and 2005. Secondly, it approached Westpoint directly in 2003 and 2004 on their approach to both fundraising and disclosure. After these discussions failed, it ran a test case through the courts to clarify whether Westpoint had breached the requirements of the Corporations Act and whether investors were misled. A decision from the appeal process launched by ASIC has been handed down and it does confirm that the Westpoint schemes are subject to the investor protection provisions of the law. Thirdly, ASIC has acted to wind up the Westpoint companies and to appoint receivers to the personal assets of the company directors for the benefit of creditors.

ASIC is now doing its utmost to assist investors in recovering their losses. It has established a Westpoint page on its website to help investors understand what options they have and to take recovery action.

**Senator Wong**—Mr President, I rise on a point of order going to relevance. The minister is reading a brief about ASIC's actions. The question was very specific about whether the minister stands by her comments that there is no loophole. I would ask you to draw her back to the question.

**The PRESIDENT**—The minister has 2½ minutes left to complete her answer. I remind her of the question.

**Senator COONAN**—ASIC is doing its utmost to assist investors in recovering their

losses. ASIC is keeping licensed planners who promoted the Westpoint investments under close observation. It has announced that it will require them to report on a monthly basis about how they are dealing with client complaints and losses. The purpose of that, of course, as Senator Wong would appreciate, is to ensure that investor complaints and compensation claims are dealt with both quickly and fairly. ASIC is taking action to trace and secure as many assets as possible for distribution to the Westpoint investors. There are certainly indications that some Westpoint directors entered into transactions in the lead-up to insolvency, which may be voidable and may allow funds to be claimed back for distribution to creditors. ASIC is currently questioning group founder, Norman Carey, in court about his personal wealth, after Mr Carey claimed to possess only minimal assets.

**Senator Chris Evans**—Mr President, I rise on a point of order going to relevance. The minister admitted that she was going to read a brief that has nothing to do with the question asked. She is pressing on. She reads beautifully—I will concede that—but she is making no attempt at answering the question, which goes directly to her answers made in this place at the end of June. They have been contradicted by other people. She has been asked specifically about that and she refuses to even attempt to bring any answer to that question. We are not here to hear ministers read briefs that are of no relevance to the question.

**The PRESIDENT**—I hear your point of order but, as I said earlier, the minister has over a minute left to complete her answer, and I would remind her of the question.

**Senator COONAN**—Thank you, Mr President. I am very much enjoying dealing with Senator Wong's question and outlining in great detail ASIC's actions in relation to

the Westpoint matter, which is a serious matter for investors. The information that I have been giving in this answer is very relevant, I would have thought, to those investors out there who are anxious to understand what options they may have. They can have some comfort and confidence in the fact that ASIC as the regulator is on the case and very much doing what is necessary to ensure that investors have that level of comfort and understand what options they have to recover their investment.

**Senator WONG**—Mr President, I ask a supplementary question. I again ask the question: does the minister stand by her view put to this chamber on 22 June that 'there is no loophole', contrary to the advice from the regulator? Is that the answer that the minister gives to the thousands of elderly Australians who lost their life savings in Westpoint? Doesn't this just demonstrate how arrogant and out of touch this Howard government is—that you do not even acknowledge that there is a loophole?

**Senator COONAN**—I am not quite sure whether that is a statement from Senator Wong or a question. But ASIC, for example, has announced that it will require reporting on a monthly basis on how clients' complaints are dealt with by financial advisers and, if serious breaches of the law are found to have occurred, ASIC certainly has the power to impose penalties. If there is any additional information that the minister wishes to add to my answer, I will draw it to his attention.

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

**QUESTIONS WITHOUT NOTICE:  
TAKE NOTE OF ANSWERS**

**Telstra**

**Senator CONROY** (Victoria) (3.01 pm)—I move:



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

It was only 12 months ago that the government secured legislative support for its plans to sell Telstra. That was a sad day for Australian consumers. Twelve months of bungling, incompetence and mismanagement later, we now have an utter fiasco on our hands. It is now clear that the sale of Telstra will not be a sad day just for consumers; it will also be a disaster for existing Telstra shareholders.

As a result of the relevant ministers' incompetence, the government now has only two realistic options left for selling Telstra: a fire sale or dumping its shares into the Future Fund—two bad options for Telstra shareholders. At this stage, the government's only option for a retail offering of Telstra is, as I said, a fire sale, in which existing shareholders are forced to watch the government sell down its shareholdings by half. That is right: half of what they paid in T2. That is the legacy of this mob on the other side. It sold shareholders, small investors and mums and dads a pup with T2. Under Senator Minchin's and Senator Coonan's watch, \$7.40 rose to \$9 and today it is trading at \$3.60 because of this incompetence.

Just last week we had the Prime Minister saying that a fire sale would be unfair to the body of Australian taxpayers and it would certainly be unfair to existing Telstra shareholders. That is right; those were the Prime Minister's words. In my book it seems pretty unfair to Telstra shareholders for the government to sell its Telstra shares at the current market price, about \$3.60, which is less than half the \$7.40 investors paid to buy shares in T2. That is what you have to offer Telstra shareholders—a fire sale.

On the other hand, of course, the other option the government likes to toss around, as Senator Minchin kept intimating today, is to

proceed with the sale of Telstra by dumping its shareholdings into the Future Fund for David Murray to deal with the mess. This plan has attracted almost universal condemnation in the financial press. Let's go through them. They include columnists as diverse as Terry McCrann and Stephen Bartholomeusz, as well as Sol Trujillo—even Sol Trujillo, the hand-picked CEO ticked off by Senator Minchin who supported it every time he was asked about it—and Stuart Wilson from the Australian Shareholders Association. They all agree: dumping the government's Telstra shares in the Future Fund will be a disaster for existing shareholders. It will be a disaster for the President of the Senate, who on his declarations has listed Telstra shares. He bought them not that long ago. He is not laughing, Senator Minchin. You might be, but let me tell you the President of the Senate is not laughing. That is four different commentators, including two journalists from different publications, a shareholder activist and the Telstra CEO, all singing from the same songsheet. It is a disaster.

It is quite an amazing situation. It is one of the few areas of common ground amongst the warring voices in the Australian telecommunications debate that dumping the government's Telstra shares into the Future Fund will be bad for shareholders. By dumping its Telstra shares into the Future Fund, the government will be creating an overhang of shares that David Murray will use to sell into any strengthening of the Telstra share price. And I noted Senator Minchin kept trying to say it is the Labor Party's fault—

**Senator Sherry**—Our fault?

**Senator CONROY**—The Labor Party's fault. Let's be clear about this. Let's be clear about who created the overhang. In the 1996 election, who was it who said, 'We'll sell a third'? It was the then opposition, the current government. They decided to sell a third.

They created the position of the overhang. Then in 1998 they announced they were selling the rest. It was at that moment, when the government stated they were going to sell the rest, that the overhang was generated. It was not generated by the Labor Party, who had been in opposition at that stage for about three or four years. It was not the Labor Party. This mob created the overhang. This mob are responsible. By dumping their shares into the Future Fund, the government will effectively institutionalise a weak Telstra share price for the immediate future. Dumping their Telstra shares into the Future Fund will be a failure of policy— (*Time expired*)

**Senator FIFIELD** (Victoria) (3.06 pm)— This is a rather strange debate. I well recall moving around Australia 20 or 30 years ago; the constant refrain wherever you were in the suburbs or the towns in the days of the PMG and Telecom, and even in the days of Telstra, was: ‘If only private enterprise’—that was how they put it in those days—‘owned the phone company. It would be so much better. Government does not run things well; the private sector does.’

You would not have found a single Australian 25 years ago—other than those opposite—arguing that Australia’s phone company should be in the hands of the government. It strikes me as passing odd that that thinking has now been turned on its head, and that government ownership is now seen as the only way to guarantee good phone services in Australia. If the principle that the government runs things better and is better at providing services holds true then the government should step in and buy a whole range of private businesses and activities. The government should probably step in and buy internet service providers. If governments really do things better, why do they not step in and buy web design companies? Why not nationalise all the schools? If government does things better, why not national-

ise all health provision? If the principle holds true that only government can guarantee good services then that is what should be done. The government should buy the banks, the airlines and the insurance companies. That is what government should do if government ownership really is the key to good service provision.

Given that is the view of the Labor Party, I do not understand why the Labor Party does not state as its policy that it will renationalise Telstra—sure, keep the ownership that the government currently has. If Labor really believes that government ownership leads to better services then why doesn’t the Labor Party have a policy to buy back the rest of Telstra? That would at least be a consistent, honourable and understandable position. I must say, I have to pay credit at this point to Senator Kerry Nettle, who, when I shouted this very point as an interjection the other day, shouted back, ‘We do.’ At least she has the strength of her convictions, unlike the Labor Party. She believes that if it is good enough for North Korea and Cuba it is good enough for Australia. If it is good enough for them to have totally government owned phone companies it is good enough for Australia.

I am surprised that that is not the view of the Labor Party as well. The Labor Party position in relation to the ownership of Telstra is a little bit like the saying in *Animal Farm*, George Orwell’s book: four legs good; two legs bad—that is, half ownership good; no government ownership bad. It is about as logical as that. Labor’s half-ownership policy is half baked. Labor do not, deep down in their souls, have an objection. They are opportunistic. They lack conviction. I, for one, do not believe for a second that Senator Conroy is against the full privatisation of Telstra. He is very much alone on the other side of this chamber. He supports the US alliance. He supports free trade. And I know that deep

down he supports the full sale of Telstra. He lacks conviction in what he says.

Labor clearly lack conviction in this area. Remember the Commonwealth Bank? Ralph Willis put a letter in a prospectus for the part sale of the Commonwealth Bank saying that Labor would never sell the remainder. Well, guess what happened? Ralph Willis, as Treasurer, misled the Australian people on behalf of the Australian Labor Party. It was the same story with Qantas. Qantas was sold by Labor. It was never meant to happen, yet it did.

Mr Acting Deputy President, I must say, if you will bear with me, that I quite like the following quotes. Let's play the game of guessing who they are from. The first one says:

Privatisation fits in with the Government's broader economic imperative to create jobs ...

That was Kim Beazley, finance minister, on 24 August 1994. But the next quote is the humdinger. I think it really sums up the modern Labor Party. It is a quote from Mr PJ Keating. He said:

There are four dinosaurs in Australia: Qantas, Australia Post, the ABC and Kim Beazley—and the fourth dinosaur is in charge of the other three.

Never was a truer word spoken. And, to finish up, Senator Conroy, on 16 August—*(Time expired)*

**Senator SHERRY** (Tasmania) (3.12 pm)—The issue before the Senate is not whether Telstra ought to be sold or not. The government made the decision to privatise; it has passed legislation. The issue before the Senate is the government's massive incompetence in mishandling the regulatory regime around Telstra, which has been led—although I should not use that word—by Senator Coonan, the Minister for Communications, Information Technology and the Arts, and in the mishandling of the privatisation process by the Minister for Finance and

Administration, Senator Minchin. That is the central issue.

That is the issue that people are worried about in this country today, and I will tell you why they are worried about it: it is because, under the direction and oversight of Senator Coonan, the minister for communications, we have seen an absolute shambles and mess of regulatory mismanagement, which has largely resulted in the share price diving from \$7.40 at the release of T2 shares to the low of \$3.60 today. That is the reason the share price has been going south—the incompetence of Senator Coonan in her approach to the regulatory issues and regulatory parameters. She introduced legislation into this parliament that is set around Telstra, and that is the basic dilemma that the government have.

The government have set in place a regulatory framework in which Telstra is, frankly, struggling to survive at the present time. As a consequence, we have seen the share price of T2—which was \$7.40 if you are one of the just over 1½ million individuals to buy into T2—almost halved to the low of \$3.60. The over 1½ million Australians who, on the urging of this government, participated in T2 have taken an absolute bath when it comes to the capital purchase price of the shares they bought. The government are primarily responsible for that situation. Here they are, 11 years in government, and they blame us! We did not vote to privatise Telstra. It was the government that voted to privatise it. It was the government that set up the regulatory regime. Largely driven by those bananas and drongos in the National Party, they have tried to impose some sort of Stalinist centralist regulatory shackle on the telecommunications system. Today, we are in an unholy mess as a consequence of what Telstra has got to struggle with.

It is not just the shareholders who have taken a bath; it is the Australian taxpayers who are taking a bath. In the budget last year T3 shares were valued at \$5.25, and the tranche was worth about \$31 billion if it was sold. In the mid-year financial review its value dropped to \$4 a share or \$26 billion, and now on the current approach the value has dropped to below \$3.60 and it is now worth \$24 billion. So on this government's watch, because of their incompetence in terms of the regulatory framework around Telstra, the taxpayer has lost some \$7 billion in Telstra's value because of Senator Coonan's incompetence.

I feel a little sorry for Senator Minchin. Senator Minchin is one of the smarter operators on the government side and he must be tearing his hair out at Senator Coonan's approach to the regulatory parameters and her performance and comments about Telstra. Everything Senator Coonan touches and everything she says about Telstra has the share price dropping. So we are faced with the worst of all worlds: inappropriate regulation and a diving share price.

And all of this mess is going to end up in the Future Fund. Can you find anyone in the market who believes that it is a good idea to dump 30 or 40 per cent of Telstra into the Future Fund? It creates an overhang on price for the next three to four years. That is the mess. We have got the worst combination of outcomes here. Senator Minchin blames the Labor Party for the mess, but in recent days we have seen an outbreak of virulent anti-Americanism from the government ranks. They do not blame Senator Coonan or Senator Minchin or have a hard look at what they have done. They blame the American imports, the executives. (*Time expired*)

**Senator BERNARDI** (South Australia) (3.17 pm)—We are talking about having a bath here. I think that Senator Sherry should

take a cold shower or, at the very least, wash his mouth out with soap. To stand up and discuss the relevance of this government's decision and commitment to sell Telstra as being in the best interests of the Australian people and also in the best interests of the company and then to harangue us because they have stopped us from doing it is appalling, quite frankly. They have made a \$50 billion decision. It has cost the Australian taxpayers, the men and women of Australia, over \$50 billion because they would not allow us sell Telstra completely in the second tranche. It is a part of the socialist unrepresentative mantra that the Labor Party have been spewing for 10 years now and it is quite offensive.

We hear Senator Sherry talking about majority ownership by government. This is the same bloke who formulated a plan with George Campbell in January 2004 to ensure that no faction had majority control of the Australian Labor Party. He is absolutely opposed to anyone having majority control—except the government and particularly if it is a Labor government. Then they are happy to have control. But as a party and as a government we are committed to releasing these shares and putting Telstra into private ownership so that the Australian government can proceed and fund its superannuation liabilities on an ongoing basis.

We have been shown again today the idiotic policy of the Labor Party. They have put forward the absurd proposition that the problem lies in the regulation. We have been on the record time and time again saying that it is inappropriate for any government to be a major shareholder in an organisation like Telstra as well as being on the regulatory board determining the regulations. It is a preposterous proposition that we should be expected to handle both obligations in a sufficiently adequate manner. It is like putting

the unions in charge of the Labor Party. You see the result—

**Senator Ferris**—They are!

**Senator BERNARDI**—They are in charge of the Labor Party. That is right, Senator Ferris. Isn't that absurd? Isn't it preposterous? It is absolutely dumb. But let us go back through a bit of history, because I think that history is a very important thing for us to consider in this capacity. The Labor Party, who now oppose privatisation by any means, in July 1991 were happy to release 30 per cent of the Commonwealth Bank to the public. In 1992 'Corporate Kim' Beazley corporatised Telstra, obviously in preparation for sale. But Corporate Kim did not quite get his way at the time. In 1993 they decided to hive off a bit of the national airline and sell 25 per cent of Qantas, and that is exactly what they did. They sold it to the public.

Then they kept going. In July 1995 they said: 'Hang on, we cannot be in charge of a commercial airline. Let us get rid of the remaining 75 per cent,' and they did. Then, because they had not had enough of a good thing, they planned to privatise the remainder of the Commonwealth Bank. And all the time they had Corporate Kim corporatising Telstra ready for a sale. What happened? The people of Australia saw through their union-controlled mantra and they said no, enough is enough. It is time to put some decent people in charge of the Treasury. It is time to remove the Beazley black hole. It is time to ensure that unemployment falls. It is time to ensure that the people of Australia have access to decent interest rates. It is time that they had access to jobs and it is time that Australia prospered.

Accordingly, they elected a coalition government, and it has governed very well. Part of its consistent policy—and, Senator George Campbell, you would understand this—has been to bring about the full privatisation of

Telstra. You have opposed this at every election and we continue to get elected on it. People are still happy to see us come back into government because they know it is in their best interests. We are trying to fully fund our superannuation liabilities, a legacy of the mismanagement of the Labor Party in the decade of mismanagement when people went broke and the government had a \$96 billion black hole. Now you have still got the same people—Corporate Kim and all those other blokes—in charge of the Labor Party. They are still there and the socialist union movement is pulling all their strings. If Telstra is such a bad investment, explain to me why the industry super funds all have shareholdings in Telstra. Explain to me why the National Bank, Citibank, Westpac Custodian Bank and JP Morgan are all shareholders. *(Time expired)*

**Senator GEORGE CAMPBELL** (New South Wales) (3.22 pm)—I will not waste any time in responding to Senator Bernardi. He is obviously still very much a learner and very green behind the ears. When he learns a little bit about what he is talking about then we may pay a bit of attention to it. The response you get from the other side of the chamber is interesting when you raise any criticism of the way in which they are managing either the Australian economy or bits of it. Senator Minchin was asked a question about the sale of Telstra and the first words out of his mouth were: 'It's all your fault. It's all the Labor Party's fault.' I do not recall the Labor Party ever taking a decision to sell Telstra.

From memory, the decision to sell Telstra was taken when you won government. I recall that it was your platform. You went to the people and said that you would sell Telstra and you went to the people with the plan to sell a part of it. You are the people who devised a plan to sell a part of Telstra, and that is where the whole problem that you are

now faced with regarding Telstra emanated from. You could not wait to unload it. In the same way, at the last election, when you won the numbers in this chamber—when you had the 39 votes—you could not wait to get the bill in here and get the decision to sell Telstra. You were so anxious to get the decision that you even guillotined the committee stages of the debate in the chamber. And what have you done since? You have made an absolute mess of the organisation. You have cost the people who were gullible enough to buy the shares in the first place substantial funds—1.6 million shareholders have lost substantial funds as a result of your handling of Telstra.

You appointed Mr Trujillo as the CEO. We are used to the situation in which CEOs in this country are paid substantial salaries, exorbitant salaries—outrageous salaries, most people would say. But what has become consistent with the outrageous salaries is that we also pay them bonuses when their companies are going badly. The share price of Telstra is half of what it was and the CEO picks up a \$2.6 million bonus. How much would he be worth if Telstra were actually going well? We would not be able to afford to pay him. Mr Trujillo did a very good job in suckering in the previous company he worked for in the United States, with the payout he received from that company, and he has certainly done a good job of suckering in you lot, in terms of the arrangements that he has made for his salary in this country.

We were accused by Senator Fifield of wanting to hang on to the old socialist mantra—wanting to hold on to Telstra in public ownership. Let us play a little bit of a guessing game. Who said, ‘There is too much instability in the telecommunications market to consider the sale’? None other than the government’s partner in crime: The Nationals. Senator McGauran, you are no longer with them, so you can leave. You are no longer a

part of them; you got out. That is an organisation that has been wedded to socialising the losses and privatising the gains for the whole of their history—their whole history has been predicated upon agrarian socialism—and they have woken up to what is happening in terms of Telstra. Senator Minchin, the reality—and you cannot get away from it—is that this mess is of your own creation. This government has created the mess that Telstra now is, and you ought to be man enough to stand up and accept responsibility for the outcomes of the policies that you and your government have put in place. (*Time expired*)

Question agreed to.

### Economy

**Senator MURRAY** (Western Australia) (3.27 pm)—I move:

That the Senate take note of the answer given by the Minister for Finance and Administration (Senator Minchin) to a question without notice asked by Senator Murray today relating to taxation.

In my question I specifically referred to the OECD Economic Survey on Australia, which was published in July 2006. It is a most interesting document. OECD surveys always have in them a little for everybody. Whether you are a critic or a supporter of the government, there is always something of interest. They do attempt to approach things from a rational and broad economic and social perspective. They are not necessarily, as is commonly thought, automatically inclined towards a conservative or capitalist mantra. They are extremely concerned with producing better outcomes at both the social and the economic level.

I noted two things that the OECD survey said. The first is that labour force participation, particularly for women, would be lifted by reducing low wage traps, which are high when compared internationally. That is an

important point to note. Labour force participation would be lifted by reducing the lowest income tax rate or raising the threshold at which income tax is first paid—in other words, by applying lower tax rates to low-income people or raising the tax-free threshold. The second thing the survey said is that the focus of any future tax cuts in Australia should switch to reducing high effective marginal tax rates faced by many households in the lower income deciles.

I do not have time, in this short period of taking note, to spell out my views and the views of my party in full, but you will find an article by me on the On Line Opinion e-journal website which is about weaning off welfare and whether effective marginal tax rates can be reduced to no more than the top income tax rate. The top income tax rate is now 46½ per cent, if you include the Medicare component, and yet low-income workers are still experiencing high effective marginal tax rates of 70 per cent and in excess of that. That is an absolute problem for work participation, for the movement of people from welfare to work, and for bettering the income and social and economic possibilities of low-income workers. So it is an area which deserves far more attention from the government.

One of my concerns is that, following the raising of interest rates by the Reserve Bank and the concerns about inflation being at the upper band, I am starting to pick up an undertone from government ministers and, indeed, from the Prime Minister, about this being the end of the tax reform process because of concerns about inflation. However, you can deliver real tax reform and real benefits to lower income people through tax reform if you compensate for that tax reform economically by broadening the base. You can pay for your tax reforms by, in effect, raising taxes in other areas—which is what ‘broadening the base’ means. ‘Broadening

the base’ means you take out tax concessions which are not warranted, you take out distortionary tax elements and you attempt to ensure that greater tax equity is delivered across the system whilst lifting the real disposable income of lower income people.

That is why I wish to draw the attention of the government to these recommendations of the OECD. I feel that they are genuine and thoughtful and that they look to the future from both a social and an economic perspective. Obviously, these could only be attended to in next year’s budget, but equally obviously it will take many months to work out the complicated fiscal and policy consequences of reducing effective marginal tax rates, which I think should come down to an equivalent to the top marginal tax rate which applies for high-income earners at present—which is 46½ per cent. They should not be running at an effective 70 per cent, which is a gross disadvantage for lower income Australians. (*Time expired*)

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

Question agreed to.

#### PETITIONS

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

##### Abortion

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

We the undersigned citizens support a woman’s fundamental right to safe, affordable and legal abortion.

We oppose any moves within the Parliament to deny women this right or to restrict or to impose conditions on women’s access to termination of pregnancy.

Your petitioners request that Senators reject any legislation that comes before the Senate that would undermine a women’s right to access abortion.

by **Senator Allison** (from 49 citizens).

### Asylum Seekers

Petition to the Honourable the President and Members of the Federal Senate in Canberra. The Petition of the Citizens of Australia states that:

- (1) The rich Christian heritage of political freedom that we enjoy in Australia has benefited all Australians; and was confirmed when we became a Federated Commonwealth in 1901 with the adoption of the Australian Constitution, the Preamble of which states, 'Humbly relying on the blessing of Almighty God'.
- (2) Many Christians around the world suffer persecution for their faith in countries where Christian principles are not enjoyed and seek refuge in our nation of Australia.
- (3) The need of these Christians is an urgent need and their Christian beliefs and practices are compatible with the principles on which our Nation was established.

Your petitioners therefore humbly pray that immigration policies be framed to expedite the entry of Christian refugees into Australia.

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

by **Senator Bob Brown** (from 404 citizens).

### Health

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

This petition of certain citizens of Australia draws to the attention of the Senate, the crisis in the medical workforce due to the neglect of the Howard Government.

Your petitioners therefore ask the Senate to:

- Increase the number of undergraduate university places for medical students,
- Increase the number of medical training places, and
- Ensure Australia trains enough Australian doctors, nurses and other medical professionals to maintain the quality care provided by our hospitals and other health services in the future.

by **Senator Hogg** (from 130 citizens).

Petitions received.

### NOTICES

#### Withdrawal

**Senator WATSON** (Tasmania) (3.33 pm)—On behalf of the Standing Committee on Regulations and Ordinances, and pursuant to notice given at the last day of sitting, I now withdraw business of the Senate notices of motion Nos 1 and 4 standing in my name for seven sitting days after today. I also withdraw notices of motion Nos 1 and 3 to 10 standing in my name for 10 sitting days after today.

**Senator Bartlett** to move on Thursday, 17 August 2006:

That the following bill be introduced: A Bill for an Act to restore the application of common law natural justice to the *Migration Act 1958*, and for related purposes. ***Migration Legislation Amendment (Return to Procedural Fairness) Bill 2006.***

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

That the Senate—

(a) notes that:

- (i) at least 10 000 petroglyphs have been destroyed by industrial development on Western Australia's Burrup Peninsula, arguably the world's greatest rock art site,
- (ii) while alternative sites for industry exist, the rock art is unique and irreplaceable, and
- (iii) the area has been nominated to the National Heritage List and this nomination is currently undergoing assessment; and

(b) calls on the Minister for the Environment and Heritage (Senator Ian Campbell) to use all Commonwealth powers available to ensure that no further loss of rock art occurs while the heritage nomination is being determined.



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

That the following bill be introduced: A Bill for an Act to amend the *Export Finance and Insurance Corporation Act 1991*, and for related purposes. ***Export Finance and Insurance Corporation Amendment Bill 2006***.

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

That the Senate—

(a) notes:

- (i) that the proposal for a direct factory outlet and bulky goods retail centre at Hobart International Airport is for a 70 000 square metre development, which would make it the largest direct factory outlet in the nation,
- (ii) the concern of Tasmanian businesses that the development will have a serious adverse impact on local businesses in a community of half a million people, and
- (iii) that there is a denial of natural justice because of the refusal to release the social and economic impact statement on the proposal; and

(b) calls on the Government to:

- (i) immediately authorise and ensure the release of the social and economic impact statement on the proposal,
- (ii) review the assessment process to remove the inherent bias that will see the Hobart International Airport Pty Ltd, acting on behalf of the developer, assess and summarise the submissions and then advise the federal minister, and
- (iii) implement a regulatory framework for the development such that local businesses paying land tax are not disadvantaged by the Commonwealth land's exemption from state law.

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

That the Senate calls on the Government to insist that citizen of Australia, Mr David Hicks, be

treated the same as citizens of the United States of America—no more, no less.

### Postponement

The following items of business were postponed:

Business of the Senate notice of motion no. 3 standing in the name of the Leader of the Australian Greens (Senator Bob Brown) for today, proposing the disapproval of clause 2.2 of Determination 2006/11: Remuneration and Allowances for Holders of Public Office and Members of Parliament, postponed till 5 September 2006.

General business notice of motion no. 489 standing in the name of the Leader of the Australian Democrats (Senator Allison) for today, relating to Medicare, postponed till 16 August 2006.

General business notice of motion no. 490 standing in the name of Senator Bartlett for today, relating to the importation of illegal timber and wood products, postponed till 16 August 2006.

### COMMITTEES

#### Environment, Communications, Information Technology and the Arts Legislation Committee

##### Reference

**Senator ELLISON** (Western Australia—Minister for Justice and Customs) (3.34 pm)—At the request of the Minister for the Arts and Sport, Senator Kemp, I move:

That the following matter be referred to the Environment, Communications, Information Technology and the Arts Legislation Committee for inquiry and report by the first sitting day in 2007:

Australia's Indigenous visual arts and craft sector, with particular reference to:

- (a) the current size and scale of Australia's Indigenous visual arts and craft sector;
- (b) the economic, social and cultural benefits of the sector;
- (c) the overall financial, cultural and artistic sustainability of the sector;

- (d) the current and likely future priority infrastructure needs of the sector;
- (e) opportunities for strategies and mechanisms that the sector could adopt to improve its practices, capacity and sustainability, including to deal with unscrupulous or unethical conduct;
- (f) opportunities for existing government support programs for Indigenous visual arts and crafts to be more effectively targeted to improve the sector's capacity and future sustainability; and
- (g) future opportunities for further growth of Australia's Indigenous visual arts and craft sector, including through further developing international markets.

Question agreed to.

### **Rural and Regional Affairs and Transport References Committee**

#### **Meeting**

**Senator SIEWERT** (Western Australia)  
(3.34 pm)—I move:

That the Rural and Regional Affairs and Transport References Committee be authorised to hold a public meeting during the sitting of the Senate on Wednesday, 16 August 2006, from 4.30 pm, to take evidence for the committee's inquiry into water policy initiatives.

Question agreed to.

#### **MIDDLE EAST**

**Senator BOB BROWN** (Tasmania—  
Leader of the Australian Greens) (3.35  
pm)—by leave—I move the motion as  
amended:

That the Senate—

- (a) welcomes the announcement of the United Nations sponsored ceasefire; and
- (b) calls on the Australian Government to take a leading role in the reconstruction of the social and economic infrastructure that has been destroyed in Lebanon.

Question put.

The Senate divided. [3.40 pm]

(The President—Senator the Hon. Paul  
Calvert)

Ayes.....	33
Noes.....	<u>36</u>
Majority.....	3

#### **AYES**

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

#### **NOES**

Abetz, E.	Adams, J.
Barnett, G.	Bernardi, C.
Boswell, R.L.D.	Brandis, G.H.
Calvert, P.H.	Campbell, I.G.
Chapman, H.G.P.	Colbeck, R.
Coonan, H.L.	Eggleston, A.
Ellison, C.M.	Ferguson, A.B.
Ferris, J.M. *	Fierravanti-Wells, C.
Fifield, M.P.	Heffernan, W.
Humphries, G.	Johnston, D.
Joyce, B.	Kemp, C.R.
Lightfoot, P.R.	Macdonald, I.
Mason, B.J.	McGauran, J.J.J.
Nash, F.	Parry, S.
Patterson, K.C.	Payne, M.A.
Ronaldson, M.	Santoro, S.
Scullion, N.G.	Troeth, J.M.
Trood, R.	Watson, J.O.W.

#### **PAIRS**

Carr, K.J.	Macdonald, J.A.L.
Conroy, S.M.	Minchin, N.H.
Crossin, P.M.	Vanstone, A.E.

\* denotes teller

Question negatived.

**GREENHOUSE GAS EMISSIONS**

**Senator MILNE** (Tasmania) (3.43 pm)—  
I move:

That the Senate—

- (a) notes the admission by the Centre for Low Emission Technology that, even if carbon capture and storage technology were to eventually prove 100 per cent effective, tailpipe greenhouse gas emissions from vehicles using fuel produced from coal would be the same as conventional fuels; and
- (b) calls on the Government:
  - (i) not to exacerbate Australia's greenhouse gas emissions by entrenching dependence on emission intensive technologies, and
  - (ii) to shift the research priority away from coal to liquids technology toward greenhouse-friendly alternatives, especially research into producing ethanol from lignocellulose.

Question put.

The Senate divided. [3.48 pm]

(The President—Senator the Hon. Paul Calvert)

Ayes.....	32
Noes.....	<u>35</u>
Majority.....	3

**AYES**

Allison, L.F.	Bartlett, A.J.J.
Bishop, T.M.	Brown, B.J.
Brown, C.L.	Campbell, G. *
Evans, C.V.	Forshaw, M.G.
Hogg, J.J.	Hurley, A.
Hutchins, S.P.	Kirk, L.
Ludwig, J.W.	Lundy, K.A.
Marshall, G.	McEwen, A.
McLucas, J.E.	Milne, C.
Moore, C.	Murray, A.J.M.
Nettle, K.	O'Brien, K.W.K.
Polley, H.	Ray, R.F.
Sherry, N.J.	Siewert, R.
Stephens, U.	Sterle, G.

Stott Despoja, N.  
Wong, P.

Webber, R.  
Wortley, D.

**NOES**

Abetz, E.  
Barnett, G.  
Boswell, R.L.D.  
Campbell, I.G.  
Colbeck, R.  
Eggleston, A.  
Ferguson, A.B.  
Fierravanti-Wells,  
Heffernan, W.  
Johnston, D.  
Kemp, C.R.  
Macdonald, I.  
McGauran, J.J.J.  
Parry, S.  
Payne, M.A.  
Santoro, S.  
Troeth, J.M.  
Watson, J.O.W.

Adams, J.  
Bernardi, C.  
Calvert, P.H.  
Chapman, H.G.P.  
Coonan, H.L.  
Ellison, C.M.  
Ferris, J.M. \*  
Fifield, M.P.  
Humphries, G.  
Joyce, B.  
Lightfoot, P.R.  
Mason, B.J.  
Nash, F.  
Patterson, K.C.  
Ronaldson, M.  
Scullion, N.G.  
Trood, R.

**PAIRS**

Carr, K.J.	Macdonald, J.A.L.
Conroy, S.M.	Minchin, N.H.
Crossin, P.M.	Vanstone, A.E.
Faulkner, J.P.	Brandis, G.H.

\* denotes teller

Question negatived.

**CLIMATE CHANGE**

**Senator ALLISON** (Victoria—Leader of the Australian Democrats) (3.50 pm)—I move:

That the Senate—

(a) notes:

- (i) the launch on 1 August 2006 of the Clinton Climate Initiative, dedicated to fighting climate change in practical and measurable ways,
- (ii) that President Bill Clinton was joined by London Mayor Ken Livingstone, Los Angeles Mayor Antonio Villaraigosa and San Francisco Mayor Gavin Newsom to announce the first project of the initiative, and
- (iii) that urban areas are responsible for over 75 per cent of all greenhouse gas emissions in the world;

- (b) notes that the initiative will:
- (i) create a purchasing consortium that will pool the purchasing power of the cities to lower the prices of energy saving products and accelerate the development and deployment of new energy saving and greenhouse gas reducing technologies and products,
  - (ii) mobilise the best experts in the world to provide technical assistance to cities to develop and implement plans that will result in greater energy efficiency and lower greenhouse gas emissions, and
  - (iii) create and deploy common measurement tools and Internet-based communications systems that will allow cities to establish a baseline on their greenhouse gas emissions, measure the effectiveness of the program in reducing these emissions and to share what works and what does not work with each other;
- (c) commends this scheme and urges the Federal Government to work with state governments to assist local government in Australia’s capital cities to join the initiative; and
- (d) urges the Federal Government to implement the recommendations of the report of the House of Representatives Standing Committee on Environment and Heritage, *Sustainable cities*.

Question put.

The Senate divided. [3.52 pm]

(The President—Senator the Hon. Paul Calvert)

Ayes.....	32
Noes.....	<u>35</u>
Majority.....	3

AYES

Allison, L.F.	Bartlett, A.J.J.
Bishop, T.M.	Brown, B.J.
Brown, C.L.	Campbell, G. *
Evans, C.V.	Forshaw, M.G.

Hogg, J.J.	Hurley, A.
Hutchins, S.P.	Kirk, L.
Ludwig, J.W.	Lundy, K.A.
Marshall, G.	McEwen, A.
McLucas, J.E.	Milne, C.
Moore, C.	Murray, A.J.M.
Nettle, K.	O’Brien, K.W.K.
Polley, H.	Ray, R.F.
Sherry, N.J.	Siewert, R.
Stephens, U.	Sterle, G.
Stott Despoja, N.	Webber, R.
Wong, P.	Wortley, D.

NOES

Abetz, E.	Adams, J.
Barnett, G.	Bernardi, C.
Boswell, R.L.D.	Calvert, P.H.
Campbell, I.G.	Chapman, H.G.P.
Colbeck, R.	Coonan, H.L.
Eggleston, A.	Ellison, C.M.
Ferguson, A.B.	Ferris, J.M. *
Fierravanti-Wells,	Fifield, M.P.
Heffernan, W.	Humphries, G.
Johnston, D.	Joyce, B.
Kemp, C.R.	Lightfoot, P.R.
Macdonald, I.	Mason, B.J.
McGauran, J.J.J.	Nash, F.
Parry, S.	Patterson, K.C.
Payne, M.A.	Ronaldson, M.
Santoro, S.	Scullion, N.G.
Troeth, J.M.	Trood, R.
Watson, J.O.W.	

PAIRS

Carr, K.J.	Macdonald, J.A.L.
Conroy, S.M.	Minchin, N.H.
Crossin, P.M.	Vanstone, A.E.
Faulkner, J.P.	Brandis, G.H.

\* denotes teller

Question negatived.

**SEXUAL HEALTH AND RELATIONSHIPS EDUCATION**

Senator ALLISON (Victoria—Leader of the Australian Democrats) (3.54 pm)—I move:

That the Senate—

- (a) notes the evaluation, released in July 2006, of the South Australian Sexual Health and Relationships Education (Share) project 2003-2005 which:

- (i) recognised the Share program as current best practice in sex education, moving from a model of sex education focussing on the human reproductive system to a broader sexual health promotion encompassing sexual development, reproductive health, interpersonal relationships, affection, intimacy, body image and gender roles,
  - (ii) found it essential that sexual health and relationships education acknowledges young people as diverse and sexual beings, provides an appropriate and comprehensive curriculum context, is positive about sexuality, moves beyond information provision, addresses issues of gender and the social and cultural world in which young people make decisions, and
  - (iii) placed a high priority on supporting the professional development and training of teachers with well-resourced, sympathetic experts to support, guide and advise; and
- (b) calls on the Government to take to the next meeting of education ministers a proposal to develop a national framework of comprehensive sex education for students in all Australian schools.

Question put.

The Senate divided. [3.56 pm]

(The President—Senator the Hon. Paul Calvert)

Ayes.....	32
Noes.....	<u>36</u>
Majority.....	4

AYES

Allison, L.F.	Bartlett, A.J.J.
Bishop, T.M.	Brown, B.J.
Brown, C.L.	Campbell, G. *
Evans, C.V.	Forshaw, M.G.
Hogg, J.J.	Hurley, A.
Hutchins, S.P.	Kirk, L.
Ludwig, J.W.	Lundy, K.A.
Marshall, G.	McEwen, A.
McLucas, J.E.	Milne, C.

Moore, C.	Murray, A.J.M.
Nettle, K.	O'Brien, K.W.K.
Polley, H.	Ray, R.F.
Sherry, N.J.	Siewert, R.
Stephens, U.	Sterle, G.
Stott Despoja, N.	Webber, R.
Wong, P.	Wortley, D.

NOES

Abetz, E.	Adams, J.
Barnett, G.	Bernardi, C.
Boswell, R.L.D.	Calvert, P.H.
Campbell, I.G.	Chapman, H.G.P.
Colbeck, R.	Coonan, H.L.
Eggleston, A.	Ellison, C.M.
Ferguson, A.B.	Ferris, J.M. *
Fielding, S.	Fierravanti-Wells, C.
Fifield, M.P.	Heffernan, W.
Humphries, G.	Johnston, D.
Joyce, B.	Kemp, C.R.
Lightfoot, P.R.	Macdonald, I.
Mason, B.J.	McGauran, J.J.J.
Nash, F.	Parry, S.
Patterson, K.C.	Payne, M.A.
Ronaldson, M.	Santoro, S.
Scullion, N.G.	Troeth, J.M.
Trood, R.	Watson, J.O.W.

PAIRS

Carr, K.J.	Macdonald, J.A.L.
Conroy, S.M.	Minchin, N.H.
Crossin, P.M.	Vanstone, A.E.
Faulkner, J.P.	Brandis, G.H.

\* denotes teller

Question negatived.

WATER MANAGEMENT

Senator SIEWERT (Western Australia) (3.58 pm)—I move:

That, in recognition of Australia's growing water management issues and the role that recycling may be able to play in helping to sustainably meet the demands for water, the Senate urges the Government to establish a full-scale demonstration water recycling plant as part of an initiative to inform decision-making on Australia's future water sources.

Question put.

The Senate divided. [4.00 pm]

(The President—Senator the Hon. Paul Calvert)

Ayes.....	32
Noes.....	<u>35</u>
Majority.....	3

#### AYES

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

#### NOES

Abetz, E.	Adams, J.
Barnett, G.	Bernardi, C.
Boswell, R.L.D.	Calvert, P.H.
Campbell, I.G.	Chapman, H.G.P.
Colbeck, R.	Coonan, H.L.
Eggleston, A.	Ellison, C.M.
Ferguson, A.B.	Ferris, J.M. *
Fierravanti-Wells,	Fifield, M.P.
Heffernan, W.	Humphries, G.
Johnston, D.	Joyce, B.
Kemp, C.R.	Lightfoot, P.R.
Macdonald, I.	Mason, B.J.
McGauran, J.J.J.	Nash, F.
Parry, S.	Patterson, K.C.
Payne, M.A.	Ronaldson, M.
Santoro, S.	Scullion, N.G.
Troeth, J.M.	Trood, R.
Watson, J.O.W.	

#### PAIRS

Carr, K.J.	Macdonald, J.A.L.
Conroy, S.M.	Minchin, N.H.
Crossin, P.M.	Vanstone, A.E.
Faulkner, J.P.	Brandis, G.H.

\* denotes teller

Question negatived.

#### COMMITTEES

##### Environment, Communications, Information Technology and the Arts References Committee

##### Extension of Time

**Senator BARTLETT** (Queensland) (4.02 pm)—I move:

That the time for the presentation of the report of the Environment, Communications, Information Technology and the Arts References Committee on women in sport and recreation in Australia be extended to 6 September 2006.

Question agreed to.

#### NATIONAL INDIGENOUS ART AWARDS

**Senator SIEWERT** (Western Australia) (4.03 pm)—I, and also on behalf of Senator Kemp, Senator Evans and Senator Bartlett, move:

That the Senate—

- notes that the National Indigenous art awards ceremony was held in Darwin on 11 August 2006; and
- congratulates Ngoia Napaltjarri Pollard for her work 'Swamps West of Nyirripi' which won this years major prize and other award winners including Linda Syddick Napaltjarri (General Painting Award), Samuel Namunjdja (Bark Painting Award), Judy Watson (Work on Paper Award), Baluka Maymuru (Wanddjuk Marika 3D Memorial Award).

Question agreed to.

#### DOCUMENTS

##### Tabling

**The PRESIDENT**—I present a memorandum of understanding between the Minister for Police and Emergency Management for Tasmania, the Attorney-General for Tasmania, the Speaker of the House of Representatives and the President of the Senate on the execution of search warrants on federal

members of parliament, together with a guideline for execution of search warrants.

### COMMITTEES

#### Community Affairs References Committee

##### Reference

**Senator BOB BROWN** (Tasmania—Leader of the Australian Greens) (4.04 pm)—by leave—I move the motion as amended:

That the following matters be referred to the Community Affairs References Committee for inquiry and report by 8 November 2006:

The role of the Exclusive Brethren in:

- (a) family breakdown and psychological and emotional effects related to the practice of excommunication or other practices;
- (b) Australian politics and political activities, including donations to political parties or other political entities and funding specific advertising campaigns;
- (c) the receipt of funding from the Federal Government or other political entities;
- (d) taxation and other special arrangements or exemptions from Australian law that relate to Exclusive Brethren businesses;
- (e) special arrangements and exemptions from Australian law that relate to Exclusive Brethren schools, military service and voting; and
- (f) any related matters.

The Exclusive Brethren is an extreme religious sect which has now existed for almost 200 years and has some 40,000 members around the world, slightly fewer than 15,000 of whom are in Australia. Its founding principle was to remove itself from the world because the world was essentially evil and beyond redemption. Everybody else in the world, described as ‘worldlies’, was to be kept at a distance. In the evolution of time since the 1820s, the Exclusive Brethren has eschewed politics and prohibited its members from voting and from military service. It has been quite rigorous about this. It saw

politics as the domain of God, as a place for ‘worldly’ people and as something it ought to keep out of. But in the 1990s events changed. Under a series of world leaders of the Exclusive Brethren, the sect has decided to become involved in politics. It will of course say that its members have become involved, not itself, but the two are indistinguishable.

I have called for a Senate inquiry to look into the Exclusive Brethren because, as a consequence of that intrusion into political affairs—which happens to be global—a great deal of suffering amongst people who are at the interface between the Exclusive Brethren and the rest of the world has been drawn to my attention. There is extraordinary suffering amongst those people who are involved, and I think it is a matter that of itself warrants looking at. This is not, by far, the first time attention has been drawn to the Exclusive Brethren in parliament. In summary, the brethren’s current head, a claimed descendant of St Paul called the ‘Elect Vessel’, is a secretive man named Bruce Hales who lives in Sydney, in the seat of Bennelong. Mr Hales took over as the Elect Vessel of the Exclusive Brethren after the death of his father, John Hales, who preceded him in that office.

The fact is that as the sect has become wealthy it has determined that it should get involved in politics. Marion Maddox, a professor at a New Zealand university who is an expert in the relationship between religion and politics, points to an apparent change within the Exclusive Brethren from being totally divorced from public affairs to becoming involved on the basis of extreme right Christian fundamentalism in the United States, which says that Christianity must take over the governance of the world before the return of Christ. That means, of course, a theocracy.

The logic is that there will be an increasing intervention by the Exclusive Brethren, which former prominent British parliamentarian Tony Benn described as ‘an exclusive priestly caste claiming a monopoly right to speak on behalf of the Almighty’. The move is for this priestly caste—and the members are all men, because women are seen as second-rate in this sect—to have an increasing influence in politics. One cannot mind that so much by itself because we are a democracy and we welcome the involvement of everybody. But it is the secretiveness, the clandestine way in which the Exclusive Brethren has involved itself in global politics—not least in our own country—that warrants looking at it, because transparency is absolutely essential to the health of a democracy. It is essential for people to know what is going on and who is influencing the decision-making process in our democracy.

A person speaking on behalf of the Exclusive Brethren in the United States, where they moved to support the campaign of the current President, George W Bush, said that they like to fly beneath the radar—that is, they like to become involved in political affairs but not to be discovered to be doing so. The military analogy can be followed to the conclusion that they like to be able to support or damage components of a political contest in a democracy without being seen to do so. That is inimical to the health of any democracy. This inquiry is—

**Senator Scullion**—A witch-hunt.

**Senator BOB BROWN**—The senator opposite can say what he likes, but this inquiry is an outcome of the Exclusive Brethren’s own activities.

*Government senators interjecting—*

**Senator BOB BROWN**—The government benches are going to object to this all day because the government has manifestly benefited from having the Exclusive Breth-

ren as a benefactor. That is why it does not want an inquiry. We will see that play itself out later in the day.

It is worth looking at what the Prime Minister of New Zealand said just yesterday, as she moved in a debate to replace secret donations with public funding. She was talking about the National Party—the equivalent of the government here, but they are in opposition in New Zealand. She said that they had received vast amounts of money from the Exclusive Brethren and very large corporates. She was talking about the election last year. It is on the record now that in the last New Zealand election the Exclusive Brethren were working from a template taken from the Tasmanian elections in a campaign to bring down the Labour government, and against the Greens nationally, without telling anybody that they were there. It was discovered that the leader of the National Party had had talks with the Exclusive Brethren. He at first denied this but was forced to acknowledge it in the run-up to the election. That was a key factor in the National Party losing the election in New Zealand, because people do not like to be lied to. They do not like to be deceived and they do not like financiers moving in on elections without declaring who they are.

In Australia the Exclusive Brethren have been active for quite a long time. It was interesting to read in the *Sunday Tasmanian* of 13 August—last Sunday—under the heading ‘Ex-Brethren back probe’, that former members back this motion before the Senate today. The article says:

A former high-ranking member of the Exclusive Brethren is urging all Australians to support Greens senator Bob Brown’s move for an inquiry into the sect.

The article refers to a Mr Mark Humber, who was an ex-Brethren preacher. It says:



Mr Humber, now of Launceston, said the inquiry was needed to investigate the Brethren's tax breaks for places of public assembly even though the meeting rooms are closed to outsiders and the sect's growing involvement in politics.

Australians should be very concerned about the influence the Exclusive Brethren now has on politics, Mr Humber said.

The Brethren are a minority with only about 15,000 members in Australia, but they are learning the political game and they have the money.

Australians need to be aware that when they see Exclusive Brethren political advertising they are advertisements which are being run by a small group whose values they may not share.

I interpolate there to say that the Exclusive Brethren membership—and this includes all women, who have no say in this process—is a male hierarchical group. They make decisions—Senator Milne will have a little more to say about this in a moment—which are not representative, not canvassed and not politically discussed or voted upon within the Exclusive Brethren itself. I go back to the article.

Mr Humber said the Brethren started becoming politically active as far back as 1993.

They have been behind the scenes for a long time, but until the 1990s lobbying was the group's main source of political clout—

I note this—

and they were very active in getting laws passed or stopped.

Mr Humber said the lobbying turned into direct support during John Hewson's 1993 GST campaign. The Brethren put a lot of money, possibly millions, into pro-GST ads because they thought Hewson wasn't selling it well enough.

Who knew about that in this country? But here is a man from inside the sect who has come to the outside, at great personal cost, enormous personal cost, which no human being in a democracy should have to do, to reveal what has been going on for more than a decade.

He said he knew of Tasmanian Brethren who paid for full-page advertisements.

Yet afterwards everyone involved had to publicly confess to wickedness for doing it, even though the money was requested from up the Brethren chain.

Another former Tasmanian member of the Brethren, Peter Edwards, said he too remembered the campaign.

There was a stage about 10 years ago where people were putting ads in newspapers supporting the Liberal Party during an election campaign and then had to turn up in church and confess to doing the wrong thing ...

In the Launceston congregation we thought they were getting direction from the top and they thought so too. I don't know why they are getting involved in politics but I know they are dead against unions and love the new workplace law reforms.

And, so it goes on.

*Government senators interjecting—*

**Senator BOB BROWN**—A member opposite asked, 'What is wrong with that?' The question is: how much money has been flowing from the Exclusive Brethren to the Liberal Party and to other political entities? I have asked the Electoral Commission to look into the Exclusive Brethren's very big role in the last election campaign, and they have yet to report although it is 18 months down the line. What we do know is that there is extensive advertising by the members of the Exclusive Brethren in Bennelong—in the Prime Minister's own seat, where the Elect Vessel lives—and Parramatta, and members of the extended family of the Elect Vessel were directly involved in the election campaign.

There was also state-wide advertising in Tasmania—not declared to be coming from this very narrow-minded and focused political sect but as if it were part of an unnamed entity coming from a direction other than this exclusive church. The question is: what is the return that comes to the Exclusive Brethren,

this group which bans its members from fiction novels, magazines, tapes, CDs, radios, TVs, videos, stereos and reading the *Australian* newspaper? It has enforced, according to the *Sunday Tasmanian*, that women must sit behind the men in church, only church leaders can give permission to marry and single women may work provided they have no authority over men but married women may not.

The fact is that the Liberal government opposite is in full voice today because it has something to hide and the government members do not want this put to public scrutiny. It is part of the control of the Senate and it says, 'We are going to defend our interests and our connections between the very powerful and wealthy members of this sect and government operatives.' We know that in the run-up to the Tasmanian elections, the convenor of the election campaign for the Liberals met with Exclusive Brethren members in Tasmania and a multithousand dollar advertising campaign against the Greens took place in the last election. Embedded in that advertising campaign were direct lies to and deception of the voters of Tasmania on their way to the ballot box.

Here is a sect which should read the ninth commandment: thou shalt not bear false witness. But it is absolutely on the record—and it is not just in this country but elsewhere—that the sect is involved in direct and premeditated influencing of the electorate to deceive voters on the way to vote in the election. I ask this Senate: if we should not investigate that then where do we leave democracy? With what vulnerability do we leave democracy?

I will read a tract from an ex-member—and many ex-members of this sect have horrible stories to tell about the excommunication from families simply because they no longer believed in what the leaders of the

sect were doing. These are good people. They are Christians. They are people who believe in leading a good life but they have been vilified simply because they do not agree with what the leaders of this now politically involved sect is doing. The ex-member says:

The trauma of my actual leaving my home and parents has remained with me to this day—38 years hence. I had to pack up my belongings surreptitiously and get away while my parents were out at an Exclusive Brethren meeting. I saw my mother 3 weeks after I left to pick up some more of my belongings and the sight of the physical change in her appearance due to her heartbreak at losing me is something I don't even have to close my eyes to feel and see—it is burned into my soul. At that stage I had 3 of my siblings and about a dozen nieces and nephews in the sect. I never saw them again. It had taken the 9 months of planning to achieve my escape, and I was skin and bone. All these years later, I am still thankful I had the courage to do it—

*Government senators interjecting—*

**Senator BOB BROWN**—The gentlemen opposite might listen to what this poor woman has so bravely put into writing. She continues:

I have never had any regrets about the path I have chosen, i.e. to live a life outside this sect. However, the sadness of being separated from my family has also never left me, it is cruel in the extreme that an innocent young girl in her 20s could be so punished and traumatized just because of not seeing eye to eye with their beliefs.

Subsequently, the Exclusive Brethren excommunicated my father when he was in his late 70s. They forced my mother to leave him and go and live with one of my siblings. They would deny this happened, they would say my mother made her own decision, but they would be lying. My father had committed no sin, other than not agreeing with one of their edicts concerning their vile leader at the time, James Taylor of New York. My father's heart was literally broken, and he tried continuously until his death to get back into the Brethren and to try and be re-united with his wife.

I took on the responsibility of his care, and he ended his life in a nursing home, and died of a stroke, a broken-hearted old man of 82. He grieved daily and any attempts at contact were rebuffed, they even sent a horrible Solicitor's letter to him warning him not to attempt to contact his wife ... he was destroyed. I made several unsuccessful attempts to contact my mother during those years.

And so on, in a letter where she states she was not even told when her mother died and therefore could not attend her funeral. That is one of many attestations to a deplorable situation which led in Britain to a private member's bill to protect children from what goes on in this sect. (*Time expired*)

**Senator CHRIS EVANS** (Western Australia—Leader of the Opposition in the Senate) (4.24 pm)—This motion from Senator Bob Brown to inquire into the Exclusive Brethren is not supported by the Labor Party. It has very wide-ranging terms of reference which seek to inquire into all manner of things concerning a private organisation—in this case, a religious organisation. Nevertheless, it is an independent, private organisation—one not controlled by government and not controlled by the parliament. We do not think that is an appropriate role for the Senate to undertake.

We are aware of the publicity surrounding the activities of the Exclusive Brethren. We are aware of some fairly serious allegations about some of that activity and that that has attracted a great deal of media attention. We in this parliament, and certainly those of us in the Labor Party, do not believe we are in a position to make a judgement on those allegations. They are clearly issues that ought to be pursued in appropriate forums if people have concerns.

The key point for us in this debate is not to make a judgement about the Exclusive Brethren because that is a question for others to judge if complaints are made. The key

point for us relates to the role of the Senate and the inquiry functions of this chamber. Traditionally, we have seen our role as investigating and inquiring into matters of public policy and public administration—issues that the parliament of Australia ought to be treating seriously and issues that relate to how the government expends its moneys and runs its programs et cetera. That has generally been our practice. By providing that function, I think, the Senate has served the parliament and Australian democracy well.

I think it is a step too far for us to launch an investigation into a particular organisation that is outside of government, be it a religious organisation or any other form of organisation. I think it would set a bad precedent. I am not sure that Senator Brown understands where he takes us and whether, given a government-controlled Senate, that is an advisable path to go down. Senator Abetz complains loud and long about some organisations, and it might occur to him on a future occasion to inquire into them. Anyone who does not support the government is the subject of ridicule and abuse from people like Senator Abetz. I do not know that Senator Brown would welcome Senator Abetz starting a witch-hunt into organisations of which Senator Abetz is a critic. I am not saying Senator Abetz is intending to, but I think that the reality of the government majority in the Senate ought to make Senator Brown think very carefully. The Labor Party, having been the subject of the misuse of power by this government in terms of its use of royal commissions, knows only too well the potential for that abuse. The Labor Party is trying to look at this in the context of the principles that should be followed and the appropriate role for the Senate. Any enthusiasm one might have for a particular organisation being investigated by the Senate ought to be tempered by consideration of the principles the Senate ought to pursue, its function and

the appropriateness of what the Senate is doing.

I understand there is no recent precedent for a Senate committee conducting a targeted inquiry into a particular body, particularly a religious body. Our issues are those of public policy and public administration, and from time to time those take us to questions of the roles of various organisations. When we had the very successful inquiries into child migrants, children in care and the stolen generation, those inquiries took us to questions of the administration of care by religious organisations. That was an appropriate public policy issue because it went to the treatment of children in care and the treatment of Indigenous people in this country. And it just so happened that the people administering that care on behalf of government or the community were religious organisations. Their activities were legitimately part of the process of examining those issues. But it was not an examination of the Catholic Church or the Salvation Army; it was an examination of the issues pertaining to the treatment of those children. So I think the basis on which we traditionally operate is very different from what is proposed here.

It is also, I think, more than appropriate for people to look at how public funds are administered. For instance, the churches are huge recipients of public funding through hospitals, aged care et cetera, and it is perfectly appropriate for Senate committees to inquire into how that money is spent, what rules are applied, whether we are getting good value for money, and how those people acting on behalf of the Commonwealth are providing services. Recently we had the question of grants made to the Hillsong Church. It was perfectly appropriate for senators to pursue how those grants were made, whether they were made in accordance with proper practice, and whether the money was administered properly—not be-

cause it was a church but because this was Commonwealth money. It is perfectly appropriate for senators and Senate committees to pursue those accountability measures.

Senator Bob Brown's motion makes no attempt to disguise the fact that this is a reference for an inquiry into a religious organisation. I do not think that is an appropriate use of the Senate's time, nor would it be seen as an appropriate role for us. We are not a quasi-investigative body. We are not responsible for investigating allegations into the activities of a particular body. I think if we go down that path it would be a very slippery slope. As one of my staff said to me, 'Next they'll want an inquiry into the activities of a gay and lesbian group or a trade union, or into the ACF.' People of different persuasions will have different targets, but the question you have to ask yourself is: is this a proper function of the Senate?

I think there are a range of areas where the concerns that Senator Brown seeks to give voice to could be pursued, but I do not think the Senate is the proper place. If there are concerns about illegality, mistreatment of people or people being held against their will et cetera, those are matters for the police authorities. They are not matters for this chamber. We have no capacity to judge the quality of evidence; we are not a court. So people ought to take those concerns, if they have them, to the police, and we would encourage them to do so.

If there are concerns about the funding of political campaigns, they ought to be raised in the first instance with the AEC. The Australian Electoral Commission is responsible for ensuring proper disclosure and that people's activities meet normal electoral law requirements. I would hope that the AEC is ensuring that that occurs. Senator Brown raises some concerns, and I hope the AEC has taken those seriously. I must say in pass-

ing that I find it a bit strange that an organisation of people who do not vote would be interested in campaigning. At first blush, I thought, 'Well, that doesn't sound terribly consistent.' But I have no personal knowledge of those matters. It seems to me that the relevant body is the AEC, to which any complaints should be made. Similarly, if there are concerns about taxation or financial matters, the first place to start is with the ATO, the Australian Taxation Office.

As for suggestions of federal funding, Commonwealth money, being paid to organisations, that is why we have the estimates committee process. It is perfectly reasonable for senators to pursue those issues there. I would expect Senator Bob Brown, if he has concerns of that nature, to follow those through in estimates. At this stage, the estimates process is still available to senators, although I would not bet my last dollar on that lasting the length of this government. But it is the case that some of these issues can be pursued in that process.

In terms of the arguments about treatment under law, I would just make the point that we are the parliament: we draft the laws, we pass the laws. If there are concerns about how the Exclusive Brethren or any other group is treated under current law, we ought to seek to amend the law. We ought to have a parliamentary debate about that. So, in terms of the application of the law, again I think there are avenues available to senators to pursue those matters.

Effectively, for the matters that are serious, there are relevant authorities. Some of those involve us; senators already have the capacity to pursue some of the issues contained in Senator Brown's motion. I do treat very seriously the questions of family breakdown and psychological and emotional trauma associated with any practices. As I say, I have no evidence of whether those al-

legations are well founded or not, but they ought to go to the appropriate authorities. We do not have the capacity to deal with them.

As I found, along with other senators who, like Senator Sandy Macdonald, were involved in the Senate Foreign Affairs, Defence and Trade References Committee inquiry into the effectiveness of Australia's military justice system—which I think was a very worthy inquiry that did great work and had bipartisan support—our constant struggle was to make clear to people that we had no capacity to judge individual cases. We could not investigate a death. We could investigate the processes, the culture and the mechanisms for redress, but we could not come to conclusions about individual cases. We are not a court of law. People always wanted us to make judgements on their particular cases, but we could not do that and that caused a tension that underpinned the inquiry. Having said that, I think we did a really good job, and the Senate did a really good job in progressing that report. But we were never able to deal with individual cases in the way that some people wanted us to, because we cannot do that. That is not our role. We could deal with the public policy issues of military justice—about applying fairness and equity to people who are members of the military and ensuring that the system supported them as much as possible.

I note that the terms of reference in Senator Bob Brown's motion also include 'any related matters'. I must say it looks a bit like a witch-hunt. Whatever one's views, it has that feel, and I do not want to be part of that. I am happy to follow up any public policy issues that are relevant and I am happy for senators to pursue those in the parliament through estimates committees and inquiries into public policy matters in which the Exclusive Brethren might be involved, but I do not think this inquiry is an appropriate use of

the Senate's functions and therefore we will not support it.

The final point I would make is that it is pretty hard to have an inquiry into an organisation that does not cooperate, and I suspect from what I have read of the correspondence and submissions from members of the Exclusive Brethren that they are not exactly going to be overjoyed about participating in any inquiry Senator Brown or any other senators might like to make into them. So I am not sure that, even on a practical level, this will go very far. You would obviously hear from people who are in dispute with the brethren or who had bad experiences or complaints, but I am not sure that it will be a very fruitful inquiry beyond that.

Basically, Labor's view is that a term of reference for a Senate inquiry into the Exclusive Brethren is not justified on the basis of our view of the Senate's function. We do not think it is appropriate for us to be conducting an inquiry into a private, in this case, religious organisation. There are other avenues to pursue various points of concern that Senator Brown has listed in his motion. Some of those are available to him within the parliament, and I will certainly defend his right to raise these issues within the appropriate forums. Some of the matters really are a matter for the police, the AEC or for the Taxation Office; concerns in those areas ought to be referred to them. Labor will not be supporting the motion.

**Senator ABETZ** (Tasmania—Minister for Fisheries, Forestry and Conservation) (4.38 pm)—This motion vilifying the Exclusive Brethren marks a new low in Australian politics. The fact that it has been on the *Notice Paper* for three months and has been moved will be seen for years to come as a regrettable blot on this great chamber. It is a blot because it affronts the most basic of human rights—the freedom of association and the

freedom of religion—and because it has been motivated by the basest considerations.

**Senator Bob Brown**—Mr Acting Deputy President, I rise on a point of order. I ask you to consider Senator Abetz's use of the expression 'basest' of political motivations. It is not true, and I ask you to look at it and see whether it is parliamentary. Mr Acting Deputy President, you know the standing orders; the minister should abide by them.

**The ACTING DEPUTY PRESIDENT (Senator Chapman)**—The comments that have been made thus far by the minister are simply points of debate.

**Senator ABETZ**—This motion to denigrate and vilify a lawful religious minority is a shameful act. That act is all the more shameful when one realises what has motivated it. This is no ordinary motion, and I urge all honourable senators to vote against it, including those Green senators who are willing to vote on conscience and not on the say-so of their misguided leader.

Some people in the community overlook the excessive and kooky policies of the Greens, believing that by voting for them they will do the environment a favour and will not do too much other harm. On this occasion, the Greens have so overstepped the mark that people can no longer ignore what the Greens actually stand for. You see, on 9 May, the Leader of the Australian Greens sought an inquiry into the religious organisation the Exclusive Brethren, a lawful religious minority with views that, chances are, none of us in this chamber would fully agree with. But that is the great thing about our society: our tolerance and acceptance of those whose views do not necessarily coincide with ours. All we ask as a community is that they abide by the rule of law, and there is no evidence that the Exclusive Brethren do not. By all means, engage in debate; but do not scapegoat. Nothing in the motion or in

Senator Brown's 20 minutes of pitiful self-justification of his unfair abuse of the parliamentary processes has suggested any illegality by the Exclusive Brethren.

The simple fact is that this anti Exclusive Brethren motion has its genesis in the Tasmanian election result earlier this year, when the Greens, after foolishly bragging about how many seats they would win, suffered another humiliating backlash from the people of Tasmania. Part of the election campaign did involve individual members of the Exclusive Brethren exposing Greens policies, such as their drugs policy. Senator Brown says that that was done not only by individuals but also by the whole religious organisation. In the absence of any shred of evidence to the contrary, I am willing to believe the Exclusive Brethren, but it is not a material point. The sheer fact that some or all were engaged in our democratic processes by campaigning ought to be welcomed. Instead, the Greens have brought on this motion of religious vilification against all Exclusive Brethren.

Senator Brown is on record about his proposed inquiry in the *Sunday Tasmanian* last Sunday, 13 August. He said:

... my beef with the Exclusive Brethren is not about religious belief. It is about them venturing into politics ...

It needs to be recalled that the Greens leader in Tasmania, Peg Putt, vilified the Exclusive Brethren in the most disgraceful and undignified election-night speech I have ever witnessed. I was willing to overlook the ugliness of that outburst as a fit of temper in the face of public humiliation. I note, as an aside, that she did later give a limp apology. I naively thought that the scapegoating of a religious minority for a lack of political success was not part of the body politic or culture in this great country. How wrong I was! The Greens motion that we are debating to-

day is a steely, cold and calculated motion designed to intimidate, scapegoat and vilify a lawful religious minority—and their only sin is that they 'ventured into politics'.

When the leader of a political party starts scapegoating religious minorities the alarm bells of history should be ringing loud and clear. The parallels with other periods of history are spookily familiar. This is especially so when the Greens leader in concert with his vile motion called for a public register of all Exclusive Brethren businesses. I table the document from the Greens website. Why not be done with it and make the Exclusive Brethren wear not exactly the Star of David, but something similar? Why the register? To marginalise, to scapegoat and to vilify. There is no other reason for this suggestion other than sheer nastiness and vindictiveness. Indeed, as the document heading stated when Senator Brown made this public call for a register of all Exclusive Brethren workplaces: 'Exclusive Brethren's payback'. There was no shame. He let it be known to the Australian people what this was all about. It was 'payback' on the Exclusive Brethren for daring to 'venture into politics'.

Apart from such a proposal being anathema to every sense of decency and offensive to the most basic of human rights, it of course offends section 116 of our great Constitution which says, in part:

The Commonwealth shall not make any law ... prohibiting free exercise of any religion ...

Thank goodness for the foresight of our founding fathers. Thank goodness for the Australian people that voted for the Constitution. I have a very strong view that if the Australian people were given the opportunity to vote for section 116 again today they would be voting for it with 99.9 per cent support and the 0.1 per cent would undoubtedly be informal. I have no doubt that overwhelmingly the Australian people support

freedom of religion and freedom of association in our great country.

But in case any honourable senator was left in any doubt as to Senator Brown's motives in moving the motion before us, you only have to look at this heading: 'Exclusive Brethren's payback'. That is what it is all about—nasty, callous, vindictive payback. Senator Brown has sought to avoid the fundamental principles of this debate—and Senator Chris Evans covered those very well—by hiding behind the cases of disgruntled ex-Exclusive Brethren. I have personally spoken to many of them and I understand their concerns. But every single one I spoke to was personally horrified and had not heard of Senator Brown's suggestion for a public register of Exclusive Brethren businesses. Many then felt they were being used to get his call for an inquiry some respectability, and they are right to think so. Senator Brown admits he would not be seeking this inquiry and would not be concerned with the issues of former Exclusive Brethren but for the entry by some into the political arena.

But nothing in their complaints suggested illegality. There was disagreement, hurt for family split-ups and especially hurt about the harshness of excommunication policies. I understand all of that and I sympathise with the ex-Exclusive Brethren about that. But let us not be unrealistic about this. The Labor Party and the Liberal Party have excommunication provisions, called expulsion in our constitutions. Indeed, you only have to see what happened when the hapless Mr Peter Garrett switched from the Greens faith to the Labor Party and the vilification that flowed his way from—guess who? Not a single shred of evidence has been produced to justify this intrusive and offensive call for an inquiry. The motion is full of snide innuendo but no actual facts have been presented.

In the time remaining let us go through the motion. First of all, there is the inquiry into 'family breakdown and psychological and emotional effects related to the practice of excommunication'—and that wonderful catch-all phrase—'or other practices', whatever that might mean. These practices are not enumerated and there are no hints as to what these might be. It is just thrown out there that there are other practices—just smear and innuendo but nothing to support the claim. If Senator Brown is genuinely concerned about the excommunication practices of the Exclusive Brethren, can he tell us why he is not concerned about similar or identical practices by Muslims when they leave the faith, or by Orthodox Jews when they leave the faith, or Christadelphians or Jehovah's Witnesses? Why does he simply pick on the Exclusive Brethren? This is about nasty 'payback' and vilification.

In my former life as a lawyer I represented many people in the Family Court. Family breakdown is nearly always hurtful and emotionally traumatic and family members refuse to talk to one another, without any religious belief motivating that separation. It is unfortunately part and parcel of the interaction. But to seek to single out the Exclusive Brethren and to scapegoat them is not something that this Senate should be condoning. When there are allegations and counter-allegations of Mr Such-and-Such and Mrs Such-and-Such, for example, that is not for this Senate to be debating. I have been around long enough to know that with such tit-for-tat arguments the chances are there are two sides to the story. There is no need for the Senate to take a side on this unless there are accusations and allegations of actual illegality. The great thing about the Australian society is that people have the right to join and leave the Exclusive Brethren if they want to. People are going to continue to join and continue to leave the Exclusive Brethren, as you



would expect in a free and democratic society. Nobody forces them to join and I would trust that nobody would force them to leave. It will ultimately be their independent decision.

Let us go to section (b) of the motion, which is about the involvement of the Exclusive Brethren in Australian politics and political activities. What a hide from a person who personally accepts anonymous donations and international donations! The sheer duplicity and gall of the senator is grotesque.

**Senator Lightfoot**—Tens of thousands of dollars.

**Senator ABETZ**—Tens of thousands of dollars, and yet he says, ‘It’s okay if I do it, but not if the Exclusive Brethren may be involved.’ If there is such an allegation, I suggest that he do what I did. When I was aware of Senator Brown’s money activities, I simply pointed them out to the Australian Electoral Commission to look at. I did not seek a Senate motion of inquiry into Senator Brown’s RJ Brown Forest Account, which was getting international donations and anonymous donations; I just referred it to the appropriate authority: the Australian Electoral Commission. That is exactly what Senator Brown ought to be doing if he has any allegations against members of the Exclusive Brethren.

In relation to the receipt of funding from the federal government, at every Senate estimates the Greens are able to ask questions. I think the fact that they have never done that is proof of the pudding. Nevertheless, Senator Brown puts the smear in the motion, makes the suggestion and the allegation, but, of course, never follows it up at Senate estimates where he might actually be told the truth—that there is nothing sinister.

I move on to section (d), which refers to taxation and other special arrangements. The last time I looked at the tax act there was no

clause saying, ‘The Exclusive Brethren shall pay no tax.’ In fact, the clauses that apply to the Exclusive Brethren fall to them by virtue of them being Australian citizens—by virtue of them falling into the provisions of the tax act. But no case has been made; just another assertion, just another smear. Indeed, it reminds me of the infamous occasion when President Johnson was allegedly going to accuse one of his opponents of quite unsavoury activities. He was chastised by a staffer who said, ‘But, Mr President, you can’t say that,’ to which President Johnson allegedly responded, ‘Well, let him deny it.’ The same unethical attitude is being displayed by Senator Brown with this motion this afternoon.

Let us move to section (e) of the motion: ‘special arrangements and exemptions from Australian law that relate to Exclusive Brethren schools and voting’. The last time I looked, there were 2,694 independent, non-government schools in this country. Thirty-three of those were Exclusive Brethren schools and received funding from the Australian government. Do you know why they received funding from the Australian federal government? Because the six Labor states accredited them as being worthy educational institutions. So, if the state Labor governments tick off on 2,694 schools, why do you only pick on the 33 Exclusive Brethren schools and not the 2,661 other schools? We know why: this is all about vindictiveness.

I now move to the Commonwealth Electoral Act. I do not know how many Exclusive Brethren of voting age there are in this country, but let us say that there are about 10,000. Section 245(14), gives religious excuse as an exception for not voting. Do you know how many of our fellow Australians availed themselves of that provision at the last election? There were 62,290. So why do you seek an inquiry only into the Exclusive Brethren and not the other 50,000-plus Aus-

tralians who availed themselves of that section of the Commonwealth Electoral Act? We know why: because they deem to 'venture into politics'.

Of course, the coup de grace, the one smear in case you forgot any smear in all of the other recitals, is: 'any related matters'. That is an opportunity for the Greens to attack the Exclusive Brethren on any other ground they might be able to drag up. No substance, just a smear and wild assertions—the usual stock in trade of the Greens. But when you do that to a religious minority, you have taken that very big step too far.

This motion has rightly caused Senator Brown many difficulties. The Privileges Committee has had to deal with Senator Brown's motion. Then, when I accused him of religious vilification, he deleted the words 'religious organisation' from before the words 'Exclusive Brethren' on the lame excuse that it was bad grammar. The motion was not riddled with bad grammar; it was riddled with bad motives. The motion is a genuinely scary insight into what the Greens would do if they ever got power.

**Senator Nettle**—Mr President, I rise on a point of order. I draw your attention to standing order 193, which says that a senator shall not impugn the motives of another senator. I ask you to look at the comments of Senator Abetz about the motives of Senator Brown and make a ruling in relation to that matter.

**The PRESIDENT**—Senator Abetz impugned the motion. The motion is in Senator Brown's name, so therefore it may be seen that he has impugned the senator. Senator Abetz, I would ask you to withdraw the comment.

**Senator ABETZ**—I withdraw. In short, the motion says more about the Greens and their intolerance than it says about the Exclusive Brethren. This motion deserves the

overwhelming repudiation of all fair-minded senators and all fair-minded Australians.

**Senator BARTLETT** (Queensland) (4.59 pm)—I rise to speak on Senator Bob Brown's motion on the reference of matters to the Community Affairs References Committee, with respect to the Exclusive Brethren. This motion is interesting, and it raises lots of different and competing issues. Frankly, I think there are some interesting debates to be had on the role of religion in politics. It is probably something that has been debated ever since politics and religion were invented, and I am not sure which was invented first, but it is a current public debate. I have personal concerns, and I have knowledge of the organisation through personal experience with various people of the Exclusive Brethren going back for quite a long period. There are various aspects of their beliefs and the actions of individuals I have known that I have not been very comfortable with. I have been particularly critical of what I believe is their vilification of gays, lesbians and transgender people. I think that is unacceptable, and I would criticise those views and defend those people who are being attacked by them. That is something I continue to do.

But I find it hard to see why that justifies having a Senate inquiry into that group. I have also criticised Archbishop Pell. I have, indeed, criticised the Pope in this place for his comments with regard to gays, lesbians and others, and I will continue to do so. I have to say—and this does disappoint me a bit—that, such is the nature of this motion, I would have expected it more from the Howard government. If I take out the words 'Exclusive Brethren' and the sorts of allegations that go to it about the hidden support they are providing to the government and put in place the words 'Wilderness Society' then I hear echoes of the attacks from the other side of the chamber for the support they allegedly

provide for the Greens and for their alleged role as a front for the Greens. We have heard speeches from that side threatening to take away their tax deductibility because of them allegedly being a political front.

**Senator Heffernan**—That's rubbish!

**Senator BARTLETT**—I have heard speeches from senators on that side threatening to take away the tax deductibility of the Wilderness Society because they are deemed to be engaged in political activity. I see that as a similar approach, of basically threatening organisations for being politically engaged in supporting your political enemy. There is no doubt that people involved in the Exclusive Brethren did quite strongly attack the Greens in the last election campaign in Tasmania. There is no doubt about that at all. As to whether or not they had orders from above, who knows? Frankly, for each of the issues that is put forward in the suggested terms of reference, there are far more appropriate bodies to look at those things. If there has been inappropriate receipt of funding, inappropriate declaration of expenditure or inappropriate declaration of associated entities then the Electoral Commission is the body for that.

I know that our electoral laws are very poor when it comes to disclosure of funding and disclosure of donations. There is no doubt about that. I take great pride in emphasising that the Democrats have, more than any other party, I believe, played a role in ensuring our disclosure laws are as strong as they are. But there is no doubt they have been weakened in recent times. That has allowed all sorts of groups to get away with funding political activity without being seen to have their fingerprints on it. But that is no reason to single out one group solely for the reason that they happened to criticise the Greens in the most recent election.

The Democrats have not been immune to attack from organisations that one might like to call shadowy. Indeed, we had an instance in Western Australia where an extremely well-funded group were basically able to set up a separate organisation, legally call themselves the Australian Democrats, get themselves registered and run against the Democrats. They called themselves the Australian Democrats (WA) Div. Inc. They had an enormous amount of money come from what we strongly believed were sources within the then Western Australian division of the Liberal Party and from certain people who were then involved in that party. It was extremely difficult to prove. We had to undertake an extended amount of court action to recover our own party's name. So I am sympathetic to parties being attacked by organisations that might have significant funds, although I would suggest that what was done to us was far more extreme. There were basically people completely misrepresenting themselves as Democrats when they were not.

But these are people engaging in the political process and putting forward their view about other political parties. It is impossible to see this motion, in my view, I am afraid, as anything other than payback. It is attacking an organisation that attacked and stood against the Greens in an election. I think that is very concerning, because it does smell to me very much like what the Howard government does to a whole range of organisations that criticise it. It threatens their funding and it threatens to take away their tax deductibility. It attacks them publicly, it attacks their motives and it attacks individuals involved in them. I think that is a very bad habit. It is one I have criticised in the Howard government, and I do not think I would like to see it in any other political party either. Of course, the Labor Party does it at state level also. I do not think it is a practice we need to be encouraging.

None of this means I have any particular truck with the Exclusive Brethren. It is not an organisation whose views I am particularly fond of, but one principle I hold more strongly than any of that is the principle of supporting religious freedom and religious tolerance. However unusual I might find a religious view someone might hold, that is their business. There is an issue when people's private religious beliefs move into the political arena. Frankly, that is an interesting debate. I would be interested in having some form of broad examination of that issue—that is, of the role of religious institutions, of the appropriateness of tax deductibility for religious institutions across the board and of the role of religious organisations in our systems of government. It would be for the purpose not of attacking religions or attacking everything they do but of assessing whether or not things have got out of balance.

Indeed, the Democrats have been doing that, and we have copped a bit of flak from some fundamentalist groups as well for doing so. We have a fairly comprehensive public survey on God and government running on our website, seeking people's views about where the line should be drawn between religion and government, religion and politics. I am not sure you can draw a hard and fast line, frankly, but I think it is worth exploring. We have seen debates—indeed, we have seen them played out in the mainstream media—over differences of opinion within the government party about, for example, how much the religious views of the Minister for Health and Ageing are appropriate in influencing certain policy decisions. We know that is happening at the moment in the coalition party room when they debate stem cell research, for example.

It is a debate worth having, and I think there are appropriate limits to where people's personal religious beliefs should be imposed on the wider community, but it is a debate

we should be having about religion in general. It is not something we should be targeting at any one organisation or any one particular denomination, sect or whatever you want to call it. So I have to say I would call this a witch-hunt, except I know that some people who describe themselves as witches would find that offensive. They are another group of people—witches, Wiccans and others—who believe they are persecuted for their religious beliefs. So I try to avoid that particular phrase, but unfortunately it is a very good description of the act of singling people out, targeting them and trying to attack them. Whatever words you use, I do not think it is an appropriate approach to take and it is not one that I or the Democrats support in this regard.

The Democrats have a long tradition of supporting religious freedom and tolerance in general. The word 'tolerance' does have a little bit of an air of accepting something that you are not necessarily comfortable with, and that is probably appropriate in this case because, as I said, there are publicly stated views of the Exclusive Brethren that I am not comfortable with. I know from personal experience, as I said from the start, that for some of those who are excommunicated it can be very destructive to families. But that is not the only religion where that circumstance happens and, frankly, I do not think that is a matter for the parliament to be delving into.

If there are clear allegations of abuse, neglect or other activities like that, particularly of children, as there have been in some cases with particular sects or cults, then possibly there is a role for investigation, although I would suggest that the parliament is probably not the best body for that. There are other organisations that do not have the political taint to them that would be more appropriate for examining any allegations in that regard. I am not suggesting there are allegations spe-

cifically about the treatment of children against the brethren, but clearly there are circumstances and cases where there has been enormous emotional and psychological distress caused to people. Frankly, that is a situation that could arise particularly with the more firmly held beliefs or the more fundamentalist approach people take. Obviously, if individual members of the family move away from that belief, it can cause immense distress. That might be an argument against strong fundamentalist religious views, but again that is a decision for people to take as individuals.

With regard to Australian politics and political activities, I am not sure I like sounding like I agree with Senator Abetz terribly much, but he read out a quote from Senator Brown saying that his beef with the Exclusive Brethren is 'not about religious belief' but about them 'venturing into politics in a big way with a big chequebook'. I can understand why he is concerned about that—I am concerned about it as well. I am concerned about people with lots of money who will be promoting a political agenda I strongly disagree with, and I am sure I strongly disagree with the political agenda of the Exclusive Brethren in most respects. But, again, that is not a reason to undertake a Senate inquiry specifically focused on the activities of that group.

Otherwise, the federal government or the coalition parties could quite rightly use a parallel reason to launch a Senate inquiry into the person who funded the skywriting yesterday over Parliament House urging people not to vote for the refugee bill and where that money came from. He may be appropriately declaring it—in fact, I am sure he is—but the fact is that people with large chequebooks getting involved in political activity is not in itself a reason to launch a Senate inquiry into them. It may be a reason to test the adequacy of our donation laws and

it is possibly a reason for asking questions of the Electoral Commission in estimates or perhaps through the Joint Standing Committee on Electoral Matters, but it is not a reason to launch a Senate inquiry into that specific organisation.

The issue here is about transparency, whether it is transparency of electoral funding laws, transparency with regard to taxation arrangements and the appropriateness of funding for particular bodies or transparency with regard to the impact on children even. If that is an issue then we could have an inquiry into the appropriateness of the transparency of our electoral funding laws or the adequacy of the transparency of our funding of or taxation exemptions for religious bodies running schools and hospitals. But to target it specifically at one religious sect or denomination is, as the word says, 'targeting'. It is clearly targeting for the purpose of political pay-back, and that makes me extremely uncomfortable. It makes me uncomfortable because I have seen echoes of it from the major parties and it worries me to see it coming from another party as well. The core issue here is that issue of transparency.

We have had inquiries in the past, as I think Senator Evans said, into the activities of various church bodies in institutions where there have been allegations of harm to children. I will use the example of a religious institution I am far more familiar with, the Catholic Church. There has been a lot of criticism of them, whether it is of their attitudes towards gays and lesbians or towards the activities of some of their priests and other religious people with regard to the abuse of children, but the issue there has been the cover-up involved and ensuring that investigations of unlawful activities have occurred. It has not been an inquiry into the entire institution and certainly not because they happen to get involved in politics. We all know that the Catholic Church, going

back a long period in this country, has been very heavily involved in the political domain, as have other religious bodies in various ways. In many ways, to use the example of the Muslim community, I think they should get more involved in the political process—not to impose their religious beliefs on people but so that people can be more aware of the diversity of opinion within the Islamic community.

So, again, I emphasise that in some ways I can take a more independent view on this because the brethren would never be likely to support a position that is terribly in line with the views of the Democrats. They are certainly not likely to fund us. Clearly, they have provided support to the coalition parties and, from my understanding of what I have read about the Tasmanian campaign, the brethren were about supporting a majority government, which in that case was a Labor government. So I think in some respects I can be more unbiased than anybody else in regard to this issue.

My very strong feeling about this is, as I said at the start, that I am very strongly opposed to some of the statements by people from the Exclusive Brethren, particularly in their attacks on gays and lesbians. But I am even more concerned about any perception that people would be attacked—and the mechanisms of the Senate used to attack them, investigate them, grill them and haul them over the coals—purely because they have taken a stance at odds with the political position that I might hold. I think that is a very worrying trend. It is one that I am concerned to see, to various degrees, in the government, and it is not one I want to see elsewhere.

Can I reinforce, while I am still on my feet, that it is a worthwhile topic of examination to look at the difference between the roles of the systems and engines of govern-

ment and the roles of religious bodies, but we need to do that in a way that is not seen as attacking religion. It is a continuing debate in the community, and it is a debate we need to have. Indeed, I know that Father Frank Brennan, a Catholic priest who has involved himself in political debates from time to time and who has taken positions which have not been terribly welcomed by the coalition parties in some cases, is about to publish a new book examining some of these dilemmas that arise when private beliefs and public life collide.

I think it is worth examining those dilemmas and competing issues, but it is worth doing so in a dispassionate way. I think we need to get away from attacking religious people for getting involved in politics when they take a position that opposes us and supporting them when they take a position that happens to back our views. It is natural but nonetheless inconsistent to do that. I know that when some of the church leaders came out criticising the government's workplace relations legislation they were told to stick to their theology and keep out of politics, but of course when the church leaders came out in support of the government's position on banning same-sex marriage they were supported and their quotes were repeated approvingly.

We need to be more consistent in our approach with regard to this. Frankly, I think this motion is extremely inconsistent. It targets people purely for the offence, or the perceived crime, of attacking a political party, and I think that is a very dangerous trend. It is not one that the Democrats want to be part of.

**Senator WATSON** (Tasmania) (5.19 pm)—I wish to oppose this motion proposed by Senator Brown. What the world needs today is a greater degree of tolerance and respect for different opinions. The proposed inquiry would be a disgraceful abuse of the

power of the Senate and would reflect adversely on the Senate as a powerful and respected debating chamber. The last thing we need is a witch-hunt under the auspices of a Senate committee.

I ask Senator Brown, through you Mr Acting Deputy President Forshaw: would this inquiry have been called for had two gentlemen, Mr Christian and Mr Unwin, not privately taken out advertisements attacking the Greens in the 2005 Tasmanian election? Having listened to the debate, I think that Senator Brown's motion is going to be soundly defeated. And that, of course, will bring some comfort to the large number of Exclusive Brethren who are in the gallery today.

Regrettably, most of Senator Brown's speech was about some aspects of what I refer to as the Exclusive Brethren's strict discipline. The proposed enquiry would be a blatant attempt to intimidate individuals who oppose the Green agenda in Tasmania and maybe elsewhere. Let me say that, while I might disagree with a few aspects of the theology of the Exclusive Brethren, I will not tolerate this attack on a religious group purely because of its religious beliefs or because of the legal action of a few of its members.

I ask the Senate: where is the justification for the inquiry? Where are the widespread reports of tax dodges, of rorting government funds, or even of rorting the Electoral Act? I respect all Christian leaders who stand up for their beliefs and follow the doctrines of the Old and New Testaments, as do the Exclusive Brethren. Mr Unwin and Mr Christian, along with the Exclusive Brethren church, have been absolutely adamant that there is no link between the church and the election advertisements.

Is it really necessary to hold a Senate inquiry to investigate all such alleged claims?

Why not hold a Senate inquiry into the links between the Wilderness Society and the Tasmanian Greens? Why not hold a Senate inquiry into the Tamar Residents Action Committee and the Tasmanian Greens? Again, with respect, Senator Brown, I would not support a Senate inquiry into the activities of either of these groups because they are, in my view, voicing a democratic point of view, even though those views may at times be contrary to the ones that I hold.

If there are alleged breaches of the Electoral Act, there are remedies other than through this chamber. Would not an approach to the Electoral Commission be the appropriate course of action in the first instance? The ironic thing about this proposed inquiry is that I am quite sure that the Senate would find the Exclusive Brethren to be hardworking, law-abiding, upright and moral members of society, who contribute in their own individual ways to the civic life of Australia. I admit many are friends of mine and, for this reason, I will take this opportunity to defend their rights to political participation in our democratic society and not be subject to vilification of the kind that is before the Senate today.

I note that members of the Exclusive Brethren were drafted into the Army during the two World Wars and the Vietnam War and they served honourably in non-combat roles, meeting both the requirements of their country and their religion. I firmly believe that the Exclusive Brethren have nothing to hide. However, I am sure that any Senate inquiry would be an absolute waste of time and would provide a platform for anti-Christian elements in our community to attack a minority, Christian group which has the temerity to believe something different to them.

Mr Christian and Mr Unwin were completely within their rights to place election

advertisements. But because they attend a conservative, minority, Christian church, I think it is regrettable that they are vulnerable to the smears and attacks from a person such as the Leader of the Australian Greens. I believe in the end you should owe them an apology.

To finish, there is no legitimate basis for this Senate inquiry. I am sure that any inquiry would find that the Exclusive Brethren, as I said before, are upstanding citizens, but of course that was never really in doubt. The real motivation here is to intimidate private citizens who are opposed to the political goals of the green movement or should I say the leader of the green movement in the Senate. The real motivation here unfortunately appears to be to smear Christians who believe in a concept as novel as the headship of Christ in their lives. I might disagree, as I said, with a few of their doctrines, but the Senate is not the forum for that debate. I therefore urge my fellow senators to oppose this motion, as the Senate is not the proper place to pursue a campaign against the Exclusive Brethren. I thank the Senate.

**Senator MILNE** (Tasmania) (5.25 pm)—I rise today to support this motion and to note the feigned concern from many in this house about minorities. There is no group of people in this house who have stood up for minorities more than the Greens. I take you back to the *Tampa*, Senator Watson, and your colleagues on that side—where was the tolerance; where was the generosity? What about children overboard, where were you then with your concerns about minorities?

**Senator Vanstone**—I'm not deaf.

**Senator MILNE**—I am delighted, Senator Vanstone, that your hearing is intact and I will take that into account.

**The ACTING DEPUTY PRESIDENT (Senator Forshaw)**—Order! I can hear all of you at the moment. Senator Milne, would

you address your remarks through the chair and other senators should refrain from interjecting. Senator Watson was heard in relative silence as were other speakers.

**Senator MILNE**—As I was saying, where was the concern for minorities at the time of the *Tampa*? Where is the concern for David Hicks and his family? Where is the concern for the West Papuans? Where is the concern for oppression and illness in Indigenous communities? It is not borne out in budgets, it is not borne out in actions, but today we hear the coalition standing up and supposedly having this great concern for minorities in Australia. I would add to that: where is the concern for the gay, lesbian, transgender and intersex community in Australia? I do not hear anyone standing up for that minority, either. That is the heart of where we are in this debate.

I would hope that the Australian community would ask themselves: why is it that Senator Brown and the Australian Greens are asking for a Senate investigation into this sect when they have spent their entire political career defending minorities, defending religious rights and standing up for people? Could it just be that there is a case to answer? That is the point that I am coming to today. What we are asking for in this motion is an investigation and we have had, as Senator Brown pointed out and I am not going to reiterate, numerous letters and emails from people who have been excommunicated and divided from their families for the rest of their lives for the crime of leaving a religious organisation. But I am not going to go into that because we have endless evidence of that.

I want to tell you about a situation when I was teaching in north-west Tasmania at a time of very poor retention rates to years 11 and 12. I spent my teaching career encouraging young girls and boys to go on to higher



education. There was a complaint made to the principal. I was called in and told that a complaint had been made because I had been encouraging one of the grade 10 girls to go on to a higher education—to years 11 and 12. I was told that her parents were offended, that her religion said that she would leave school at grade 10, work in a shop owned by the family or the community's business, that the marriage would be arranged and that I should mind my own business and stop encouraging this young girl to go on to higher education. I have been really concerned about that going on around Australia and to this day women who marry in the Exclusive Brethren sect are not allowed to work. Girls—or boys either, for that matter—are not allowed to go on to higher education.

This is happening in a Western democracy like ours where the Convention on the Rights of the Child says very clearly that young people have a right to achieve their full potential and goes on to talk about equality in education and so on. That just is not happening. That is not what I am going to focus on mainly today either. That is my personal experience of this sect. I can tell you the children at that high school had a very difficult time because they were not allowed to eat with other students, with the 'worldlies'. They were not allowed to be part of the school community.

Today I want to address the issue of political activity. You are quite wrong to misrepresent the Greens' concern. We welcome everybody's involvement in politics. Participatory democracy is one of the four fundamental platforms of the Greens. What we do not support is people entering into election campaigns and remaining anonymous and, as they describe it themselves, 'flying beneath the radar and affecting the outcome of elections'. That is why we have electoral disclosure laws. They are based on the principle that people who fund political parties, politi-

cal advertising and so on ought to be upfront about it so that people know where that perspective is coming from. That is the point I make. Throughout this entire debate, every single time an Exclusive Brethren advertisement appears in the paper, the excuse is constantly, 'This is an individual act. It has nothing to do with the church. It is just that as an individual in Scottsdale I woke up one day and decided to put an ad in the paper. The fact that it is exactly the same in content as a whole lot of ads is just a spontaneous thing.' That happened in the last election.

It goes further than that, to connections with the Liberal Party. I think the Australian people would appreciate a bit of honesty here. At the last election, we had ads authorised by people from the Exclusive Brethren community saying, 'We are happy, John. John Howard provides.' Then we had the anti-Green ads, 'Why the grass won't be greener.' In my own case in Tasmania, a pamphlet was distributed everywhere and there was no upfront declaration to the electoral office, but now there will be a disclosure to the electoral office about the funding of that advertisement, entirely appropriately under the law. Now we have a situation where the government has changed the electoral disclosure laws so that it will be virtually impossible for people in the Australian community to find out who is writing the ads, placing the ads and paying for the ads.

As my colleague Damien Mantach admitted in the Tasmania election, the Liberal Party in New South Wales had met with the Exclusive Brethren and the advertisements in New South Wales were almost identical to the Liberal Party ads in South Australia—funny thing that. They had exactly the same wording and font as the Liberal Party ads, even though they were supposedly placed by individuals. What is the connection?

**Senator Vanstone**—If you want to run our ads, we'll let you do it.

**Senator MILNE**—Senator Vanstone has hit the nail absolutely on the head. The way the electoral laws are written allows it to happen and the Australian people have no idea that a religious sect is funding advertisements to support the Liberal Party or any other party for that matter. They deserve to know that it is happening and they deserve to know why. In a newspaper article about why, one of the Exclusive Brethren elders—I welcome them to the gallery today—said, in talking about these ads:

We do it as individuals. ... It's got no church involvement. It's got no school involvement. You've got to allow for spontaneity.

But it is quite clear that the principal reason they are engaged in politics in Australia is that they are antihomosexual. The real attack on minorities in this country is coming from this organisation, secretly funding political parties that oppose tolerance to homosexuality. That is the fact of the matter. That is where it is coming from. In this newspaper article, Mr Hales insists the brethren are not endorsing people or parties and says:

We don't support the political party per se. We support a principle. If somebody is promoting the right principle—that homosexuality is a sin—we'll support that person.

If you look at the Exclusive Brethren involvement in the US campaign, in the Canadian election, in the New Zealand election, in the Tasmanian election and in the federal election, you find that the absolute basis of it is an attack on tolerance of homosexuality. That is where all this is coming from. The real attack on minorities here is on those people who do not even see where the attack is coming from because the people mounting the attack are so cowardly that they hide. They are not prepared to be upfront about who they are. A statement made to the Stand-

ing Committee of Privileges and signed in part by Phillip McNaughton says:

The Exclusive Brethren Church has never at any time or for any reason involved itself in any political activity whatsoever, either by means of advertisements, media releases, leaflets, publications or any other propaganda.

Is that a fact? So you go to a company registered in the UK called Ratby Distribution Ltd and who are its three executives? Phillip Bruce McNaughton, the very same person, and two people from Surrey and Leicester in England. What is the purpose of this Exclusive Brethren company? It is 'to make grants and loans to any person, association, company, local authority, administrative or government agency or public body, as may be thought fit, or towards charitable or other purposes in any way connected with or calculated to further the objects of the company; to make donations to any political party; to take and defend legal actions'. And there is more. What is the involvement of Australian Bruce Hales in this company? This company gives 'the Minister of the Lord in the Recovery'—that is, Bruce Hales—'absolute power of veto in all matters'.

Mr Hales has the capability of receiving automatic admission to the board should the existing board members become unavailable—and this is the head of the church in Australia. What we are seeing is that Mr Hales already seems to have ultimate authority in possibly hundreds, and maybe even thousands, of Exclusive Brethren companies, charities, trusts and enterprises on a worldwide basis. We now see a new initiative called National Office Assist, which seems to be a global fiscal structure that controls the finances of all Exclusive Brethren businesses.

I note the amusement of the Exclusive Brethren members in the gallery. I welcome that, because I think we should have an inquiry and see what the tax arrangements are

and find out exactly what is going on with this funding that is distributed around the world. It went in to the US campaign and contravened US electoral law. It went in to New Zealand and was exposed at the last minute, but not fully, and we still have not got to the bottom of the connection between the Liberal Party and the Exclusive Brethren and their advertising during the last federal election. And we never will, because of the new disclosure laws regarding donations of \$10,000 or more, and we will never know about in-kind support—the printing businesses that are involved in printing this material.

As I said during the debate on electoral donations—and it is why I opposed the change—it is my view that the Liberal Party writes the ads, places the ads, and that they are paid for by the Exclusive Brethren.

**Senator Scullion**—Where's the evidence?

**Senator MILNE**—I thank Senator Scullion for his interjection. Have a look at what happened in South Australia at the time of the last federal election. Look at the ads placed by the Liberal Party. Side by side with them, day after day, the Exclusive Brethren was mentioned in the regional newspapers. Have a look at it. Look at the fact that Exclusive Brethren school addresses were used to authorise ads—and those schools get federal government funding. They get federal government funding because they supposedly comply with curriculum guidelines in each of the states, but they are not allowed to have computers, for a start; they are not allowed to have fax machines, TVs or anything like that. So I am not entirely sure how they comply with curriculum guidelines around the country.

I return to the other powers that Mr Bruce Hales, the head of the church, wields. He has the right to take over any corporation that contains the clauses already mentioned, with

regard to National Office Assist. He has the right to take ownership of Exclusive Brethren meeting rooms in the event of a dispute. That gives him the power to take over a huge amount of real estate. I know that at the last election the address that was given by the person who authorised the Exclusive Brethren leaflet which attacked the Greens, in the election that I was involved in, gave the address as 11 Baden-Powell Court in Sydney. The person concerned did not live there at the time. All of these properties owned by the Exclusive Brethren have been taken from other Exclusive Brethren people over time—repossessed, virtually, from within their congregation—and that property forms the basis of a considerable amount of wealth in the church. They are entitled to wealth, the same as anybody else is. If they work hard and earn a living, they are entitled to the benefits and to the fruits of their labour. What they are not entitled to do is to use exemptions for churches in order to get out of obligations under the tax system. We know that they oppose unions, and that it is one of the reasons why they support the coalition. They are emphatic about opposing unions in the workplace, and they are emphatic about supporting the government's new Work Choices legislation—because it leads to exploitation, effectively. That is the kind of thing we are dealing with here.

I believe that in a democracy people have a right to transparency, and that is my objection to what is going on: there is no transparency. We are dealing with a sect who defend their activities on the basis that they are individual people—and these individual people suddenly come up with \$10,000 or whatever to put an ad in the paper, or wherever it is that they place the ads. Then somebody else will make a gift to them, so that it is not officially from the church. It is never officially from the church, because officially the church never gets involved. But if you go

and have a look at Ratby Distribution Ltd, you will soon see the involvement in sending money around the world for political donations.

Whilst the coalition will continue to work with the Exclusive Brethren coming into next year's federal election, we will see the same vilification of homosexuals, transgender people and intersex people. We will see that around the country because they believe it is a sin and that it must be wiped out, and they will support 'right-thinking' people who are prepared to wipe it out. That is a fact. That is where this is coming from. It is the most intolerant, mean-spirited, unChristian perspective that is being brought to bear here. And it is being dressed up as something else.

Australian people need to think very carefully about that. I think they would be horrified to know that ads that say, 'We are happy, John. John Howard provides,' are coming from people whose agenda is fundamentally to exhibit intolerance of homosexuals. That is what we are dealing with. As they have said themselves, 'Homosexuality is a sin; we will support that person if somebody is promoting that right principle.'

This matter is a lot more complex than the cheap and thoroughly offensive remarks of Senator Abetz. I found his reference to yellow stars appalling and demeaning of the Senate. He might want to grandstand in here about what happened with the Nazis, but I am a student of history, and I know, as well as anyone in here who has read history, what happened with the Nazis and their vilification of minorities, academics, homosexuals and Jews. We know about vilification, and that is why we are asking for an investigation, because we would like to have any engagement by third parties in political campaigns to be open and accessible to the Australian people, so that they know who is put-

ting what in their letterbox and what motivation they have. The motivation behind that material is sinister, and it is not honest.

I have never come across a more deceitful explanation of involvement in the political system than I have seen with the Exclusive Brethren. In years to come, as this becomes more and more exposed, people will look back and recognise the naivete that was engaged in when this house failed to investigate what was going on in the Australian community, and the fostering of that intolerance. And that is what it is—intolerance. That is why the Greens will always stand up for tolerance, transparency and openness. I regard it as disappointing that this motion is not seen in that light, because that is what it is about. (*Time expired*)

**Senator JOYCE** (Queensland) (5.45 pm)—The first question that has to be asked is: why did the Greens bring this motion into the chamber today? It is taking the chamber down to another level—a level that I, as one of many senators, try to raise the chamber above. This motion is specifically directed to one religious group. It is an attempt at a vilification process. You can clothe it up any way you like, but that is what they are doing here today.

I am going to surprise everybody: there is a political party, of which I am not a member, and a religion, of which I am a member, and they have had a strong involvement with one another over a long period of time. They are called the Catholic Church and the Labor Party. I know that some people are going to find it a huge surprise that they have had a strong involvement with one another, but they have. It is just the way it is. So what are we going to look forward to from the Greens next? Are we going to have a motion to get rid of the Catholics or a motion to get rid of the Labor Party? It is blatantly ridiculous. If people have a strong view in certain aspects

of life they will align themselves to the political party that they think best reflects that. That stands to reason. It has always been that way—Mannix, Pell and Santamaria all had strong political views and had an alliance with certain political parties. We have Jensen, Fred Nile and even now Keysar Trad—you would have to say that he is a political figure. What he wants to change is always political.

This is a bad day for Australian politics. But what is fleshed out is where the Greens are. The Greens always put themselves up as the holier than thou crowd: if you want true honesty you vote for the Greens; if you want something a bit different, if you want the people who are above politics, you vote for the Greens. I have noticed something since I have been here: they never break away from the group. They always vote together, all the time. They are just another political party, and this is a reflection of where they are at. As I said, it is just a vilification motion. Clause (f) says, 'any related matters' about a religious group. They want to bring that out; they want to drag that out.

I challenge the Greens: if they think there is something illegal they should take it to the police. That is what they are there for. But they have not done that. Do you know why? Because they have not got a case. So instead of taking it to the police like an honourable person and saying, 'We'll deal with this and we are prepared to stand by our allegations,' they are going to creep and crawl in here, hide and have a shot from here because they know they are safe in here. They know they can get this sort of trash out there, all these spurious allegations and assertions about certain people's characters. They can impugn whoever they like with all the protection they want. That is where the Greens have descended to. I hope the Australian people see that. Today the Greens are moving a religious vilification motion. They are vilifying

a group, a minority in Australia. The Greens today are going to impugn the character of, cast aspersions on and run down a minority group. That is the Australian Greens, that is the fair dinkum Greens—that is what they are on about.

Do you know why they are doing it? Because the Exclusive Brethren do not agree with some of the things they believe in. That is it. They have a difference of views. The Greens cannot handle taking on the debate outside in a magnanimous form and rising above it and taking on the challenge. They do not want to take the sincere approach and deal with it out in the street and have a reliable debate out there. No, they have to sneak and creep in here and start impugning characters.

I thought it might just be us; I thought maybe we were wrong. But it is interesting to note that a former member of the Greens, a Mr Hanna, has left the Greens. Do you know why he left the Greens? It says in an article from the *Australian*:

Mr Hanna, who was the Greens' only representative in the state parliament, said—

and this is why he left—

he believed in social justice, democracy and "giving people a say".

And that is why he left—'he believed in social justice, democracy and giving people a say.' It stands to reason that Mr Hanna was awfully disappointed with where the Greens have got to these days. I thought that Mr Hanna might have been off the mark, I thought perhaps he was just a bit upset or perhaps he had a bit of a bee in his bonnet, but then the Greens drag this garbage into the Senate.

I will be frank: before I came here I would look at Bob and the Greens and think: 'They are all right; they are having a go. Do not be too hard on them, because they are keeping the show honest'. But when you are up close

they are not like that at all. When you are up close this is what they are like—they have a huge chip on their shoulder. If you do not believe it all you have to do is insert which religion you like into this motion. Pick a religion, and insert it in there. Pick Methodist and you have ‘the role of the Methodists in family breakdown’. Or you have ‘the role of Catholicism in family breakdown’ or ‘the role of the Uniting Church in family breakdown’, et cetera, et cetera.

What an absolutely bizarre motion and what a bizarre place to take the Australian parliament. It is going to be an interesting day for the Greens. What also astounds me is how tactically stupid it is. Tonight on TV everybody is going to see them for what they are. They have got a little bit too far ahead of themselves, a little bit too cute, and all of a sudden the corporate veil is going to be lifted on the Greens.

So it is going to be an interesting vote. I am going to watch this vote. I hope they call a division so we can see exactly who sits where on this one. In all the debate we have heard so far the Greens have not brought up one allegation that can be proved in a court of law or outside these doors. The main allegation is that the Exclusive Brethren do not believe in homosexuality and a few other issues. Those are their views; they are allowed to have them. It is a free country. If that is what they want to believe in, that is what they believe in. You have a different view; you are allowed to believe in that. That is the wonderful thing about Australia: it is free. If the Greens had their way in this world, what other institutions in our democratic process would they shut down? I imagine there would be a whole list of things that the Greens do not agree with and with regard to which they would take a destructive approach of impugning, defaming and shutting down. That would be the world under the Green revolution.

They bring up an analogy to try and hide it, saying, ‘We always stand up for minority groups’. I think everybody in this chamber stands up at times for minority groups; I do not think anybody in this chamber has a mortgage that they specifically are the holders and vestiges of the protection of minority groups. I think the Labor Party have had a good say on that; I think the Liberal Party have had a good say on that. The Nationals have certainly had a say on that. I think at times even the Democrats have done a fair bit about that. But for one group to have the hide to come in here and say, ‘We are the bastion of minority groups and we can prove that by coming up with a vilifying motion about one particular one,’ is blatantly and utterly ridiculous.

**Senator Abetz**—They have got an interest in them for all the wrong reasons.

**Senator JOYCE**—Yes, it is blatantly and utterly ridiculous. It would be amazing to have been at the meeting when they were discussing this, to see the academic powerhouse that put up a motion like this saying, ‘We’re going to wheel it into the Australian Senate.’ But they have done it.

I acknowledge the views of all my Senate colleagues who have been here before. I think they have covered most of the issues. It is just that this is a sad day for the Senate, because this is the first vilification of a religious group that I have seen since I have been here in the Senate. This is the first time I have seen a specific group vilified in this Senate, and the people who brought that disgrace into this chamber were the Australian Greens.

**Senator BARNETT** (Tasmania) (5.55 pm)—I stand to speak in support of the rights of free speech and freedom of association. I stand to support my colleagues who have already spoken in opposition to what I would call nothing less than an outrageous

motion, which is a dampener on free speech and on freedom of association. We live in a country that is a democracy. It is a free country, and the values underpinning that freedom are very important. The motion's intent is quite clear. It is set out by Senator Brown in this motion to the Senate, and he really wants to attack a particular church group. He wants to make it clear, and he has put it on the record, that he disagrees vehemently with this church group to the extent that he wants to now call into question their veracity and ability to exist in this country. He said in a media release not so long ago that he wants to create a register of Exclusive Brethren workplaces. This would be a register, mind you, presumably open to the public—

**Senator Abetz**—Appalling! On the basis of religion.

**Senator BARNETT**—That is right, Senator Abetz; he is targeting a particular group in the community based on their religion. That is discrimination of the worst order. That is vilification of the worst order. You can extend that principle: if you are going to have a register of Exclusive Brethren workplaces, why wouldn't you have a register of Exclusive Brethren members and their families so you know exactly what address they live at and which schools they go to?

**Senator Joyce**—And where you can pick them up from.

**Senator BARNETT**—And where you can pick them up and where you can drop them off, as Senator Joyce says. Exactly; this is the long hand of the law, as long as 'long' could be in accordance with Senator Brown.

Unfortunately I do not have a lot of time today to respond to the allegations and the views of Senator Brown and the Australian Greens, but I am heartened to some degree by the strong opposition in the Senate to this vilification motion by Senator Brown. The Greens say this is all about transparency and

if they have got nothing to hide then they have nothing to fear. What they are doing is setting up a register of Exclusive Brethren workplaces, and as I say that principle can be extended. This is an attack on free speech. It is an attack on the freedom of association; it is an attack on freedom. It is a limitation and restriction on freedom in this country.

Why is it only the Exclusive Brethren? What about another church group? What about the Roman Catholics? What about the Anglicans? What about the Baptists? I go to a Baptist Church; what happens if from time to time the Baptist Church expresses views that I or the government do not agree with? Why shouldn't they be on some sort of register? It is not uncommon; in fact, a week would not go by without a particular church having a view different from that of the government of the day. Of course that occurs, so why shouldn't they be on a register? Why shouldn't there be a register of people in that church and their workplaces, their homes, their businesses and the schools their kids attend? I find it appalling.

This all relates to the difference of views. We live in Australia, where you have the opportunity to express a view contrary to another, and isn't that fantastic? We can come in freedom to debate, disagree and fight to the end; we have that opportunity to disagree. That is what this is about. I happen to be a member of the Senate Community Affairs Legislation Committee, and Senator Brown wants to send this to the Community Affairs References Committee. I find that an appalling proposition. This Senate is the bastion of free speech. Here we are having a debate on such a matter, and there is the freedom of opportunity to pursue our views and to express them in disagreement with others.

I would call the Senator Brown motion a McCarthy style witch-hunt against whoever

disagrees with the Greens. That is essentially what he is wanting to set up. It is about religious freedom. I want to bring out the evidence; I say to Senator Brown, 'Where is it?' If there is a religious group that does not like the Greens—let's make it clear—I assume it then follows that the Greens will pursue that religious group and attempt to stifle them under the protection of parliament. Under the protection of parliamentary privilege you will have the opportunity to say whatever you will to disparage the good name and reputation of the people you wish.

I find that behaviour dishonourable and offensive to the Australian people and to the values we uphold in this country. I want to stand with people who are so disparaged and say, 'I empathise with you and I am sorry that this has come to the point where you have been vilified and attacked in such an offensive way.' In this country the Australian Greens have the right to campaign openly and publicly against the Exclusive Brethren or whoever opposes their point of view. Isn't it wonderful that they have that opportunity? But to have this attack, this vilification, against the Exclusive Brethren I find is way over the top.

My final point is in respect to the establishing of a register of Exclusive Brethren workplaces. That is very similar to the anti-Jewish Nazi Germany situation. I make that clear; that is how I see it. That is what happened in and around that time—particular groups were targeted. There were scapegoats. That is exactly what happened in and around the time of Nazi Germany. I see this effort by the Australian Greens to go down this track as a very dishonourable approach. I hope that, when you look at the arguments that have been put towards you and have been put in this place, you will reflect on what happened in the time of Nazi Germany, you will reflect on the arguments that you have put and the arguments against, and you

will, indeed, apologise to the people that you have showed such disrespect to. I hope that you will say, 'I regret that I put forward this motion,' and you will apologise for what you have done. I hope that the Senate, in a most resounding way, defeats this motion in no uncertain terms.

**Senator BOB BROWN** (Tasmania—Leader of the Australian Greens) (6.03 pm)—What an abrogation of the democratic principles that this Senate should stand up for. We have heard here today from all the other components except the Greens. On the opposite side, we have heard a tirade of mock offence at an inquiry being held and information coming forward which would lift the lid on a secretive organisation which has a lot to be inquired into. On this side, from both the Democrats and the Labor Party, there has been extraordinary weakness. They have simply not been able, on this occasion, to rise to the challenge to put the spotlight onto an organisation which is an invidious one in our community.

Let me dispense first with this idea about a register of workplaces. Let me read from the *Financial Review* what the Exclusive Brethren and other sects managed to get:

Call it the Exclusive Brethren clause. Buried in hundreds of pages of new federal workplace laws, that came into effect last week, is a change allowing employers who are members of the Brethren, a fundamentalist Christian sect, to keep trade union officials out of their workplaces. The amendments to the Workplace Relations Act provisions on rights of union organisers to enter workplaces will make it easier for Brethren employers to get a special certificate exempting them, on the grounds of their religious doctrine, from the right of entry regime regardless of the views of their employees.

Should workers not know, when they are going to a place, that it has a special exemption under this government's regulations? The question here is: how come they are get-



ting a special exemption? Did it just happen in the stilly night? Of course it did not. It happened because the Exclusive Brethren were in there lobbying this government and this government agreed to it—to ban union officials from their workplaces, to leave the employees of their workplaces open to an invidious, second-class situation of being denied the workplace protection that everybody else has. That is the sort of thing you see—the quid pro quo coming back from the support the Exclusive Brethren is giving to the government of the day.

**Senator Forshaw**—They want to ban us from every workplace.

**Senator BOB BROWN**—Yes. When the Exclusive Brethren came to see me to ask that I back off, that I not have this inquiry, I said to them: ‘Under your biblical adherence, and it is complete, how could you be supporting a government which locks little children up, behind razor wire in the desert in Australia, who are totally innocent? How could you do that?’

**Senator Abetz**—In air conditioned facilities.

**Senator BOB BROWN**—‘Air-conditioned,’ says Senator Abetz. What we know is that these children have been forever psychologically traumatised by that experience. That is what the Exclusive Brethren have supported against the Greens, who stood up for the rights of children in those places. It is a very different set of circumstances when you analyse what they are up to. They just supported the election of a Labor government in Tasmania which rolled out poker machines throughout the community—nobody else was licensed to do so. The Exclusive Brethren supported Labor against the Greens, who campaigned against poker machines in the community. The point I am making is that here is an organisation which prohibits their members from voting but

have got involved in a political support situation and in vilification of the Greens, and they do not like it. It is full of catches for them. They find themselves caught out. How do they get around that? They get around it by trying to be secretive and not to be seen, by flying beneath the radar, and that is the problem. They are pouring tens of thousands, hundreds of thousands and millions of dollars into political campaigns in this country and elsewhere without saying: ‘We are the Exclusive Brethren. We’re involved in politics. We are backing this side of politics against that.’

The ex-Prime Minister of New Zealand, David Lange, who had a bit more fibre than the Labor Party here today, said:

There are some things my electorate could do without. There is an airport and a sewage farm, but less appealing still is the presence among us of a large number of Exclusive Brethren.

He went on to say:

While most religions have elements of wackiness in them, the incongruity of the rules by which the Brethren live is unusually abnormal. Their sewer pipes must go straight to the mains. They eschew shared driveways and prohibit cross-lease property ownership. Their cars must not be turbo charged. The closest they come to sense is banning television. Computers are out, as are radio-telephones, cell phones, record players and bar coders. All this newfangled stuff is the work of Lucifer, although aircraft conveniently are accepted. To engage in swimming, team sport, entertainment or friendship outside the membership brings swift exclusion from the sect. It goes without saying that their views on the status and role of women make Saint Paul look like a feminist.

Add this from Mr Lange, to the laughter of the Exclusive Brethren gentlemen, in the gallery:

The callousness of the faith is mortifying. A constituent who belonged to the Brethren had a son who was somewhat retarded and he, perhaps unwittingly, breached one of their codes. He was driven from the home and sought refuge in an

emergency shelter. His parents totally disowned him. He was killed riding his bike. His parents didn't attend his funeral. A photograph was sent to the parents by a man who had befriended this 19-year-old outcast. It was returned with the observation that the son's face showed that he had passed from God's grace.

Mr Lange went on to say:

These people are bringing up children who have no concept of the alternatives to the rigidity of their dreadful dogma. Should our education system allow nutters to stop their children using computers?

They are changing that rule at the moment because they have to. Mr Lange went on to say:

Should the schools be helpless in the face of parents who refuse to allow their children any contact with other children outside the classroom? Why can't these poor kids play netball? Should we tolerate the nurturing of tunnel-visioned children because of the absurd convictions of their parents? The answer, of course, is that we allow all this to happen in the name of fundamental liberties. The tragedy is that the rights of the children have been subsumed in the rights of the parents, obscuring the point that parents have rights over their children only in so far as they serve the interests of their children. The Brethren make tolerance seem wrongheaded.

Testimony about the Brethren—and support for this motion, might I add—comes not just from Mr Mark Humber, who I quoted earlier; it comes from Warren McAlpin, the son of a supreme family in the Victorian Brethren, who lost his wife and children; it comes from Mr Ron Fawkes, a former Australian leader and second in the world, who lost his wife and children; it comes from Mark Painter, the son of the leader from South Africa. The South African Brethren were removed from that country in the last decade, under the organisation of the Elect Vessel of the time. Mr Ron Fawkes, who was the second leader in the world, gave this testimony—

*An incident having occurred in the gallery—*

**Senator BOB BROWN**—The gentlemen in the gallery are laughing again, as they would do to somebody with whom they have a great disagreement. This is from *Background Briefing* on ABC Radio National:

Until 1987, the world leader of the Exclusive Brethren was an American, James Symington. The man recognised as the most senior member of the Brethren in Australia was Ron Fawkes. But Fawkes fell out with Symington because, according to Fawkes, the leadership was straying from Christ.

In the sudden-death politics of the Brethren, Ron Fawkes was excommunicated. He says he was informed his wife would be divorcing him.

Ron's six children stayed with their mother, and he hasn't seen them for 22 years, but they wrote to him to tell him why, and at his home on the New South Wales Southern Highlands, Ron Fawkes pulled out his children's letters from a ring folder and read them out in a monotone.

You get the feeling he's done this many times before. The message from the kids was all the same.

Dad, you're evil.

... ..

I don't want to see you because you are not right, and withdrawn from and out of fellowship—

that is, excommunicated. And so it goes on. When you have little children writing letters like that to a loving father, you have to worry. I ask you, Acting Deputy President, the Labor Party, the Democrats, The Nationals and the government in here: is this chamber satisfied with an extreme religious sect in this country which takes millions of dollars of taxpayers' money for its education system—\$4,000 per student this year—

*Senator Abetz interjecting—*

**Senator BOB BROWN**—but—before you get too far into this, Senator Abetz; you have made a fool of yourself already—bans

those children from getting a tertiary education? I submit this, ladies and gentlemen of the Senate: every child in this nation not only has a right but must be facilitated to go on to a tertiary education in this modern society. To not do so is to cut down that child's life and strip away from that child a fundamental right in a modern Western democracy. And yet the Exclusive Brethren do that to every one of their children. Are we not to investigate that? Should we not investigate a system where, with political patrimony, the government of the day pours millions of dollars of funding into an Exclusive Brethren sect which alone—nobody else does it—says that its children cannot go on to our universities or any university? They may not have a tertiary education. I ask you, Acting Deputy President: is that something we should turn the light out on? Is that not something we should be investigating? What is it about this chamber that it will fail those children, thousands of them, year after year? I will tell you: the Greens will not. We will stand by their right to be heard and to not have that awful situation, which should be tolerated in no democracy, exist in this country. They are only one section of kids in this country—that is, the Exclusive Brethren kids.

What is more, I had a teacher come to me in this parliament and say: 'I was brought in as a teacher for the kids at an Exclusive Brethren school funded by taxpayers. I was appalled that those kids took home homework but did not have time to do it because every night and on weekends, including all day Sunday, they go to a religious meeting.' That is the right of parents, if they wish. I am not talking here about kids who have other outlets. They cannot watch TV, they cannot have mobile phones, they cannot watch DVDs and they cannot listen to radio. The Elect Vessel can, but the kids cannot. That is the difference.

Do we in our society fund that? I said to them: 'You support policies which have children psychologically damaged for life behind razor wire.' That is a government policy; people can vote on that, but who knows, when the Exclusive Brethren put hundreds of thousands of dollars into election campaigns in this country, that there are kids in our midst who are denied basic communication with wider society and the learning facilities that are part and parcel of a modern, advanced community?

Should we not look at that? Well, no. The blinkers are on. The government says: 'Close it down. Don't look.' The Labor Party says, 'Oh, we're a bit worried about this,' but will not look. The Democrats say, 'We won't look either.' The Greens will look because we believe in the rights of children and we believe that none of them should be abandoned to a situation where ultimately they cannot even go to a university—and do you know why they cannot? Because people—

**Senator Heffernan**—I have to say that the imputation there was that we do not care about the rights of children. I am seriously offended by that.

**Senator Conroy**—That isn't a point of order!

**The ACTING DEPUTY PRESIDENT (Senator Lightfoot)**—Senator Heffernan, that is not a point of order.

**Senator Conroy**—I agree with you, but that is not a point of order.

**Senator BOB BROWN**—Of course it is not a point of order. That is a correct ruling. You cannot abandon kids in this country, Senator Heffernan—through you, Mr Acting Deputy President—with no right to get a tertiary education. What would the general populus think if we were to bring in a law here which said that children are banned from getting a tertiary education? They might do it in Iran. You might hear the Tali-

ban saying that about women. But you do not expect it to happen in this great democracy of ours.

And then we get to this bumptious, fatuous approach by the Exclusive Brethren, parroted here today by Senator Abetz, which says, 'All the constitution is at stake.' Let me read the whole of section 116 of the Constitution. It says:

The Commonwealth shall not make any law for establishing any religion, or for imposing any religious observance, or for prohibiting the free exercise of any religion, and no religious test shall be required as a qualification for any office or public trust under the Commonwealth.

Of course not. You get into trouble when you have a secretive religious organisation which will not put its hand up and say that it is making massive donations to the political firmament and not declaring them.

**Senator Abetz**—Looks pretty secretive to me!

**Senator BOB BROWN**—Senator Abetz looks at the gallery, and I do too. And I ask: where is the Elect Vessel, Mr Bruce Hale? And I say this: let him come out and debate this with me. Let the Elect Vessel—this St Paul of 2006, this hugely rich man who pulls the strings and organises the political input, the deprivation of children of education and the deprivation of the right of people to marry this way or that—debate that with me in public. The majority in the Senate is going to fail them, but I will not. I put that challenge to the Elect Vessel: come out and debate it.

Democrat Senator Bartlett said that he has criticised Archbishop Pell. I will tell you the difference between Archbishop Pell and the Elect Vessel Bruce Hales: Archbishop Pell comes out in public and talks about his beliefs, defends them and stands up for them. When he goes to see the Prime Minister, everybody knows about it. It is not the same

with Bruce Hales. Nobody can find him. The press cannot get to him. He is enormously protected, but it is fundamental to the health of our society that we have a person as powerful as this in our midst—this multimillionaire controlling massive amounts of money moving around the planet—held accountable in a democracy. To not foster that, to not insist upon it, to not look at it and to put the blinkers on and say, 'Well, we won't investigate that at all,' is to fail our responsibility in this Senate to always uphold the tenets of democracy by understanding that in our community there are people who would abolish democracy as we have it. They would abolish the right to vote for everybody—not just for their own members but for every Australian.

They have already abolished the right for children to go to tertiary education, and if they could they would extend that to everybody. They have abolished the rights of women, who cannot speak up in their community and who cannot have any job which would have men in their service in that community—very much like the mullahs of Iran. Is that something that we should not debate? Is that something that is not open to the light of scrutiny? By not having this Senate inquiry, the darkness in which this sort of attack on our democracy and fundamentals grows, expands, gets greater.

The Exclusive Brethren decided to tackle the Greens. We decided to look back and see who they are. What you find are closed doors everywhere. You find a lot to worry about, but you find closed doors everywhere. We think those doors should be opened. That is what this motion is about. Senator Abetz, fulminating with his objectionable, distasteful and abominable references to Nazism, says: 'I won't open that door. I don't believe people should know about it.' We do not accept that. We believe that, for the health of democracy, we should be involved here in

opening it up to the gaze of public scrutiny.  
(*Time expired*)

Question put:

That the motion (**Senator Bob Brown's**) be agreed to.

The Senate divided. [6.28 pm]

(The President—Senator the Hon. Paul Calvert)

Ayes.....	4
Noes.....	59
Majority.....	55

AYES

Brown, B.J.	Milne, C.
Nettle, K.	Siewert, R. *

NOES

Abetz, E.	Adams, J.
Allison, L.F.	Barnett, G.
Bartlett, A.J.J.	Bernardi, C.
Bishop, T.M.	Boswell, R.L.D.
Brandis, G.H.	Brown, C.L.
Calvert, P.H.	Campbell, G.
Chapman, H.G.P.	Colbeck, R.
Conroy, S.M.	Eggleston, A. *
Ellison, C.M.	Faulkner, J.P.
Ferguson, A.B.	Ferris, J.M.
Fielding, S.	Fierravanti-Wells, C.
Fifield, M.P.	Forshaw, M.G.
Heffernan, W.	Hogg, J.J.
Humphries, G.	Hurley, A.
Hutchins, S.P.	Johnston, D.
Joyce, B.	Kemp, C.R.
Kirk, L.	Lightfoot, P.R.
Ludwig, J.W.	Macdonald, I.
Mason, B.J.	McEwen, A.
McGauran, J.J.J.	McLucas, J.E.
Minchin, N.H.	Moore, C.
Murray, A.J.M.	Nash, F.
Parry, S.	Patterson, K.C.
Payne, M.A.	Polley, H.
Ronaldson, M.	Santoro, S.
Scullion, N.G.	Sherry, N.J.
Stephens, U.	Sterle, G.
Troeth, J.M.	Trood, R.
Watson, J.O.W.	Wong, P.
Wortley, D.	

\* denotes teller

Question negatived.

COMMITTEES

Legal and Constitutional References  
Committee  
Reference

**Senator LUDWIG** (Queensland) (6.34 pm)—I move:

That the following matter be referred to the Legal and Constitutional References Committee for inquiry and report:

Temporary Business Long Stay (subclass 457) visas, with particular reference to:

- the general efficiency and effectiveness of the visa;
- the safeguards in place to ensure the integrity of the system;
- the Government's performance as administrator of the visa system;
- the role of domestic and international labour hire firms and agreements;
- the potential for displacement of Australian workers;
- the difference between the pay and conditions of visa holders and the relevant rates in the Australian labour market;
- the Government's labour market testing required before visa approval;
- the Government's requirements of Regional Certifying Bodies for visa certification;
- the interaction of this visa with the Work Choices legislation; and
- any other related matter.

Today, I would have preferred to see the Senate accept, move and allow the reference to go off to the Senate Legal and Constitutional References Committee. Unfortunately, that is not the case. It is particularly unfortunate when only yesterday we had a Procedure Committee debate about how this government has taken the single-minded view of reducing the number of committees from 16 to eight. Our side, Labor, submits that the prime motivation for this is effectively to

deny this place the ability to scrutinise legislation and other matters and hold the government to account. We find on day 2—in other words, the next day—that it is also keen on ensuring that there would not be proper scrutiny of its work.

At the outset, it is worth reiterating this small point: Labor supports 457 temporary visas as a mechanism to address short-term skills shortages. It was the Keating Labor government which in late 1995 first announced that it would introduce a temporary skilled visa program. This motion would have allowed the Senate—but I know the numbers in this place; this government is going to vote it down—to have a look at how this government has managed the visa program. But, more broadly, there were a number of heads that went to the motion that would allow the Senate Legal and Constitutional References Committee to look at this area.

A temporary skilled visa program is a necessary component of a sensible approach to ensuring that Australia has a complete complement of skills across all occupations. But it is a short-term solution. It cannot replace training Australians to address skills shortages in the long term. On the other hand, new skills training will not have an impact on skills that are required now, so a temporary skilled visa is a positive initiative if designed and administered correctly. However, along with the Work Choices legislation, it appears the present iteration of the 457 temporary skilled visa program is the centrepiece of the Howard government's persistent attempts over the last decade to drive down the wages and standards of Australian workers and continue to Americanise Australia.

It has had a number of opportunities to look at 457 visas. Back in 1999 there was a *Review of illegal workers in Australia: Im-*

*proving migration compliance in the workplace.* This government has had this on the agenda for some time but has ignored it, and has ensured that the mechanism continues to drive down skills and wages. It ensured that this happened by not requiring a labour market test, by allowing 457 visas into industries where there was already a skills overload of Australian graduates and by approving visas for wages far less than market value or the current certified agreement or enterprise agreement. The visa is the hallmark of a government that is out of touch with Australian families. It is these abuses of the 457 visa system that require the attention of a references committee.

Dealing with each part, of course the government's performance as administrator of the visa system is worth looking at. This government is charged with the responsibility of administering the visa system. Has it been doing its job well? Are there any failures? I can certainly assure the Senate that I am unlikely to hear the answers from Senator Vanstone herself. In its drive to push down the wages and standards of Australian workers, the latest development on this front has been a move from skilled labour to semi-skilled labour, and there are even reports of unskilled labour being utilised. There are reports—and I will not go into them in detail; I do not want to take up the entire time that is available—in a range of semiskilled and unskilled industries where these visas are being used. There are more examples of this shift as well coming out of the meat processing industry in South Australia which have been reported in various newspapers. It is not something that this government can ignore or hide. It cannot say, 'It is just not happening.'

It is clear that the government is abusing its position in administering this legislation in an endeavour to expand 457 to include the areas of unskilled and semiskilled labour and

to Americanise Australia. It has nothing to do with a skill shortage but everything to do with driving down the wages and conditions of Australian workers. It does have the potential to displace Australian workers. There is evidence that the 457 visas are already adversely affecting jobs and the training of young Australians in some sectors. A recent study by Mr Bob Kinnaird looked closely at the information, communication, technology—ICT—industry. The study's key findings were damning. He found a situation in which, despite a near record proportion of Australian computer science graduates being unable to find full-time work, increasing numbers of 457 visas were granted for foreign workers in the ICT field. The ICT field is not a field where there is a skills shortage. It is a field in which Australian graduates are finding it increasingly hard to find employment. This is not a field where we should be seeing increasing numbers of foreign workers entering Australia. It does fly in the face of the idea of a temporary visa scheme to remedy temporary skill shortages, if that is what the government is going to argue. It puts paid to the argument that we need to import these workers because of a skills shortage. It is being pushed by an out-of-touch government because there is an agenda here to attack the rights and conditions of Australian workers in part via the importation of foreign workers who are not given the same protections in terms of salaries as Australian workers.

Of course, then there is the difference between pay and conditions. To sponsor a foreign worker on a 457 visa, there is a requirement on the employer—and the government will hide behind it—that the foreign worker be paid either an award wage or the minimum wage set out in the legislation, whichever is highest. The problem, of course, is that the market employment area does not work like that. There are certified

agreements, enterprise agreements, award conditions, overaward payments and perhaps even what might be described as market rates, but they are not required to be met. If an employer cannot find an Australian to work at the minimum temporary work visa salary, which may be \$20,000 below the EB, the CA or the market rate for that profession, then it is said that there is a skill shortage. I doubt very much whether in fact there is a skill shortage, but that is what the employer will argue because they do not want to pay the minimum wage that is set out.

There should be labour market testing and this government should be doing it. Before August 1996 there was a principle in operation to help counter this problem and ensure that there was labour market testing: for temporary work visas, access to Australia's labour market by foreign nationals should not be at the expense of the employment of Australian citizens and Australian permanent residents. That was the concept. It is a concept that this government wants to skate away from. As part of this, employers were required to undertake labour market testing and demonstrate that no suitable Australian citizen or resident was available for those jobs. Australians essentially got the first bite at the apple under that scheme. It is not a concept that this government finds sensible to ensure happens today.

Currently an employer wishing to bring in a foreign worker on a temporary four-year visa does not even have to advertise the position in Australia. Under Senator Vanstone's administration, it appears some employers believe it is cheaper in the long run to travel internationally in search of staff than take out an ad in a regional newspaper. It is hard to believe, but it is true. One employer, Golden West Group Training in Queensland, wrote to the shadow minister for immigration on 26 May saying: 'You may well suggest we attract and migrate labour from areas of high

unemployment both on the coast and interstate. However, this group training organisation under the current funding regime does not have the resources to advertise and recruit outside its own area.' That is what it said. But in the same letter Golden West stated: 'Golden West recently exhibited at the DIMA-sponsored Australia Needs Skills Expo in Shanghai and Hong Kong.' That is where they were found. And what were they doing there, you might ask? They cannot get the funds to look for workers in Australia, but they can end up in Shanghai and Manila in an attempt to attract further overseas qualified and experienced people to rural Queensland. It beggars belief.

So, under this scheme, employers will actively seek out workers from overseas, not because of any problems with finding workers in Australia but because it is simpler and cheaper to do it overseas, it appears. As we know from the parliamentary secretary to the minister, Mr Andrew Robb, advertising in local areas is not even required. That is from the parliamentary secretary's mouth. I always mention Senator Vanstone, but her portfolio has been pared back; most of it has been given to Mr Andrew Robb in any event. But we know that this government enjoys this scheme and will defend it, come what may.

Of course the government do not want a references committee to have a look at it. The argument might be put that it is a guest worker program by stealth. That is something that would disappoint me more than anything—if this government were in fact using this scheme as the thin edge of the wedge to introduce a guest worker program. We have a move to semiskilled and unskilled labour; we have no labour market testing; we have wages in many industries well below the market rate, which can be used in the scheme; and we have no requirements to advertise the position. When you put those

elements together, you could only describe it as a de facto guest worker program. In truth, the government is playing three-card monte with it. You pick up a card that says 'temporary skilled visa' but when you turn it over it says 'guest worker'. Let's add in the fact that most 457 visas are granted to people who are already onshore—so, many are already here under another arrangement—and you can see that what we are effectively developing is a pool of workers with few legal rights whose remaining in Australia is dependent on the goodwill of their employers. And we are putting them up against Australian workers.

This is part of the government's plan to Americanise our workforce. In 10 years we have gone from a country that was based on the Australian concept of a fair go all round to one that, under Mr Howard, has an increasingly Americanised dog-eat-dog style economy and value system.

Of course, it does not stop there. These visas interact with Work Choices. The reference to the committee will deal with that interaction as well, between the visa system and the Work Choices legislation that was forced through this house last year. As we know, the intended outcome of the Howard government's Work Choices legislation was to weaken the bargaining power of Australian workers and to drive down wages and conditions. But this visa system is also going to have an impact on this area as well. Even before Work Choices was rammed down the throats of the Australian public, foreign workers were already in less of a bargaining position than Australian workers. They have of course had less experience with the Australian workplace relations system. They have potentially fewer network supports, such as family. They have less of an idea of their workplace rights—or what is left of Australian workplace rights.



And it does not stop there. The impact of the 457 visa scheme on Australian wages and conditions will make the labour market even harsher for them than for Australians. A foreign worker is in a far worse bargaining situation than an Australian worker is when presented with an Australian workplace agreement and told to take it or leave it. As a foreign worker, if you do not sign an AWA, not only do you now not get the job but you also may not get a visa, and where will that leave you? This is the way employers can use the scheme. It is not an Australian value that I enjoin with.

It really takes an out-of-touch government to say that this scheme should not be looked at by a references committee. They will stand by and say: 'We accept the abuses under the system. We accept the failings of the system because the outcome suits us.' Employers are—

Debate interrupted.

#### DOCUMENTS

**The ACTING DEPUTY PRESIDENT (Senator Lightfoot)**—Order! It being 6.50 pm, the Senate will proceed to the consideration of government documents.

#### **Innovating Rural Australia**

**Senator BARTLETT** (Queensland) (6.50 pm)—I move:

That the Senate take note of the document.

This document, the Department of Agriculture, Fisheries and Forestry's *Innovating rural Australia: research and development corporation outcomes—report for 2005*, lists a range of programs being undertaken by the various rural research and development corporations and companies which look at expanding Australia's rural R&D effort. There is one particular industry in here that I would like to emphasise. Across the board, I, and the Democrats more broadly, have strongly supported increased research and develop-

ment, and we think there needs to be more of it. A lot of it of course is produced and funded by the industries themselves.

The area I wanted to look at was the Australian egg industry and specifically the work of the Australian Egg Corporation Ltd, which is an industry owned company that integrates marketing, R&D and policy services for the egg industry. A couple of the components of this report are about the work that the Australian Egg Corporation Ltd has been focusing on—some of its R&D initiatives. I want to take the opportunity to draw attention to the recent statements by the federal Minister for Agriculture, Fisheries and Forestry, Mr McGauran, with regard to concerns expressed about the egg industry and the potentially false labelling of egg products, misleading consumers into thinking they are buying free-range egg products. Certainly, there has been a lot of evidence put forward to suggest that in some cases those eggs have been substituted and they are not produced by free-range means at all.

I note that, in amongst the report on the egg industry, there is a nice photo of a lovely, healthy looking hen pecking away at some open ground. I am sure there are hens that produce eggs that look like that but, certainly, the majority of hens that produce eggs do not look like that at all. The vast majority of hens that produce eggs spend their lives in extremely small, cramped and unpleasant cages. All the ones that I have seen, when I have seen hens in battery cages, do not have a nice, lush coating of feathers like the hen in the photograph in this particular report.

I think it is important that the federal agricultural minister does more than just say he is going to be looking into this issue. The issue of ensuring that eggs are properly labelled was considered by agricultural ministers, state and federal, back in the year 2000. There was a very significant community

push to try to get the state, territory and federal ministers to agree to phase out the battery cage, as is being done in some European countries. Plenty of and various surveys showed that there was widespread public support for doing that. I remind the Senate that there was also a Productivity Commission inquiry which showed that if that was done on a sufficiently large scale the impact on the consumer would be as little as one cent per egg extra. Unfortunately, the various ministers did not agree to do that and instead agreed on a very small increase in cage sizes, which is starting to be phased in around about now; so that agreement has had a very large and long lead-in time. Despite that, the industry—certainly, some of the smaller players in the industry—are indicating the financial difficulty they have in transferring to the slightly larger cages. That, to me, makes it all the more reasonable why it would have made more sense to simply go the whole hog and phase out cages altogether. But that did not occur.

The other decision, made at the same time—at that ministers' meeting in Brisbane back in 2000—was that there would be implemented a proper and accurate system of labelling for egg cartons. It took a very long period of time—a number of years. You would think it would be pretty simple to come up with a system of labelling to indicate to consumers what is an egg produced from a caged hen and what is not. But it did occur eventually. Despite all that, we now find a lot of evidence, even with those that do have the 'free range' label, that that is not what people are actually getting. This is a very serious breach of faith by the industry. I call on the federal minister and, indeed, the industry itself to not just produce some nice photos of hens looking nice, healthy and glossy but also look into ensuring that the labelling of the product for the consumer is accurate. If it is not then I think it can only

be a detriment to the industry as a whole, and that is not something anybody wants to see. (*Time expired*)

**Senator IAN MACDONALD** (Queensland) (6.55 pm)—I want to take a few minutes of the Senate's time to highlight the excellent work that the research and development corporations do for Australia. They really are a very good idea. I think they originated in the time of the Labor government; if that is correct, it is one of the few ongoing good ideas that the Labor government have had. It is certainly something that our government has continued to support very enthusiastically.

Over a large number of years I have had a close association with three particular R&D corporations. The Sugar Research and Development Corporation is a very important part of the progress of the sugar industry in North Queensland—and everywhere else Australia where sugar grows, but the interaction I have had with the SRDC has been in North Queensland. In its way, it has encouraged research into better ways of growing and producing sugar cane and of organising oneself to get the very best out of one's investment in sugar cane growing. In the times when the industry was very much on its feet—and that was before the time that our government provided that \$440 million boost to keep the industry going—the SRDC certainly did a lot of work in helping sugar growers to organise themselves in a better way. In particular, I will mention a friend of mine from Ayr, Ian Haigh, who was a recipient of an SRDC grant or award for the innovative work he did in getting his group together to look at better ways of producing sugar cane and of doing it more efficiently. That was at a time, as I have said, when returns from the sugar industry were very limited.

I have also had a long association with the Forest and Wood Products Research and Development Corporation and its director, Glen Kile. Again, it is an organisation that has done tremendous work in the forestry industry supporting science and research into better ways of growing trees, better ways of dealing with trees and better ways of doing things anywhere in the timber and wood products industry. The Forest and Wood Products Research and Development Corporation has certainly encouraged a lot of research. I hope its research budget continues to sponsor a look at a new arrangement that might take over from the organisation and be more significantly funded by private industry. That is ongoing work.

I think the industry needs to be in a position where not only can it promote development and research but also—and I think it is time—do something to counter a lot of the lies that are peddled about the forest and wood products industry by people like the Greens political party; you hear them going on all the time. It is a fabulous industry. It is very good for rural and regional Australia and it is an industry that I strongly support. Certainly, the Forest and Wood Products R&D Corporation has also strongly supported the forest and wood products industry over the years.

The other R&D corporation I want to mention is the Fisheries Research and Development Corporation under the organisational control at the moment of Patrick Hone, the executive director. The fishing industry has had problems over many years but the Fisheries R&D Corporation has put a lot of investment into not just the research and the science but also the development of the seafood industry. Again, they have been an instrumental part in looking at a project—which the Howard government also put a lot of money into—for getting a brand for Australian seafood to help market the product

overseas. We have a great story to tell. We have a great product. Unfortunately in the past, for any number of reasons which are too complex and detailed to go into in the short time I have available, the industry has not been able to take advantage of Australia's reputation as a producer of fine seafood. The Fisheries Research and Development Corporation has done that. It has contributed to a lot of the work, and I know it will continue to do that into the future.

Question agreed to.

#### ADJOURNMENT

**The ACTING DEPUTY PRESIDENT (Senator Murray)**—Order! There being no further consideration of government documents, I propose the question:

That the Senate do now adjourn.

#### Fuel: Ethanol

**Senator NASH** (New South Wales) (7.00 pm)—I rise tonight to talk about ethanol. In the 2001 election the government announced a policy for a target of 350 million litres of biofuels by 2010. For many years I have been a very strong supporter of the biofuels industry and tonight I particularly want to talk about ethanol. The benefits are many. There are health benefits and environmental benefits, new market opportunities for the agricultural sector, and jobs for our regions. An obvious benefit for the nation when we look at our trade deficit in fuel is the development of a domestic ethanol industry. In 2000-01 the fuel deficit was less than \$500 million. In 2004-05 that jumped to almost \$6½ billion. And now in 2005-06 it has jumped to a whopping \$11.7 billion.

The other great advantage for motorists, which is very topical at the moment, is of course cheaper fuel. It just seems common sense to do what we can to ensure that we have a sustainable biofuels industry in this nation. When you compare us to countries

overseas, in terms of ethanol production, this country is an absolute backwater. Brazil this year is producing 15 billion litres. If we look at the United States, we see it is around 16 billion litres. At the moment, Australians are facing historically high fuel prices and we are at the mercy of world oil prices, and people do appreciate that. But they do want this government to do everything it possibly can to reduce the burden and one way of reducing that burden is increasing the availability of E10 blended fuel, which is cheaper than unleaded fuel.

It was pointed out back in May by the Leader of The Nationals, Mark Vaile, that E10 fuel should be cheaper for motorists, and it was Mark Vaile recently who pushed for E10 blends to be included on the list of fuels that were monitored by the ACCC to ensure fair pricing. We saw the commitment last week by BP and Caltex to sell E10 blends 3c a litre cheaper than unleaded fuel. While that was welcome, it was glaringly obvious that they should have been doing that anyway. The question is: why haven't the oil companies been passing on that 3c a litre saving to Australian motorists before now?

When we look at Shell, what do we see? Shell is not even on the radar with E10. At this point they do not supply any at all. In fact, they recently told a Senate committee hearing that they were not going to have any E10 available until at least the end of the year—this in a climate where we have got our motorists facing such high fuel prices.

There is no doubt that there has been a lack of will by the oil companies to take up ethanol to a greater degree. While there has been some movement, which I do acknowledge, it is nowhere near enough. In September last year I made an adjournment speech on ethanol in which I said:

If we have a requirement of 350 million litres by 2010, it seems to me fairly simple, sensible and obvious that we have an annual volumetric target placed upon those oil companies, that they have to meet for each year up until 2010 so that we can indeed implement the policy.

In December last year the Prime Minister, the Deputy Prime Minister and the oil companies met to formulate industry action plans. The oil companies agreed to meet voluntary annual biofuel targets and for this year the minimum was 89 million litres. To be precise it is 89 to 124 million litres. At the time of the December meeting it was decided that there would be a six-monthly review put in place to determine whether the oil majors were on track to meet their targets. We still have not been advised of the outcome of that review.

Senators need to have a very clear understanding of where the oil companies are up to with the amount of ethanol that has been sold since the announcement of those biofuels action plans. This requires the release of the six-monthly review data that details the collective volume of ethanol sold in Australia for the two distinct groups—the oil majors and the independents. The 89 million litre biofuels target should really only be applied to the oil majors, not the independents. It should be remembered that it is the ethanol component, not the biodiesel component, that is what will deliver cheaper fuel to Australian motorists. The independents are already doing the heavy lifting, supplying the majority of E10 blended fuels to Australian motorists. Without the benefit of the data, best calculations for the six months from January to June this year for ethanol are as follows: the department says around 25 million litres of fuel ethanol is sold; through the independents it is around 17 million litres; and the best guess from the three suppliers of ethanol, Manildra, CSR and Rocky Point, is eight million litres—eight million litres of

ethanol out of a biofuel target for this year of 89 million litres! Around 110 million litres could be taken for blending if the oil majors would take it up. Eight million litres is less than one-tenth of one per cent of the total petrol market of 20 billion litres in this nation. You do not have to be a rocket scientist to figure out that that does not look good, and it does not look like those targets are going to be met.

Recently one of the Senate committees has been holding an inquiry into Australia's future oil supply and alternative transport fuels. Both BP and Shell appeared as witnesses at that hearing. It was very enlightening. When asked about their potential biofuels use for this year—bearing in mind that the target is 89 million litres—Mr Bill Frilay, who is the Manager of Government Relations for BP, said: 'We will be producing this year about nine or 10 million litres.' And, interestingly, Shell in their submission said:

Internationally, Shell is ... one of the largest blenders of bio-components into road transport fuels, selling nearly three billion litres in 2005, mostly in the US and Brazil where legislators favour ethanol.

The committee went on to ask Mr Russell Caplan, Chairman of Shell, who appeared at the hearing, whether or not the use of ethanol by oil companies was directly linked to the fact that it was mandated. His reply was, 'Absolutely; it is.'

Oil companies have been given plenty of time to increase their use of ethanol. We are told that they are improving on this—and they are improving—but they are working off a very, very low base. There is a simple equation: the longer the major oil companies stall on increasing their use of ethanol the longer our motorists in Australia are going to be denied access to cheaper fuel. We have a sufficient ethanol supply in this country and motorists want to use it. The only things standing in the way of the availability of

cheaper fuel in this country are the major oil companies.

I have said it before and I will continue to say it: if the oil companies are not going to meet the annual targets on a voluntary basis then those targets should be mandated. I acknowledge that the biofuel targets contain biodiesel targets as well as ethanol targets, but at the moment, to my mind anyway, ethanol is the priority because motorists right around this nation are suffering as a result of world oil prices, which are at the highest level that we have seen. It is the responsibility of us as the government to ensure that we reduce that burden if we can. If the only thing standing in the way of greater availability of ethanol for E10 blends in the marketplace is the oil companies who are not taking it up enough then we need to make them take it up. It is not just about cheaper fuel for motorists in the short term; it is about a sustainable renewable fuels industry in the long term. So, while we can have significant and immediate benefits for motorists, we also need to ensure that this country has a vision for the future in terms of renewable fuels. The onus is on the oil companies to increase their use of ethanol. If they do not, it is the motorists of this nation who will continue to be hurt.

#### **Defence: Helicopters**

**Senator MARK BISHOP** (Western Australia) (7.10 pm)—If we return to April, May and June this year, there was a lot of topical discussion about various platforms being purchased by the government. In particular, there was a series of decisions with respect to helicopters—MRH90s, Tigers and Seasprites—all of which seemed to have much delayed delivery dates, overrunning costs and ongoing problems in getting the intricate internals of the particular platforms installed, implemented and then working according to the original contract specifications. That dis-

cussion was quite interesting at the time, but as always it went off the public agenda, so it is a timely moment to return to the issue of the government procurement policy in respect of those particular platforms. So tonight I want to address Defence's procurement of those three helicopters: the Seasprites, the Tigers and the MRH90s. I state at the outset that this really should have been a winning trifecta for Defence, but the government has lost the race to deliver any of those helicopters, any of those three platform purchasing sets, on time and within budget.

Let us look at the government's form on the purchase of the three different platforms across our services. The Army is waiting for 22 Tigers for its ground forces and another 12 MRH90 helicopters essentially for troop-lift purposes. The Navy needs 11 Seasprites for its Anzac frigates. It is fair to say that none of these projects over the last five to seven years have kept on track in any respect. Let us start with the Tigers. Earlier this year, the ANAO released a report on the Tigers project that made a number of findings. It said that we have a fleet of helicopters that remain flawed in their contract design; that officials flouted tender guidelines when purchasing the craft; that buying the Tigers off the shelf—meant of course to save money and be much cheaper in the long run—could end up costing at least another \$110 million; and, finally—that old friend—that there had been continuing inadequate oversight of contracts in this area.

Defence officials admit that time slippage has caused the Tigers project to run some 18 months behind the original schedule. They also agree that fast-tracking the tender process—from six months to six weeks, believe it or not—could expose them to a possible multi-million-dollar blow-out in through-life costs. I hate to say it, but the Tigers project is the project of which Defence is most proud. But the Tigers are not the biggest loser in this

trifecta. That honour belongs to the purchase of the ageing Seasprites. This has been such a disaster that the Minister for Defence, Dr Nelson, threatened to scratch the entire project earlier this year. His choice was to either bin the project and lose \$1 billion, which of course gives a new meaning to the idea of sunk costs, or gamble on a quick fix with millions more dollars in extra funding.

At one stage, Dr Nelson was looking at suing the contractors over the problems with the sprites. He should have read the fine print of the sprite contract before he spoke because, as was later disclosed, the government had negotiated away its rights to liquidated damages in exchange for some 'benefits'. Of course, those benefits were to be delivered into the future and again, unfortunately, they never materialised. That is life, I suppose.

The sprites, as those who are interested might recall, are now three years behind schedule; cannot, will not or do not fly in bad weather; have blown out in costs to the tune of \$150 million; and, we are latterly advised, have notched up another reported 40 identifiable deficiencies. When unveiled three years ago, the Seasprites were hailed by then defence minister, Robert Hill, as: 'the most advanced maritime aircraft in the world'—not a bad rap. The plan was to buy the copter frames from the US—the frames date back to 1963 and some even have battle scars from the Vietnam War, so they are proven and road tested—and fit them with state-of-the-art equipment inside. Yet, just three years on, the sprites have ground to a virtual halt, only being used for simple tasks such as the delivering of stores. The frames are too small to fit all the contracted specifications for which they were bought.

Number three in this discussion tonight, the late starter in the race, is the government's acquisition of 12 MRH90 copters. The European version of this particular plat-

form has tested the patience of several governments over there, and I bet this copter causes our government a lot more problems into the future. The MRH90 is meant to be a copter that can sit 20 soldiers at a time, has a 900-kilometre flying range and is equipped with electric blade fold. The good news so far is that these copters have 20 seats. It remains to be seen, however, how many fully-equipped Australian soldiers it will carry.

What the copters are also missing is the important electric blade fold. That was one of the original selling points of this craft and one of the points that made the craft most attractive to our defence procurement people. But now, some years afterwards, it transpires that this blade fold is an optional extra and the government is going to have to pay much for it further down the track. Not only that, a new MRH90 squadron was meant for delivery next year—2007. The expectation was that all 12 copters would be ready for delivery by 2008. It is now apparent that we will not receive the squadron until 2008 and, finally, we will not receive all 12 copters for delivery before October 2009. So again, in respect of the MHR90s, there are further and continuing blow-outs in time of delivery.

Let us hope the project does not face cost blow-outs in the same way through-life support costs threaten to blow out the Tigers contract. We do know that Defence is committed to paying just over half of the contract against a series of milestones. I hope these payments can be more vigorously tested than similar milestone payments associated with the Anzac frigate refits. Trying to gauge the progress of these milestone payments at Senate estimates, I was told, of course, that this information could not be delivered because it was 'commercial-in-confidence'.

So much for a winning trifecta in respect of the purchase of these three different platforms. Let us look at the form. Two of the

purchases were supposedly risk minimised for being 'off-the-shelf', that is, they are proven and tested, are not custom made, can be delivered and have a record that suggests they should be able to be used. That was the Tigers and the MRH90s. They were meant to have been bought by Defence after problems were ironed out in other overseas orders. Unfortunately, as it turns out, Australia is the first country to receive the Tigers, so we are the guinea pigs.

Now Dr Nelson has had a rethink on the Seasprites and has decided to proceed with the original contract. Again, we are still waiting for the first sprite. So here we are, nine years after placing an order for sprites, with still no copter in sight. We have only a fraction of the Tiger copters ordered, in spite of these craft not being able to properly do the job for which they were ordered. And we are yet to receive any MRH90 copters. As we have seen with the purchase of these helicopters, these are the problems: the government continually changes the specs, leading to time delays; it prepays for benefits that never materialise; and it takes delivery of craft that cannot do the job they are ordered to do. I will lay a bet: we are in for a long wait before the Tigers, the sprites and the MRH90 copters can do the job they were ordered to do. This government gambles with taxpayers' money on main defence projects. (*Time expired*)

**Mr Geoffrey Bruce Blyth**

**Senator MURRAY** (Western Australia) (7.20 pm)—Late last Friday in Canberra I read my home newspaper the *West Australian*. I am not a reader of death notices, but I often glance at the obituaries to see who their subject is. Way back in the classifieds on page 40 I spotted an obituary by the *West's* reporter Torrance Mendez. I was shaken to see it was for Geoffrey Bruce Blyth, who had died 17 days earlier on 25 July 2006, aged

80. That meant I had not only missed his funeral but missed the chance to put in a timely death notice.

I really regret having missed the opportunity to pay my last respects to Bruce at his funeral, but I will take this opportunity to honour his memory on the record in the Senate, through this adjournment speech. I also do honour to Bruce here on behalf of my wife, Pam, and on behalf of my senior advisor, Dr Marilyn Rock, who had many dealings with Bruce and who, like me, regarded Bruce Blyth as an exceptional human being.

I did not know Bruce at all for most of his life. It is for others to tell that tale, and Torrance Mendez does detail a fair bit of that in the obituary. My own dealings with him were when he was in his late 70s. He showed passion, determination and concern as a campaigner; wisdom and balance as an advocate; and humour and courtesy in his personal dealings. He was a man you could rely on. In short, I owe him my respect. He is a man I held in great respect as an amazing Australian because of his commitment to the fight for truth and justice for former child migrants. So I also hope that in making this speech I can speak for the countless number of former child migrants and care leavers of Australia whose lives have been enriched by his campaigns or for having known him.

Geoffrey Bruce Blyth was born in 1926. I am sure he did much in his life, but it was the later years that were the motivation for the obituary dedication. Titled 'Campaigner gave voice to victims of abuse', it highlights the outstanding contribution he made for hundreds of former child migrants who were abused and terrorised in Christian Brother-run orphanages in Western Australia.

I arrived in Western Australia in 1989. I knew something of Mr Blyth's contributions to the child migrant cause through various press reports and other publications, but I did

not make his acquaintance until the lobbying process leading up to the 2001 Senate Community Affairs References Committee inquiry into child migration. I clearly recall when first meeting him being struck by his humanity and strength of character. Although not a child migrant himself, his devotion to their cause is testimony to what one man's compassion, concern and kindness can accomplish. It was at a deal of pain to himself, I might add; these are not easy people or issues to deal with.

It all began in the 1980s. Having retired from his teaching career and being a keen minor publisher, Bruce came across a manuscript written by a survivor of the now infamous Bindoon Boys Town in Western Australia. Moved by the tales of cruelty and the present-day plight of the survivors, he felt compelled not only to publish this and another story but also to take up their cause to achieve some measure of justice. From this, VOICES was formed in 1991. An acronym for Victims of Institutionalised Cruelty, Exploitation and Supporters, VOICES' main activity was to press for a judicial inquiry into orphanages run by the Christian Brothers in Western Australia.

As director of VOICES, Bruce Blyth spearheaded a campaign for justice for those men who as vulnerable children had fallen victim to mental cruelty and deprivation, as well as horrific crimes of physical and sexual assaults, while under the care of the Christian Brothers in Western Australian orphanages.

This campaign prompted a *Sunday Times* journalist by the name of Frazer Guild to take up the issue. His reporting of the unfolding controversy was first rate and led to him winning a 1993 Walkley award commendation. Then, in 1994, three notable events transpired. The first was the tabling of a petition in the Western Australian parliament.



Thirty thousand people had signed this petition demanding a judicial inquiry into the sexual and physical assaults and the general conditions that had occurred in the Christian Brother institutions of Bindoon, Castledare, Clontarf and Tardun. Although this judicial inquiry did not eventuate, valuable media coverage resulted in the establishment of a Western Australian parliamentary select committee to investigate child migration into WA.

The second event, of immense symbolic significance, was a VOICES campaign that led to the pulling down of the imposing statue of Brother Keaney with his hand laid on an orphan boy's shoulder. Erected in 1957 at a prominent place at Bindoon, this statue denied the reality of the evil brute this man was. He was not benevolent, but malevolent. He was not kind, but cruel. He was not imposing, but a bully and tyrant. He was not a brother at all; he was a monster. Such was the evidence to the Senate Community Affairs child migrant inquiry of how brutal Keaney was that recommendation 4 of the 2001 report *Lost innocents: righting the record* unanimously recommended that the OBE awarded to Keaney for his work with orphans be cancelled and annulled. Unfortunately, the coalition government did not agree to this and, in spite of efforts since to have this award cancelled, Keaney's name continues to sully the record of deserving recipients.

The third event concerns legal action taken on behalf of VOICES. Melbourne law firm Slater and Gordon agreed to mount a class action against the Christian Brothers. On filing 250 writs on behalf of men claiming damages against the Brothers, Mr John Gordon claimed that it could well have been one of the largest class actions in Australian legal history. Unfortunately, due to legal technicalities the case never really got off the ground and the men were essentially forced

to accept a miserable and small out-of-court settlement described by Mr Blyth as 'grossly insulting'.

To give a measure of the man Mr Blyth was, Haydn Stephens of Slater and Gordon wrote this about his commitment to the survivors of Christian Brother cruelty: 'In the midst of their helplessness I met Bruce, a man of courage, compassion and dignity who took up the cause of these dispossessed men after reading of one man's plight. For many of these men, he and his VOICES colleagues served as a beacon of light in a world which had otherwise betrayed them.' At all times, through the long and often bitter battle to reveal the truth and gain justice, Bruce Blyth's unwavering resolve meant he never deviated from the huge responsibility he had taken on. He is to be lauded for helping to expose the cruelty and crimes inflicted on young, defenceless children by the Christian Brothers order. He is to be lauded for taking on the struggle of men who had lost all trust in all things considered just, especially when that struggle involved some of the most powerful institutions of our world: the church, the courts and the government.

Such were his achievements and my high regard for him that in 2004 I nominated him for an award within the Order of Australia. This was not successful and to this day I cannot fathom why. Of course, you do not get reasons—too many powerful enemies, perhaps. It would have been a most fitting and deserved acknowledgement of such a fine contribution by such a fine man.

I know that in the later years of Bruce Blyth's life his advocacy work on behalf of former child migrants had taken its toll. To come to learn of how innocent children suffered so terribly in care is no easy task. Nor is it any easier to learn about the often devastating long-term consequences of abused childhoods. As adults their life chances have

been marred by economic and social impoverishment. It is even harder to realise that justice has been denied to so many who deserved it so much. Knowledge of such tragedies sink deep into one's psyche. Indeed, no-one can emerge the same person as before. On behalf of all those fortunate enough to have encountered Bruce Blyth in the course of child migrant issues I extend my heartfelt sympathy to his wife and two children. Bruce Blyth's life really did make a difference. We will miss him.

#### **Pharmaceutical Benefits Scheme**

**Senator WATSON** (Tasmania) (7.30 pm)—This evening I would like to address the issue of one of Australia's most successful public policies, to congratulate the government on the healthy state of the Pharmaceutical Benefits Scheme and also to acknowledge the increased cooperation between the various health sectors that has helped to rein in a cost to taxpayers that we all thought was getting out of control. Until 18 months ago the PBS was growing faster than the economy and, in fact, was experiencing double-digit growth. At the time the fourth community pharmacy agreement was signed the PBS was only growing at two per cent. Even so, pharmacies agreed to take some of the pain in that agreement, to the tune of \$350 million, recognising that everybody in the health sector had to do their bit to keep the costs contained. Doctors too have been responsible and have taken a look at their prescribing habits. Fewer prescriptions were dispensed in the financial year ending June 2006 than in the earlier year.

The PBS has kept within the government's benchmark of not growing faster than the economy. This has happened over the last two years and will continue throughout the remainder of the five-year community pharmacy agreement. The government has achieved \$2.2 billion in savings from budget

measures since 1 January 2005. The Minister for Health and Ageing is to be congratulated for achieving this remarkable feat. Cost savings measures implemented by the government over the last 18 months are having a significant effect on PBS expenditure, and will continue to have an effect in the months to come. What are some of those initiatives? They are the increased patient co-contribution; the 12.5 per cent generics price reduction policy; the safety net 20-day rule; the raised safety net entitlement threshold; the reduced wholesaler margin; plus, of course, the \$350 million saved in the fourth community pharmacy agreement. I believe the full impact of many of these measures has not yet been fully felt.

The industry has taken its share of the pain to ensure that the health of our PBS stays strong, and the industry will ensure that those reforms do not have any lasting negative effect on our key health providers. Our drug manufacturers, our innovators, our wholesalers and our community pharmacies all have vital roles to play in keeping the nation healthy, and research and manufacturing investment will continue to thrive in this country.

The government has given a clear commitment that it will protect our valuable model of community pharmacies throughout Australia, which are so important in the provision of front-line health services from metro to rural and remote areas. Where else in the world are medicines available to all members of the public at the same price and availability regardless of where they live? The pharmacists of Australia are the custodians of the PBS, I believe.

We realise that there is little flexibility in pharmacy remuneration given that around 62 per cent of their business is price capped under the PBS. I know—my wife is a pharmacist. I declare that interest. We recognize the

valuable community services offered by pharmacies across the country: a vital network of 5,000 businesses which offer such diverse services as medicine packaging for nursing homes, which actually saves nurses valuable time, and home medicine reviews to reduce the appalling statistic of 140,000 hospitalisations every year because of medicine misadventure. Many pharmacies also run obesity and chronic disease management clinics. Congratulations, I say.

We want to ensure that, while keeping the PBS under control, we do not interfere with the valuable contributions that our professional pharmacists provide across the country. A recent article by Bruce Annabel from the leading pharmacy specialist accounting firm Johnston Rorke shows that pharmacy has had a flat or negative growth over the last 18 months as prescription volumes have fallen. We understand that by reining in the PBS we have also decreased revenues to pharmacies—and don't they know it! At the same time, wages, rents and other costs continue to rise and competition is increasing. It is actually a tough environment for pharmacy, and the government is aware that a fine balance is needed. The stability and integrity of a successful PBS relies on the network of viable, profitable community pharmacies—and that is the message I want to leave tonight.

Australia's PBS is now in its 58th year and is recognised around the world as one of the most efficient and effective schemes to provide timely, reliable and affordable access to cost-effective medicines to the entire Australian community. It has the public's overwhelming support and the support of politicians from both sides of parliament. Sustainability of the PBS has to be seen holistically. A healthier population through earlier intervention, healthy lifestyles and early access to the right medicines can improve health outcomes and reduce costs enormously in other

areas of our health system. Healthier Australians mean a more productive workforce, less sick leave, more efficiency and fewer early retirements due to ill health.

The less tangible yet equally important goal is a healthy community that equals a happy community. The introduction of new and high-cost drugs such as Celebrex and Zyban, and the surge in prescribing statins to lower cholesterol, led to accelerated growth in the PBS from 1999 to 2001. This growth has now levelled out, helped by the price volume arrangements where manufacturers take a shared risk if the PBS outgrows the budget of the product. These medicines have allowed workers to be healthier, more productive and also to contribute more in taxes, which ultimately go back into the health system through savings. It is also the case that a drug is never more expensive than when it first becomes available. After that the price falls and continues to fall once it comes off patent. This is a key element of the price referencing system which controls PBS growth.

We have to be watchful, though. Containment of the PBS costs should not come at the expense of patients or to the detriment of the health professionals who are integral to maintaining a healthy system—our doctors, pharmacists, wholesalers and manufacturers. We have to make sure that the whole complex system stays healthy and that we do not sacrifice any part of it in order to prop up other elements. It is good news, however, that the PBS growth has slowed considerably and that the government is on track to save an additional \$1.7 billion over the next four years—funds which can be put back into providing better health for all Australians—through this lower than expected growth.

From the perspective from which I come, on which my wife advises me, the reforms are working. There are real and measurable benefits, although they come at a huge cost

to individual pharmacists. We want a healthier nation and less draw on our taxes while, at the same time, maintaining the core value of the system. Drugs are to be available to all who are in need, no matter where they live, at the same low price. We all recognise the cooperation and sacrifice that the pharmacists of Australia have made to achieve this goal, and I believe it is time now to give the industry some certainty and stability and some relief from further reform.

### Immigration

**Senator FAULKNER** (New South Wales) (7.38 pm)—Yesterday we saw the government withdraw the Migration Amendment (Designated Unauthorised Arrivals) Bill 2006. The Australian statute books are better off without it. The bill was intended to be part of the ramshackle hodgepodge of migration legislation cobbled together by a government that puts its own political fortunes ahead of good law, good governance, human rights, international obligations and plain common sense. The bill would have used some of the most vulnerable people in the world as a political bargaining chip. It was procedurally flawed and ethically bankrupt. That is, of course, no surprise when it comes to the Howard government's shameful record on border protection.

Last January, a leaky boat carrying 43 asylum seekers came ashore on Cape York. DIMA assessed their cases based on their individual circumstances and found that 42 of the 43 had a legitimate claim for protection from persecution. In other words, they were refugees, and in accordance with Australian law, international law and DIMA procedures they were granted protection visas. The government of Indonesia interpreted the granting of these visas as an endorsement of the Papuan independence movement. That is their right; they can interpret Australian legal findings any way they want. They can com-

plain about them too, if they wish. So far it is all very straightforward.

But what happened next was very far from straightforward. It was certainly a long way from the kind of accountability and transparency that are the hallmarks of good governance. What happened next was that the Howard government decided that Indonesia will decide who comes to this country and the circumstances in which they come. In order to appease the Indonesian government's demands that Australia reject Papuan asylum seekers, the Howard government decided to excise the Australian coastline from the Australian migration zone. For immigration purposes, Australia's coastline would not be part of Australia. I suppose someone should tell that to the backpackers on Bondi Beach.

Under the Howard government's now withdrawn bill, any asylum seekers who arrived by boat would have been shipped off to Nauru or wherever else the Howard government could find. That would have been whether or not Australia was the first piece of land they came to and regardless of the strength of their claim for asylum. The logic behind, firstly, mandatory detention and, secondly, offshore processing was that asylum seekers, so the Howard government alleged, had bypassed safe countries in pursuit of lifestyle outcomes. That argument, ignoring as it does the realities of international people movements and population displacement, was never a particularly strong reason for locking people, including children, behind barbed wire, where, as we have recently learned, they were often subject to violence and abuse.

But, thin as it is, no-one can even pretend that that justification applies to refugees from Papua. There is no question that Australia is the country of first refuge for them. Yet it is these very asylum seekers who were the cause for the Howard government's panic-

stricken bill. Why? Because Minister Vanstone said that they might stage political protests. It seems that refugees can lose their human right to protection if they are suspected of harbouring political views that this government finds embarrassing.

This is typical of the Howard government's politicisation of immigration and border protection. The use of refugees for the basest political ends has seen DIMA develop a punitive 'detain first, ask questions later' attitude. More than 20 Australian citizens have been locked up in immigration detention. More than 200 people who were legally in this country and peacefully going about their business have found themselves behind the razor wire. The system is broken. It is secretive, flawed, dangerous and politicised. Every part of DIMA is contorted and bent to suit the Howard government's political ends.

The Senate Legal and Constitutional Legislation Committee could not get straight answers out of the department on how the bill would operate. This was particularly concerning, given how scanty a framework the legislation provided. The committee noted:

... uncertainty about how the proposed arrangements will work ... domestic policy issues such as the Bill's flagrant incompatibility with the rule of law ... the potential breach of Australia's obligations under international law in a number of key areas; and arguments that the bill is an inappropriate response to what is essentially a foreign policy issue.

That is what the committee said. The committee finished by saying:

Given the evidence received and compounded by the lack of information before it, the committee considers that it is preferable that the Bill not proceed.

That reasoned conclusion fell on deaf ears. The Howard government was not interested in the slightest in what they consider piffling obstacles—like the rule of law, like interna-

tional obligations, like determining our own immigration and foreign policy, and like basic human decency. Instead the government chose to slap one more bandaid on the shambling, decrepit mess that is its hopelessly politicised, incompetently administered and fundamentally bankrupt immigration policy. But finally Mr Howard's own backbenchers said enough is enough. Finally Mr Howard's own party turned on him. And finally I am pleased to say that Mr Howard's humiliation on this issue is complete.

### **Immigration**

#### **Weeds**

**Senator IAN MACDONALD** (Queensland) (7.47 pm)—The debate on immigration over recent years has had a number of complex sides to it, but one side is very clear and is one that the Labor Party would never understand—that is, Liberal Party members are able to disagree with others in the party and they are not expelled from the party for doing so. I challenged Senator Faulkner one day to follow his principles and vote against what the Australian Labor Party might decide is their policy. It will never happen. I think, of all of the lessons to be learnt out of the debate over migration in the last few weeks, the most important is that the Liberal Party is a party that allows dissent without automatic expulsion from the party.

While I am at it, can I say that Senator Vanstone continues to administer brilliantly a very difficult portfolio—a portfolio that, as I have mentioned before, deals with thousands of people. There are some mistakes made by her department, and that will happen because we are all human beings. But, generally speaking, Senator Vanstone does a very good job at administering that department. That is not why I have risen to speak tonight on this adjournment debate.

Weeds—would you believe—cost Australia \$4 billion annually. If there was another

single event that was costing us that amount of money, you would almost think that there would be rioting in the streets. There is not, regrettably, because it is a bit of a case of 'out of sight, out of mind'. The majority of Australians do not understand this enormous cost not just to our economy but also to our environment. It is an enormous cost to Australia's unique biodiversity.

Most Australians living in the capital cities will come across the weed problem but will not realise that they are doing it, because they will go to their local nursery and buy a lantana bush that looks brilliant as a pot plant, not knowing that lantana costs Australia a hell of a lot of money and has done for a long time. So there is a \$4 billion price tag on weeds that do, regrettably, cover many parts of our country at present.

I was delighted this afternoon to attend the launch of a report: *Economic impact assessment of Australian weed biological control*, done by the AECgroup for the CRC for Australian Weed Management. This report, commissioned by the CRC and the very enthusiastic director of that CRC, Dr Rachel McFadyen, found that, for every dollar you invest in weed control and research into weeds, you get an enormous return. Last year, Australian biocontrol science turned a \$4 million investment into a \$95 million return. I might add that that has happened every year since 1903.

This report released today shows that for an average investment of \$4.3 million a year since 1903 we have had an average economic return of something like \$95.3 million a year. For every \$1 invested, the return was some \$17.40 to agriculture, \$3.80 to society and \$1.90 to government. I cannot confess to having read all of this quite detailed report in the few hours since it was released, but those figures show that it is a good news story. I think it emphasises the fact that our govern-

ment must continue to fund research into weed management within Australia and must continue its weeds of national significance program.

I hasten to add that, while this very important environmental event was happening, I looked around at those attending and, would you believe, I did not see one of the Greens political party people there. That is the party in this parliament that is supposed to be looking after environmental interests and the so-called green vote. They only get elected to here because they masquerade to the general public that they are concerned about the environment. But when it comes to a real environment issue such as weeds, one that is not terribly sexy or front-page headline-grabbing stuff, they are nowhere to be seen. If you have a forest demonstration with all the TV cameras you can be assured they are all there. They do not have a message or care about the jobs they cost in that industry. They do not care about the science that says that forestry is actually good for the environment as well as for Australia and for jobs. But when it comes to the real environmental issues, the issues of weed management and feral animal management, they are nowhere to be seen.

It was typical in all those years I sat in estimates committees waiting for the Greens to come and raise some questions about the government's handling of conservation or the environment that they never turned up. I took up a practice of actually sending Senator Bob Brown personal notification of those estimates committees but, alas, never did he turn up. It demonstrates that the Greens political party have no interest in the real environment. They have a lot of interest in the ultra-left-wing social and political issues, but no interest in the environment. I might say, without being personal, that I exclude Senator Siewert from that because I genuinely think she has a genuine interest in the envi-

ronment—but she is on her own in that group that call themselves the Greens political party.

Unfortunately, I cannot speak on this and other issues in the environment area for half an hour, as I would like to, because I am about to go to a dinner tonight—

*Senator Robert Ray interjecting—*

**Senator IAN MACDONALD**—which is organised by a group whose name you would like, Senator Ray. You would probably like what they do, too. It is called the ‘collective’ of NRM committees in Queensland. I have always indicated to them that I thought their name was a little bit Bolshevik for me. But, leaving aside their name, this is a collection of all of the natural resource management groups in Queensland who, with local input and their own expertise, spend the federal government’s Natural Heritage Trust money in Queensland. There are similar NRM bodies right around Australia. As a Queensland senator I am, of course, particularly interested in the Queensland groups. They come together once a year in this collective to share ideas and experiences.

These groups, in Queensland at least, are community driven. Increasingly they have very professional management, which they have organised themselves. With local input so they understand local conditions, but using federal government money, they have been able to make a real difference to the natural resource management of the areas that they look after. In my area there is the Burdekin Dry Tropics NRM Board. Bob Fraser is a great CEO of that organisation. A little further north there is the Northern Gulf NRM, looking after the northern part of the Gulf of Carpentaria and right up into Cape York. There is one for the southern gulf, dealing with the area from Mount Isa up to Karumba. I am delighted to say the Torres Strait Regional Authority has recently been

appointed as an NRM body to look after the Torres Strait.

There are lots of groups all around Australia. They come together once a year, not always in Canberra, led by Mr Gordon French, the chairman of the Brisbane NRM body, who also looks after the statewide collective. They do marvellous work. They are not overly recognised—I suspect few in the avenues of power would even know of them. But they do a great job for Australia and our environment, and they continue to help the government with proper natural resource management in our country.

### **Queensland State Election**

#### **Legal Opinions**

#### **Defence Force: High Readiness Reserve**

#### **Parliamentary Superannuation**

**Senator ROBERT RAY** (Victoria) (7.57 pm)—It is good to know that Senator Macdonald is going to shout them all tonight, too, so congratulations on that. I wanted to start off tonight by talking about the Queensland state election. I am not really going to talk about it other than to note that every time a state election comes up the local senators here get stuck into the issues—I commend Senator Ian Macdonald for not doing so tonight—and we have very various slanging matches in here about the state election and the virtues and faults of the various state parties are expressed. And you know what? Not one vote is ever shifted. It is just group therapy. It is just sending a signal back home that the boys and girls down here are representing their home state.

**Senator Santoro**—It is only day one!

**Senator ROBERT RAY**—Yes. But why don’t we just desist from it? Why don’t we get on with the national issues and let them, the provincials, fight it out on their own turf? Because, really, it never shifts a vote. And if

you need that form of group therapy I feel sorry for you.

One of the issues I want to address tonight, and I have raised this at estimates on one or two occasions, is the question of the government producing legal opinions. You always hear oppositions and Democrats and Greens demanding the government produce this and that legal opinion. I rarely have sympathy for that view, but with one exception: I do believe it should be mandatory for governments to table in this place, and in the other place, legal opinions as to the constitutionality of a particular piece of legislation. I do not believe they have any right to bottle up those legal opinions. They should be put on the table so they can be debated and examined in full.

We saw it recently with the proposed sale of the Snowy Hydro. There were legal opinions around that said the government proposal was unconstitutional. What did the government say? 'We've got our own advice on that.' We could never examine that advice, and we should be able to examine legal advice on the constitutionality of legislation. This is not a partisan matter; it would help national government if they promoted those sorts of debates. Instead they say: 'It's always been done this way. You didn't produce legal opinions on constitutionality, so we won't,' ignoring such a thing as progress in politics. We do change things; we do not always do things as we have done in the past. There is always the possibility for advancement, and I believe whatever advice is sought as to the constitutionality of bills—sometimes it is from the Attorney-General's Department, the Government Solicitor, the outside—it should always be tabled in this chamber. I commend the government to at least consider that into the future.

The next issue I want to raise is that on, I think, 9 May the Minister for Defence and

his very able parliamentary secretary issued a press release about the High Readiness Reserve. I did not read it at the time but I read it today, and what a sense of *deja vu* I had. I remind everyone that when I was Minister for Defence I instituted the system of Ready Reserve. This was a very successful innovation. I thought it was working very well when I left office in 1996. The incoming Liberal government scrapped it without review. It is interesting to track back and find out why they did it, because they did not give it any real consideration. This is the sequence of events: over six years, I had five shadow ministers, only one of whom was interested in the Defence portfolio.

I started off with Senator Peter Durack, a very nice person, past his prime and not really interested in the subject but who, nevertheless, took a genteel interest. In rapid succession, I had Robert Hill, who never asked me a question on defence in the time I was defence minister, never fronted an estimates committee and only issued a statement on military bands—that is, he advocated the abolition of military bands. When we abolished three, he secretly sent messages out to those marginal seats saying they should oppose the abolition of military bands. That is the only thing I can remember him doing. Then we had Peter Reith, whose major activity was to see whether the VIPs could land in his electorate so he would not have to go all the way out to Tullamarine. Then we had Alexander Downer—I went through quite a few—who ripped up bipartisanship in a press release one day. Finally, we had someone who took an interest in defence issues, Senator Newman.

Most of these people were understaffed, so when a retired army major came forth to volunteer to assist they used him—and so they should have. But he had a passionate hatred of the Ready Reserve, so when it came to writing Liberal Party policy for the



1996 election he inserted the abolition of the Ready Reserve. This did not go through any processes or intellectual examination. It simply sat there, and when the incoming defence minister was bound by Liberal Party policy, he got rid of the Ready Reserve—just dispatched it.

The Ready Reserve were there to supplement regular Army people. They could be deployed within 30 days. Many of them would go on to careers in the Army, and there was a retention problem because they so enjoyed it. It was an excellent proposition—just dispatched. Now we have the High Readiness Reserve about to come in. I have tried to find one difference between the High Readiness Reserve and the Ready Reserve and I cannot. So I am very pleased the government has brought it in. I am not even seeking an apology for their dismissal of my idea and innovation all those years ago; I just think it is a pity we spent 10 years without it, because it could have filled many of the holes that exist in the current day in providing military personnel.

I notice that yesterday it was announced that the ideal size of the army would be 30,000. Good luck with that! I think it is a good policy but, as to being able to recruit and retain people in modern society, you have a real job ahead of you. You will find that many of those who participate in the High Readiness Reserve will go on to the regular Army because they will enjoy it so much. This will give you a retention and recruiting problem in the High Readiness Reserve, but do not worry about that. At least a lot of them are going to go on to a full military career, and it will ease the recruiting problem. I congratulate the government on bringing in the High Readiness Reserve but express some disappointment that 10 years ago the Ready Reserve was butchered without a proper discussion and a proper assessment.

The final matter I want to mention tonight I do with some trepidation. I still wonder what we are doing with superannuation as it applies to those who were elected in 2004. If you take your mind back to when the existing scheme was closed down, there were many reports in newspapers saying that MPs' superannuation was too generous, but the answer to that was: it was better to remunerate members of parliament according to community standards and reduce the superannuation. Frankly, all that has happened is that the remuneration for those elected in 2004 must by constitutional and other imperatives remain the same as the rest of us, and they are left with a second-rate superannuation scheme. I say second-rate because I have talked to academics who have far better superannuation schemes. I have talked to public servants who have far better superannuation schemes than the inductees of 2004. Now that the panic and political opportunism created by Latham and responded to by the Prime Minister are behind us, we should do something about it. We cannot restore the old scheme for those elected in 2004, but why should they have one of the worst schemes in the Public Service rather than one of the better ones?

It is never very good to raise these issues. You get pilloried by the press. They bag you because you are just a shellback looking after others. I have maximised my superannuation. There is no advantage in any of this to me. What is more, I am impervious to the blandishments and the threats of the fourth estate; I just do not care, and that makes me very dangerous politically to them. But it is time we did something about it and showed a bit of ticker and tried to improve it. I do not like sitting in this chamber on far better conditions than some other colleagues. I do not think it is fair and I do not think it is good for politics into the future.

### National Airspace System

**Senator O'BRIEN** (Tasmania) (8.07 pm)—In May this year, my colleague Mr Kelvin Thomson brought to the attention of the other place his concern about Mr John Anderson's trading in AWB shares in the period immediately before the release of the Volcker report in 2005. Mr Anderson's explanation of his behaviour, both publicly and in the parliament, has been unsatisfactory. Tonight, I bring before the Senate another serious matter—one that calls into serious question the propriety of Mr Anderson's conduct when he was the Minister for Transport and Regional Services. This matter does not concern money; it concerns safety. In March 2002, Mr Anderson announced that the government was considering changes to Australia's airspace management. He told the parliament that the National Airspace System model under consideration was closely related to the North American model. On at least six further occasions, between March 2002 and November 2003, Mr Anderson told the parliament that the reform model was the American national airspace system, or one closely related to it, and he made the same claim in at least three media statements between August and December 2003.

Senators will recall that the introduction of the National Airspace System by the Howard government has not been without controversy for good reason. The simple fact is that Mr Anderson bungled the design and implementation of the new arrangements. Rather than involve aviation professionals in the design and implementation, Mr Anderson relied on the advice of enthusiastic amateurs, including Australia's most enthusiastic amateur aviator, Mr Dick Smith. In so doing, the former minister compromised the integrity and safety of our airspace. How badly the integrity and safety of our airspace was compromised was revealed in February 2004, when Airservices Australia conceded it had

failed to discharge its statutory obligation to undertake a design safety case on the reform model.

Tonight, I will reveal some of the unsavoury details of Mr Anderson's behaviour behind the scenes—behaviour that displays an excessive regard for the former minister's ego and complete disregard for the safety of aviators and the air travelling public. On 3 April 2003, Mr Anderson communicated with the then director of aviation safety, Mr Mick Toller, on the subject of airspace reform. Mr Anderson sent Mr Toller an email, which was copied to the then secretary of his department, Mr Ken Matthews. The email began like this:

Dear Mick

Recent events reduce my comfort level with the way CASA is handling my airspace reform agenda.

It went on:

... I am getting a strong impression that some of your middle ranking people are still opposed to the changes.

And it directed Mr Toller as follows—and this is quoting the then minister, Mr Anderson:

I want you to give a blunt warning to the people concerned that I will not tolerate them playing politics or destabilising this project in any way.

Mr Anderson then delivered a blunt warning of his own, telling Mr Toller:

I want you to take direct charge of this matter and as such I will hold you personally responsible for ensuring that CASA provides the appropriate level of cooperation and completes its part of the project on time.

The email concluded with this intemperate outburst:

I am not impressed—I want action and I want it fast, Mick.

It is important to remember that Mr Anderson's direction to Mr Toller did not concern a minor administrative matter. Mr Anderson

was bullying CASA to deliver a green light for significant changes to the administration of Australia's airspace. The ministerial email was complemented by a browbeating of senior CASA officers by Mr Matthews.

It is deplorable and downright dangerous for the former Minister for Transport and Regional Services to behave in this way. Bullying of this kind would not be tolerated inside the Public Service. A private pilot that issued threats to the director of aviation safety would be dealt with quick smart. But, sadly, bullying of this kind is acceptable, apparently, when the perpetrator is a senior minister.

The bullying behaviour had two direct consequences. The first was that the safety case for the National Airspace System model was bungled, badly. When Airservices Australia's muck-up was exposed in February 2004, one of the agency's excuses was that it had relied on advice from CASA. The second consequence was Mr Toller's sacking. Mr Anderson made good his threat to Mr Toller, who found himself out on his ear just three months later. Before he was sacked, Mr Toller responded to Mr Anderson's threat with a detailed and considered rebuttal. By letter dated 22 April 2003, Mr Toller told Mr Anderson this:

I am aware of the accusations of a conspiracy within the authority to undermine the process. There is nothing new about these accusations: various officers, including myself, have suffered them repeatedly over the years. I have never been able to find any evidence to support the allegations, other than officers sticking to their beliefs of what is correct and safe regardless of the pressure put on them by others with different motives.

In other words, CASA was doing its job and was not going to be intimidated by threats of retaliation. It is no wonder that Mr Toller got the chop.

In his email to Mr Toller, Mr Anderson said:

Frankly, given that in essence we are really only aligning our air space arrangements more closely with the world's biggest aviation nation, the U.S., those responsible for making the changes are beginning to look more than a little ineffective, and are beginning to look a bit ridiculous.

In his reply, Mr Toller countered Mr Anderson's claim in this way:

I make one more comment. You stated that in essence, we are only aligning our airspace arrangements with the world's biggest aviation nation, the U.S. In reality, nothing that is currently being done aligns with the U.S. model, and this is where ... the difficulties arise.

Mr Toller's advice on this matter stands out because Mr Anderson repeatedly claimed, inside and outside the parliament, that his airspace changes would align Australia with airspace management arrangements in the United States. We now know that, as long ago as April 2003, CASA's Director of Aviation Safety advised the minister that his claim was bunkum. On at least seven occasions, Mr Anderson told the other place that his new system would implement 'the American national airspace system' or one closely related to it. The claim was made on at least five occasions after the receipt of Mr Toller's advice. It was made on 28 May 2003, 7 November 2003, 25 November 2003 and twice on 26 November 2003. Mr Anderson repeated the claim in ministerial media statements on at least three occasions—28 August 2003, 7 November 2003 and 1 December 2003.

It is clear that Mr Anderson misled the Australian people in this matter. In doing so, he breached his obligations under the ministerial code of conduct. That code is not observed much by ministers in this government, but it requires them to be honest in their public dealings. Mr Anderson should have revealed the truth about his changes. He should have acknowledged that his system did not implement the United States regime.

He should have allowed Australia's aviation safety regulators to do their job without threats of retaliation. The decisions made by Mr Anderson as Minister for Transport and Regional Services continue to impact on aviation safety in this country.

Tonight I call on Mr Anderson to explain his conduct. On what basis did Mr Anderson think it was appropriate to bully CASA into approving his airspace management changes? Did Mr Toller lose his job because he stood up to the minister? Were executives at Airservices Australia also threatened with the sack? Did those matters cause Airservices Australia to fail the travelling public by neglecting to conduct a design safety case of the full National Airspace System? Mr Anderson owes the public and this parliament answers to those questions. Mr Acting Deputy President, I seek leave to table a copy of an email from Mr Anderson to Mr Toller, copied to Mr Ken Matthews and dated 3 April 2003, and a reply by Mr Toller to Mr Anderson dated 22 April 2003, copies of which I have already shown to the acting whip in this chamber.

Leave granted.

#### **Australian Christian Heritage Forum**

**Senator BARNETT** (Tasmania) (8.18 pm)—I stand tonight to speak about the first Australian Christian Heritage Forum, held in Parliament House, Canberra on Sunday, 6 August, and Monday, 7 August, this year. Nearly 400 Christian leaders, pastors, teachers, historians and others spent the two days listening to a series of plenary sessions and seminar addresses on the Christian contribution to the development of Australia, its culture, its professions and its institutions. It was about the importance of Australia's Christian heritage to our past and its relevance to our future. I had the honour of being one of the parliamentary hosts, and I will refer to that again shortly. I was invited to

make some opening remarks and to provide the forum summary on the Monday evening. I would like to share some of those remarks and then pay tribute to the organisers of the forum—in particular, Professor Stuart Piggin and Graham McDonald and his team.

It was at an Easter Friday church service last year that I received confirmation of a vision. The vision involved the Australian Christian community being more proactive in discussing and promoting the benefits and contribution to our community of upholding the values of Jesus Christ—a vision of people boldly saying the Christian community has contributed and is contributing positively to our nation, and of me playing my part in making this happen in the federal parliamentary arena.

In my opening remarks to the forum, I also said that it was stimulated in part by the consistent attack on and denigration of Australia's Christian heritage, whether it be with regard to the institution of marriage, the push for a valueless education system or the removal of Christmas carols and the nativity scene from schools and public places. It seems that, at every juncture, the Christian community and its leaders are on the defence. Of course, the grassroots response in defence of marriage being between a man and woman received overwhelming community support and, ultimately, bipartisan parliamentary support—an excellent result.

Strategically, it is important—indeed, vital—to defend our core values and beliefs when they are threatened, but it is difficult to advance the cause and progress without a more proactive, forward-looking approach—hence the forum and the espousing of the belief that Australia's Christian heritage has helped shape the character of this nation in a most positive way. Yes, it is true that the Australian Church, the institution of the Church and the people within it, have made

mistakes, including in recent times child sex abuse matters. But these acts of indecency and other injustices should not diminish the overwhelmingly positive contributions to the lives of our fellow Australians, most notably in the areas of social welfare and community service, health and education. For example, the brilliant Australian spirit of volunteerism is underpinned by the value of caring for one another, along with compassion and giving and the biblical principle of 'do unto others as you would have them do unto you'. The Anzac spirit, I believe, espouses the values of mateship, bravery and sacrifice—all values espoused by Jesus.

Professor Stuart Piggin is an associate professor and director of the Centre for the History of Christian Thought and Experience at Macquarie University. Graham McDonald, the forum coordinator, is a team leader for Children of the World, a children's ministry of Campus Crusade for Christ. Graham has been involved in children's ministry for over 20 years here in Australia and overseas, and was very much at the forefront of getting the forum off the ground. Rod West is the forum treasurer. Rod was assistant coordinator and conference liaison for the International Christian Dance Fellowship. John Howell is the executive chairman of Transforming Leadership Inc., which is involved in renewing leaders, empowering learning and transforming people's lives in their communities. John Luttrell is a Marist brother from the Marist community in Randwick, Sydney. Sharon West has over 14 years experience as part of the Living Word Creative Ministry team travelling around Australia and internationally sharing and teaching creative programs in churches and schools. And there is Daniel Willis, who is the CEO of the Bible Society New South Wales. Daniel has worked in Bible and parish ministry for over 23 years. Each of these people, with a horde of volunteers to back them up, supported the

organisation of this forum and made it a success.

In my opening remarks, I said that I stood in solidarity with colleague parliamentary hosts, and I would like to name each of them and thank them for their support and contribution. There was Senator Helen Polley, from Tasmania; Senator Grant Chapman; Senator Steve Fielding; Senator Barnaby Joyce; the Hon. John Anderson; Mr Kevin Rudd; Mr John Murphy; the Hon. Danna Vale; the Hon. Bruce Baird; Mr Anthony Byrne; Mr Harry Quick; and the Hon. Alan Cadman. Each played their part in advance of and during the forum. I said that I stood in solidarity with them to declare that I was proud of Australia's Christian heritage; that the values and views of Jesus, his faith and belief have positively contributed to the character of our nation and offered hope to the lives of our people; and that, indeed, they remain as relevant today and to our future as they have been in the history of our great nation, Australia.

In terms of the program, we had a tremendous range and a high calibre of speakers. During the forum, we heard from our master of ceremonies, Mal Garvin; the Powerhouse Museum's Brad Baker; Professor Geoffrey Bolton; Tim Costello; Tony Byrne; James Haire; Elizabeth Ward; historian Graeme Davison; Barnaby Joyce; Anne Robinson; Stephen Judd; and Helen McCabe. We heard from Bernadette Quinn, and I must say it was a most refreshing and profound contribution from her on behalf of younger Australians. There was Marina Prior, a tremendous singer and a great Australian; Ken Duncan; Professor Robert Linder, who is a US professor and who flew from the US to be in Australia to present at our forum; Bronwyn Bishop; and Margaret Reeson, historian. Sing Australia provided music for us at our forum. Wayne Swan chaired the afternoon session with Roger Corbett of Woolworths. We had Ian

Harper, the economist. And we had Harry Quick chairing the session with Keith Mason and Kevin Rudd. Geraldine Doogue appeared towards the afternoon session with Shayne Blackman and the Hon. John Anderson, and I summed up the forum. It was a tremendous couple of days and it was very much a proud moment to have been part of such a great event.

Professor Stuart Piggin summarised some of the outcomes when he said:

Representatives of many denominations were present with none dominating. Denominationalism was not an issue. Christianity needs to say goodbye to its sectarian past if it is to maximise its contribution to any society. At the Forum, unity was more easily attained than delegates could have envisaged by the simple decision to focus on Jesus rather than the church. Jesus is the one thing all Christians have in common, and indeed, as numerous stories about the role of Jesus in Australian history reveals, Jesus is not the preserve of Christians, but has been as constantly revered by most Australians as the churches have been criticised.

Clergy were outnumbered twenty to one by the laity, and only three clergymen had any role in the program, and none of them was a minister of a congregation. This was not about Church, theology and doctrine. This was about the world of work, the marketplace of ideas, the role of the human family, and the civic responsibilities of citizens to the polis. Delegates as well as speakers were drawn from a wide range of professions: parliamentarians, academics, lawyers, teachers, social researchers, business men and women, architects, and entertainers. Among those not well represented were medical doctors, sportspeople or the young. 'Next time,' was the refrain of the organisers.

... ..

Indigenous leaders were well represented at the Forum, their stories commending interest and respect on the Forum website ...

That website is: [australianchristianheritage-forum.com.au](http://australianchristianheritage-forum.com.au).

I will conclude by saying that one of the related outcomes is the tremendous contribution in social welfare. Nearly three-quarters of the social welfare services provided in Australia are provided by Christian based and faith based organisations. That is a tremendous contribution to the Australian way of life. The success of the forum is a great tribute to the organisers, and I believe it is a wonderful foundation for the future. (*Time expired*)

### International Day of Peace

**Senator MOORE** (Queensland) (8.28 pm)—This evening I want to talk about the 25th anniversary of the UN declared International Day of Peace. By doing the maths, people will know that the first internationally declared International Day of Peace was determined by the UN General Assembly in 1981. A further resolution, in 2001, permanently set the date for our world to acknowledge the International Day of Peace as 21 September.

The purpose of an international day of peace is, the 1981 resolution says:

... to devote a specific time to concentrate the efforts of the United Nations and its Member States, as well as of the whole of mankind, to promoting the ideals of peace and to giving positive evidence of their commitment to peace in all viable ways... (The International Day of Peace) should be devoted to commemorating and strengthening the ideals of peace both within and among all nations and peoples.

That is a very strong proposition. The UN, as an international body, the resolution further states:

... will serve as a reminder to all peoples that our Organization, with all its limitations, is a living instrument in the service of peace and should serve all of us here within the Organization as a constantly pealing bell reminding us that our permanent commitment, above all interests or differences of any kind, is to peace.

When again the member states gathered together to reinforce the importance of having such a day the 2001 resolution said:

[We declare] that the International Day of Peace shall henceforth be observed as a day of global ceasefire and non-violence, an invitation to all nations and people to honour a cessation of hostilities for the duration of the Day.

I do not think that all hostility will cease on 21 September this year but the invitation is there and I think that as members of the world and as people who live in our world we must respond to the invitation. On this one day people across all nations will be able to stop and think about the strength of peace and acknowledge that there are genuine alternatives across communities to war, to hostilities, to death and to damage of people and possessions—now more than ever before, when we look across our world and see that on most continents there are conflicts. In fact where there are people there is conflict. The message for all of us should be that where there are people there can be and will be peace.

At this time across the world over a thousand organisations have signed up to be part of an alliance looking at celebrating the International Day of Peace in their countries and in their communities on 21 September. Across Australia in various places and in most capital cities there are local alliances planning sporting activities and concerts, and in public places there will be opportunities for people to stand together with the genuine strength to say that they believe in peace and that there can be an alternative. We will not reach that international idea of a ceasefire but we can work towards it.

One of the more exciting things that we will be doing in Brisbane, where I am a patron of the International Day of Peace this year, is inviting the young people across Queensland to a day in parliament to have a Youth Peace Forum in our Parliament House

focusing on securing peace in an insecure world. This is a particular joy for me because it combines two of the things that I hold most dear: a devotion to the concept of peace being a real alternative and involving our young people in the political system and seeing that they can work within that system. To the youth forum we will be inviting about 89 young people together. It will be a truly multicultural event and we will be looking at having speeches—which I suppose we all know about in this place but it is good to have other people partaking in that process as well—and attending break-out sessions within Parliament House itself. Then at the end of the day we will move towards having a peace oriented declaration, a local declaration of our young people that peace can be and is real.

Part of that acknowledgement is looking at our history. As I said, where there are people, there tends to be war. But there have been the most amazing stories also of people who have stood up and said that there can be an alternative. I hope that on that day in Brisbane one of the issues that our people will talk about when they gather is the amazing history we have locally in Brisbane. I have spoken in this place before about a woman called Emma Miller, who is a special heroine of mine, a trade unionist and a strong peace activist. She was part of an organisation in 1915 that was called the Women's Peace Army. It was deliberately formed in that way to have an army of women fighting for peace. Every person who signed up to that organisation had to sign a personal declaration which said:

I believe that the war—

and they were talking about the Great War but they could well have been talking about any war—

is a degradation of motherhood, an economic futility, and a crime against civilisation and hu-

manity. I therefore pledge myself to active service in the cause of peace by working against compulsory military training and every form of militarism. Further, I solemnly pledge myself to face unflinchingly adverse criticism, calumny, and persecution for my faith that LOVE and JUSTICE alone will bring peace to the world.

Those words are so true. They were put together in 1915. Membership was formed in Australia as part of an international movement. These women in the Women's Peace Army were also linked to the amazing group of women who gathered together and travelled across Europe during the Great War to make a stand in Brussels to say that the war, death and destruction should end and that they were going to work together to stop the war. Their pledge that they would face 'unflinchingly adverse criticism, calumny, and persecution' for their faith in the cause is so very true. It seems that standing up for peace is somehow unfashionable and unrealistic or that it is naive or unreasonable to make a statement that peace can be formed and gathered by people who are able to stand together and say that there are alternatives.

People working together can make a difference. We have seen that throughout history. I think that people who are willing to make a statement like that—and I am proud that there are women in our history who were able to make statements of this kind—can make a difference. When these young people gather together in the Queensland parliament and talk about securing peace in an insecure world they will be actually reflecting one of the strong points of the platform of the Women's Peace Army, which said that the education of children on the principles of peace and arbitration should be a core intent of the movement towards achieving peace.

There is no better way than involving young people and making sure they understand that there can be alternatives and that

we are fortunate in our community that we are a genuinely peaceful nation. But now because of the values of mass media—and sometimes, I know, we question the values of the mass media—we are able to see before our eyes the horrors of what is going on across the world. No-one can remain unmoved by the images of what is going on in Lebanon, Iraq, Bangladesh, Sri Lanka and so many other places. In fact the horrid litany of destruction, viciousness and the genuine uselessness of war and calumny in our world goes on.

So it is not actually naive or irresponsible to say that there can be alternatives. The only way that we will be able to move forward as a community, as a world, is to take the stand and say that we can stop the violence. It is not easy—we cannot control the actions of others—but that is no reason to defame the people who think that there are alternatives, because we should have no option but to say that peace is there. The only people who can make a difference are us. We know that the world will not necessarily have a genuine ceasefire on 21 September, but people in Brisbane will be saying that there is an alternative and that they will have their voices heard.

#### **Community Development Employment Program**

**Senator McLUCAS** (Queensland) (8.38 pm)—In response to a question from ABC radio in Far North Queensland last week about the collapse of the Community Development Employment Program in the region and the financial and social damage that the collapse is causing, the Howard government, through the Department of Employment and Workplace Relations, had this to say:

CDEP participants are being engaged in activities that are relevant to opportunities in the local labour market and will build on their employability skills.



One of these so-called relevant activities happened in Mapoon last Wednesday. Mapoon is an Aboriginal community on the west coast of Cape York Peninsula. I ask you, if you will, to picture the scene: a line of half-a-dozen men instructed to pick up litter along the road to the airport. It was an emu parade. What a demeaning and disgusting scene it was that was witnessed at that community last Wednesday.

We stopped emu parades in primary schools in the 1960s. I was a teacher and we did not do them when I was teaching in the seventies and eighties. The fact is that DEWR, with the fine language of ‘building employability skills’ is also talking about sit-down money—that is, money for doing nothing—which this government said it was completely opposed to. It is another practice that Aboriginal people and Torres Strait Islanders find demeaning and pointless, but it is the case that that is also what is happening in Mapoon. That is what the Howard government regards as ‘activities that are relevant to opportunities’ in Mapoon and building employability skills for its people. This is what the Howard government’s sad and warped view of the world has done to a program that Mapoon was using very successfully for community development, enterprise building and the personal advancement of particularly its young people.

The changes to CDEP were intended, according to the usual Howard government motherhood statements, to ‘build on success’, to allow Indigenous Australians ‘to have the same opportunities to get as much out of life as other Australians’, so they can ‘earn a fair wage, achieve their potential and help provide a better life for their children’. But what do we get in reality? We get emu parades and sit-down money. We get a real threat to the future of an entire community.

What does Mapoon think of this? Councillor Ailsa Ling said in a council media release last Friday that ‘in 12 years of managing CDEP we never paid sit-down money’. As for the emu parades, she said: ‘Surely this is not real work. This is just demoralising. As an elected community representative, I am embarrassed.’ Councillor Ling is too polite. The Howard government ought to be ashamed of itself, were it not for the fact that this is a government that is shameless.

Mapoon is a terrific example of a community that has used CDEP money and funds from other federal and state schemes to develop itself on its own terms. It saw a real future for itself and a real future for its young people. Mapoon had become a strong, proud and effective community. The history of this place is a story of community triumph over extreme adversity, of the power of a people’s love of their land and of place.

In the early 1960s, the people of Mapoon were forcibly removed to make way for bauxite mining. Their homes and their possessions—everything—were burnt to the ground in front of their faces. They were then scattered right across Cape York Peninsula for 30 years, but they never forgot where they came from and what they had lost. Over the years, gradually, one by one, family by family, they began to return to Old Mapoon, as they knew it. By 1993 the Marpuna Aboriginal Corporation was established and in 1999 Mapoon again gained community status. Today it is a thriving community. It is successful, cohesive and determined. Its strong community vision and the clear strategies that it has developed to achieve it have won national recognition.

The same federal government that is now doing its utmost to destroy the community announced in 2003 that Mapoon had won the only national award for excellence in local government. Mapoon was the winner out of

350 councils, mainstream and others, that had nominated for the award. The council, apart from its usual responsibilities, runs a very successful fishing and crabbing business, a farm, a home and community care service, a turtle conservation project and a retail store. Mapoon's road crew is making the transition from a CDEP funded program to a mainstream enterprise in partnership with Comalco.

Now, thanks to the free-market zealots and the other antisocial elements in the Liberal and National parties, Mapoon is reduced to an emu parade and sit-down money. This is because the new private sector CDEP contractor, Community Enterprise Australia, still does not have a permanent presence in the community—it does not have offices or other facilities—and the council fears, and this is the nub, that it does not have the requisite experience and knowledge to be successful. As of today, it appears that CEA cannot account for about 30 CDEP workers following the contract handover from Mapoon Council. I am told that it has informed council that it has 23 people on its books when the total should be more than 50.

Mapoon Aboriginal Shire is also questioning the way in which CEA is conducting itself in this small and very tight-knit community. Mayor Peter Guivarra said:

The current attitudes of CEA are unethical and are dividing the community. They are targeting individuals in the community and playing dirty community politics to try and achieve outcomes for monetary gain.

The divisiveness being engendered by the implementation of the Howard government's extreme and arrogant policies has directly resulted in police having to be called to Mapoon to ensure that the transition to the new CDEP provider is smooth. I am told that council staff have been abused by a CEA employee over the handover of a CDEP ve-

hicle. Deputy Mayor William Busch said in a media release today:

Mapoon residents should not be directly placed in the middle of CEA management issues. This type of destruction is paralysing this once peaceful community.

Threats and violence have never been the way of Mapoon, and today's news is very disturbing. It warrants an immediate and independent investigation. But what is now happening today in Mapoon sounds just like the Howard government—willing to be sneaky, dishonest and unethical and to divide a community to get its own way. It is as if these changes have been implemented so as to cause the collapse of CDEP and employment in Mapoon. At the very least they are intended to transfer as much of the cost of service delivery as possible from the Commonwealth to the states and local government.

Another part of the government's response to ABC Radio Far North was that it had put in place a system that was:

... focussed on obtaining value for money for the Commonwealth in achieving outcomes for Indigenous Australians.

In other words—without the cyclonic spin for which this government is infamous—it is about saving money. There is nothing in these changes that is even remotely likely to improve services to Indigenous communities, to provide more jobs or to make those jobs more meaningful, constructive and satisfactory. These proposals are about saving money. That is it.

There is nothing in these changes to promote self-determination—quite the reverse. They disempower communities and they strip away their pride and sap their strength. Councillor Guivarra said:

The way this mess has been dealt with has been disgusting. This is the craziest thing the Govern-

ment has ever done to us. They've got no idea what it's doing. It's just creating destruction.

Councillor Guivarra also asked a very pertinent question. He called on the government to admit to a broader agenda concerning remote Indigenous communities. He asked:

Is mainstreaming the new term for the dismantling of remote indigenous communities?

That is a very good question.

There is a very sinister aspect to all of this, and it has a context that has been enunciated by a number of Howard government ministers and members of parliament. We have had Senator Vanstone describing small Indigenous communities in North Australia as 'unviable' and 'cultural museums', and questioning whether it is worth spending money to sustain them. These are my constituents, Senator Vanstone. We have had the Member for Herbert, Mr Peter Lindsay, calling for the closure of Palm Island and a return to the days of forced relocation, saying that residents of communities such as Palm Island, Lockhart River and Aurukun should be moved into major urban centres in the name of integration.

We have had the health minister, in his usual arrogant, abrasive and ignorant manner, abusing the hospitality of the people of Torres Strait on a recent visit by hectoring them about their eating habits and their physical attributes, just to top off his extraordinary call for a return to paternalism in Indigenous affairs. The people of the Torres Strait were appalled and angered by the fact that he did not even know the difference between the cultures of the people of the Torres Strait and Aborigines.

We have had the Prime Minister, parroted by others, floating the idea of scrapping communal Indigenous ownership of land in favour of individual ownership. We have had the Minister for Families, Community Services and Indigenous Affairs orchestrating

attacks on individual Aboriginal communities by making completely deceitful comments about them and going to quite extraordinary lengths to stereotype them. This insidious practice of denigrating Indigenous people and questioning their right to live on their own land is not new to the people of Mapoon. They well remember the insulting and hurtful comments in the Queensland parliament of Mr Kevin Lingard, the National Party member for Beaudesert, on the passage of the bill which re-established this community, when he questioned the fundamental right of the people of Mapoon to return home to re-establish their community. He said:

We are going to be very, very careful when looking at Aboriginal communities in which a certain group of Aboriginal people go off and set up a settlement ... they set up a settlement of maybe 10 families and expect the Government to provide schools, shops and all sorts of infrastructure. Unfortunately, that is what happened at Mapoon.

No, Mr Lingard, the National Party member for Beaudesert, that is not what happened. These people, finally, 30 years later, were allowed to return home. Now, again, they have to defend their community, and this time it is from the Liberal Party and the Howard government.

We have had the Howard government, in another of its typically sly efforts at silencing its critics, passing electoral changes aimed at hindering the ability of people in remote Aboriginal and Torres Strait Islander communities to vote. There can be no doubt about the real intention of the changes to CDEP and the real context of those changes. If anyone has any remaining doubt, let me relate the experience of one CDEP manager who rang DEWR to ask where he was supposed to find mainstream jobs in his remote community. The response he received was this: 'If there are no jobs in the community then people who want employment will just

have to move somewhere else.' This is the depopulation of community land and communities by this government without naming it. They are just not naming it; they are just doing it. There you have it. If Indigenous people want to 'have the same opportunities to get as much out of life as other Australians, so they can earn a fair wage, can achieve their potential and help provide a better life for their children', as the Howard government puts it, they always have one of its wonderful choices: to move off their traditional lands and away from their family and friends.

Indigenous communities in North Queensland have had absolutely no say and no choice in the CDEP changes. They were presented as a *fait accompli* at the so-called consultations in Cairns in February 2005. These consultations were nothing but a sleazy fraud and a disgraceful piece of bullying by the Howard government. Community representatives who live on distant communities with limited and very expensive air transport were given four days notice of the so-called consultations; many got less than that. Many simply could not attend, either because of the timing or because of the cost. They were supposed to be given a 32-page discussion paper for the consultations. Many did not receive it. I had to provide it to many myself. Then, when those who could make it to the consultations arrived, they found that the 32-page discussion paper was in fact a hit list of items that the Howard government was going to bulldoze through, irrespective of any opposition from communities.

At the time the changes were proposed, fears were expressed about the lack of detail in the tender processes to be used. These fears have been compounded by the experience of Mapoon and other councils. Mayor Guivarra, in his statement last Friday, described the tender process as appalling and said that his council lost its contract despite

two independent reports commissioned by DEWR supporting it, as well as five consecutive unqualified audits. He is right to ask, 'What more does DEWR want?'

In my view, CDEP does need an overhaul. But it needs an overhaul that truly builds on its strengths as a provider of real employment—proper jobs—and genuine, appropriate training as a means of real enterprise building in remote communities, which can only occur when the CDEP is totally connected into the community. This is not the case in Mapoon and many of the communities in Far North Queensland. It does not need an overhaul that turns it into a money-making scheme for the private sector with no understanding of the local situation.

CDEP can, as has been demonstrated by Mapoon, be an instrument of community-wide development through self-determination if the conditions are right. These include closer links between councils and training organisations, an appropriate level of capital and administrative support for councils, and conditions that encourage the recruitment and retention of expert staff by councils. Remote communities such as those in Far North Queensland do have special circumstances that need to be recognised and considered rather than ignored or papered over. The blanket tendering-out of CDEP is poor policy which will have significant ramifications for many communities like Mapoon. I urge the government to revisit this policy and think of the people that they are hurting.

**The ACTING DEPUTY PRESIDENT (Senator Lightfoot)**—Thank you, Senator McLucas, and thank you Senators. I also thank Hansard and the chamber staff.

**Senate adjourned at 8.56 pm**

**DOCUMENTS****Tabling**

The following government document was tabled:

Department of Agriculture, Fisheries and Forestry—Innovating rural Australia: Research and development corporation outcomes—Report for 2005.

**Tabling**

The following documents were tabled by the Clerk:

*[Legislative instruments are identified by a Federal Register of Legislative Instruments (FRLI) number]*

A New Tax System (Goods and Services Tax Transition) Act, Fringe Benefits Tax Assessment Act, Fuel Sales Grants Act, *Income Tax Assessment Act 1936*, *Income Tax Assessment Act 1997*, Pay-roll Tax Assessment Act, *Sales Tax Assessment Act (No. 1) 1930*, *Sales Tax Assessment Act (No. 2) 1930*, *Sales Tax Assessment Act (No. 3) 1930*, *Sales Tax Assessment Act (No. 4) 1930*, *Sales Tax Assessment Act (No. 5) 1930*, *Sales Tax Assessment Act (No. 6) 1930*, *Sales Tax Assessment Act (No. 7) 1930*, *Sales Tax Assessment Act (No. 8) 1930*, *Sales Tax Assessment Act (No. 9) 1930*, *Sales Tax Assessment Act (No. 10) 1985*, *Sales Tax Assessment Act (No. 11) 1985*, Sales Tax Assessment Act, Sales Tax Procedure Act, *Sales Tax (Exemptions and Classifications) Act 1935*, *Sales Tax (Exemptions and Classifications) Act 1992*, Superannuation Guarantee (Administration) Act, Taxation Administration Act, Taxation (Interest on Overpayments and Early Payments) Act, Tobacco Charges Assessment Act, *Wool Tax Act (No. 1) 1964*, *Wool Tax Act (No. 2) 1964*, *Wool Tax Act (No. 3) 1964*, *Wool Tax Act (No. 4) 1964*, *Wool Tax Act (No. 5) 1964* and Wool Tax (Administration) Act—Select Legislative Instrument 2006 No. 216—Taxation Legislation Repeal and Amendment Regulations 2006 (No. 1) [F2006L02613]\*.

Currency Act—Currency (Royal Australian Mint) Determination 2006 (No. 2) Amendment Determination 2006 (No. 1) [F2006L02667]\*.

Lands Acquisition Act—Statements describing property acquired by agreement for specified public purposes under sections—

40.

125.

Motor Vehicle Standards Act—

Vehicle Standard (Australian Design Rule 14/02—Rear Vision Mirrors) 2006 [F2006L02663]\*.

Vehicle Standard (Australian Design Rule 25/02—Anti-Theft Lock) 2006 [F2006L02664]\*.

Parliamentary Entitlements Act—Select Legislative Instrument 2006 No. 211—Parliamentary Entitlements Amendment Regulations 2006 (No. 1) [F2006L02653]\*.

Primary Industries Levies and Charges Collection Act—Select Legislative Instrument 2006 No. 206—Primary Industries Levies and Charges Collection Amendment Regulations 2006 (No. 6) [F2006L02654]\*.

Superannuation Guarantee (Administration) Act—Select Legislative Instrument 2006 No. 215—Superannuation Guarantee (Administration) Amendment Regulations 2006 (No. 2) [F2006L02594]\*.

Sydney Airport Curfew Act—Dispensation Report 05/06.

Wool Services Privatisation Act—Select Legislative Instrument 2006 No. 207—Wool Services Privatisation (Wool Levy Poll) Amendment Regulations 2006 (No. 1) [F2006L02638]\*.

\* Explanatory statement tabled with legislative instrument.

### QUESTIONS ON NOTICE

The following answers to questions were circulated:

#### **Superannuation Guarantee (Question No. 1405 amended)**

**Senator Sherry** asked the Minister representing the Treasurer, upon notice, on 1 December 2005:

For the past 5 financial years: (a) what is the dollar value of uncollected Superannuation Guarantee payments that the Australian Taxation Office has 'wiped' from the debts to be collected, given that it is uncollectible from employers; and (b) how many employers and employees have been affected in each financial year.

**Senator Minchin**—The Treasurer has provided the following answer to the honourable senator's question:

As this question deals with matters of taxation administration, I asked the Commissioner of Taxation for advice:

- (a) The table below indicates the value of Superannuation Guarantee debt written off and the number of cases/employers involved for each of the past five financial years.
- (b) The debt write off process does not capture the number of employees involved when a superannuation guarantee debt is written off.

#### Superannuation Guarantee

Period	Debt Written Off \$ M value	No of Cases
July 2000 – June 2001	3.79	2,698
July 2001 – June 2002	5.35	2,639
July 2002 – June 2003	11.81	5,671
July 2003 – November 2003	19.55	1,036
December 2003 to date	0*	

\*The business system for superannuation guarantee was replaced in December 2003. The new system does not currently provide the same write-off functionality. Records of cases that have been determined as suitable for write-off are being maintained to enable write-off action to be taken when the required system functionality is provided. For the period from December 2003 to the end of the 2005 financial year, there are just over 3,500 cases with a value of approximately \$84 million that have been determined as uneconomical to pursue or irrecoverable at law.

#### **Ansett Australia: Employee Entitlements (Question No. 1480)**

**Senator O'Brien** asked the Minister representing the Minister for Employment and Workplace Relations, upon notice, on 18 January 2006:

With reference to the statement by the former Minister for Employment, Workplace Relations and Small Business on 18 September 2001, 'The Government believes that Air New Zealand, as the owner of Ansett, bears heavy moral and legal responsibilities to meet Ansett employees' entitlements. The board of Air New Zealand will be vigorously pursued': (a) Can the Minister provide details of the Government's vigorous pursuit of Air New Zealand; and (b) what outcomes can be attributed to this action.

**Senator Abetz**—The Minister for Employment and Workplace Relations has provided the following answer to the honourable senator's question:

### QUESTIONS ON NOTICE

- (a) On 14 September 2001 the Australian Securities and Investments Commission (ASIC) commenced a wide-ranging investigation into the collapse of the Ansett. During its investigation ASIC undertook extensive enquiries in Australia, New Zealand and Singapore involving a comprehensive review of company records and examinations of directors and other officers. It also interviewed more than 350 parties who said they suffered financial loss as a result of Ansett's failure, consulted with the market and other experts, and obtained legal advice from external counsel on a range of legal issues.
- (b) On the basis of the evidence available, ASIC determined that there was no realistic prospect of successfully prosecuting the former directors of Ansett for breach of their general duties under the Corporations Act 2001 or for insolvent trading. It also decided not to commence proceedings against Air New Zealand. ASIC considered that such action against Air New Zealand would not serve the public interest and, in particular, would be of no assistance to former employees of Ansett or the general body of creditors.

**Australian Defence Force**

**(Question No. 1912)**

**Senator Mark Bishop** asked the Minister for Justice and Customs, upon notice, on 7 June 2006:

- (1) In each of the past five years, how many investigations have been conducted into complaints by Australian Defence Force (ADF) members against actions of other ADF members, by location and state.
- (2) Of those investigations, how many have resulted in: (a) complaints substantiated but no decision to proceed with prosecution; and (b) prosecutions: (i) successful, and (ii) unsuccessful.
- (3) How many of those complaints were for sexual harassment or criminal assault.
- (4) What is the current state of the investigation made into the assault of Lt Commander Robyn Fahy, as referred to in Budget Estimates hearings of the Foreign Affairs, Defence and Trade Legislation Committee on 1 June 2006.
- (5) Does a file exist on this investigation; if so, what is its number and where is it located.
- (6) On how many occasions and on what dates has the Australian Federal Police (AFP) interviewed members of the ADF on this matter.
- (7) Has the AFP interviewed members of Delta Squadron and other classmates of Lt Commander Fahy at the time the assault was alleged to have occurred; if so: (a) how many; and (b) what was the outcome of each interview.
- (8) What are the current intentions for this investigation and when is it expected to be concluded.

**Senator Ellison**—The answer to the honourable senator's question is as follows:

- (1) The AFP would be required to undertake a significant manual examination of its records to provide these statistics. Such an examination has not been conducted. However, the AFP is able to provide details of those referrals from the ADF that have been accepted for investigation. These include a variety of criminal investigations predominantly concerning contraventions of Commonwealth laws. These statistics do not include requests for assistance by the ADF or referrals that were rejected by the AFP.

These statistics are as follows:

FY	Criminal Investigation
2001/2002	15
2002/2003	10
2003/2004	11

FY	Criminal Investigation
2004/2005	15
2005/2006	12

- (2) The AFP investigates allegations of Commonwealth offences where sufficient evidence to support an allegation is identified. Once an investigation is completed, the matter is referred to the Commonwealth Director of Public Prosecution (CDPP) for prosecution or other action. As such, the information required to answer the Senator's question is not retained by the AFP in a format that is easily accessible or would allow a comprehensive reply. These statistics may be more easily accessed through the CDPP.
- (3) In providing a community policing function to the ACT, the AFP may be required to investigate allegations of sexual or criminal assault. However, a preliminary search of AFP records relating to sexual or criminal assaults in the ACT is unlikely to reveal whether or not the persons involved are members of the ADF.
- AFP duties external to the ACT would not ordinarily include the investigation of these crimes. As such, the ADF would not routinely refer matters of sexual or criminal assault to the AFP if committed outside the ACT.
- (4) This matter is the subject of a current ACT Policing investigation.
- (5) Yes. ACT Policing, Territory Investigations Group, is conducting the investigation. It is not appropriate to reveal the identifying case number while this investigation is ongoing.
- (6) As this matter is the subject of an ongoing investigation, it is not appropriate to comment on, or identify, witnesses or other persons allegedly involved.
- (7) See answer to Question 6.
- (8) See answer to Question 6.

**Minister for Trade: Visit to Baghdad  
(Question Nos 1928 and 1929)**

**Senator O'Brien** asked the Minister representing the Minister for Foreign Affairs and the Minister for Trade, upon notice, on 8 June 2006:

- (1) Can details be provided of all costs associated with the Minister for Trade's visit to Baghdad in February 2006, disaggregated by category, including transport, accommodation, meals, security and other costs.
- (2) Can details also be provided of costs associated with all personal and/or departmental staff who accompanied the Minister for Trade on this visit.

**Senator Coonan**—The following answer has been provided by the Minister for Foreign Affairs and the Minister for Trade to the honourable senator's question:

- (1) DFAT – including our posts in Baghdad and Kuwait City – did not pay any costs in association with Mr Vaile's visit, apart from the cost of one DFAT official accompanying Mr Vaile as outlined in (2) below. DoFA has advised that it is preparing a response to this question on notice providing DoFA-related costs for this visit. The Department of Defence has advised that it is preparing a response on Defence-related costs of the visit.
- (2) One DFAT official accompanied Mr Vaile on his visit to Iraq (and the United Arab Emirates) from 24 to 28 February 2006. The cost to the department of this travel was \$12,196.68, including airfare costs of \$11,134.74 and accommodation, meals and incidentals costs of \$1061.94.



**Minister for Defence: Visit to Baghdad  
(Question No. 1931)**

**Senator O'Brien** asked the Minister representing the Minister for Defence, upon notice, on 8 June 2006:

- (1) Can details be provided of all costs associated with the Minister for Trade's visit to Baghdad in February 2006, disaggregated by category, including transport, accommodation, meals, security and other costs.
- (2) Can details also be provided of costs associated with all personal and/or departmental staff who accompanied the Minister for Trade on this visit.

**Senator Ian Campbell**—The Minister for Defence has provided the following answer to the honourable senator's question:

- (1) **Transport.** One dedicated C-130J flight from Dubai to Baghdad, via Kuwait, was provided at a cost of \$16,177, which included:
  - \$1,800 for landing and other fees; and
  - 5.1 flying hours at an hourly cost of \$2,819, totalling \$14,377. (Please refer to the answer to Question number 343 that outlines the net additional cost methodology – Senate Hansard, 19 August 2002).

The return flight used a scheduled mission with no additional cost.

**Accommodation.** One night's accommodation for nine personnel was provided at a cost of \$769.

**Meals.** Two meals were provided for nine personnel at a cost of \$441.

**Security.** The total cost of security for the visit was \$50,434, which included:

- airfares - \$23,440;
- airfreight - \$11,517;
- allowances and incidental costs - \$2,763; and
- meals and accommodation - \$12,714.

The total cost attributable to Defence for the visit is \$67,821.

- (2) Provision of a break-down of costs between the Minister for Trade and the individuals who accompanied him is not possible. Therefore, the costs provided are for the entire Ministerial party.

**Clairvoyants  
(Question No. 1935)**

**Senator O'Brien** asked the Minister representing the Minister for Defence, upon notice, on 8 June 2006:

- (1) Can details be provided of any occasions since October 1996 on which departments or agencies for which the Minister is responsible have engaged or otherwise sought to rely on the opinions or advice of clairvoyants.
- (2) For each occasion, can details be provided of the circumstances and any associated payments.

**Senator Ian Campbell**—The Minister for Defence has provided the following answer to the honourable member's question:

- (1) and (2) No clairvoyants have been engaged, or opinions or advice sought.

**Australian Taxation Office: Shopfronts  
(Question No. 1943)**

**Senator O'Brien** asked the Minister representing the Minister for Revenue and Assistant Treasurer, upon notice, on 8 June 2006:

- (1) Can details be provided of all Australian Taxation Offices (ATO) shopfronts closed since October 1996, including the date of closure, street address, post code and electorate.
- (2) Can details be provided of all ATO shopfronts downgraded since October 1996, including the date of downgrading, street address, post code and electorate.

**Senator Coonan**—The Minister for Revenue and Assistant Treasurer has provided the following answer to the honourable senator's question:

- (1) The following regional tax offices were closed during the 1996-97 tax [financial] year; more specific dates are unavailable.

**New South Wales**

Region	Street Address	Electorate
Lismore	36-38 Conway St Lismore 2480	Page
Orange	122 Kite St Orange 2800	Calare
Tamworth	13 White St Tamworth 2340	New England
Wagga Wagga	Cnr Baylis & Morrow Sts Wagga Wagga 2650	Riverina

**South Australia**

Region	Street Address	Electorate
Elizabeth	Oxenham Dr Elizabeth 5112	Wakefield
Mt Gambier	5 Percy St Mt Gambier 5290	Barker

**Tasmania**

Region	Street Address	Electorate
Launceston	54 Cameron St Launceston 7250	Bass

**Queensland**

Region	Street Address	Electorate
Cairns	15 Lake St Cairns 4870	Leichhardt
Mackay	55-59 Gordon St Mackay 4740	Dawson
Rockhampton	130 Victoria Pde Rockhampton 4700	Capricornia
Toowoomba	Bell St Mall Toowoomba 4350	Groom

**Victoria**

Region	Street Address	Electorate
Ballarat	24 Doveton St North Ballarat 3350	Ballarat
Bendigo	35 Mundy St Bendigo 3350	Bendigo
Horsham	24 Darlot St Horsham 3400	Mallee
Warrnambool	143 Timor St Warrnambool 3280	Wannon

**The following six shopfront sites were closed from 17 December 2001.**

Region	Street Address	Electorate
Penrith	121-125 Henry St Penrith 2750	Lindsay
Chermside	766 Gympie Rd Chermside 4032	Lilley
Box Hill	990 Whitehorse Rd Box Hill 3128	Chisholm

Region	Street Address	Electorate
Moonee Ponds	6 Gladstone St Moonee Ponds 3039	Maribyrnong
Cannington	458-54 Grose Ave Cannington 6107	Swan
Bankstown	2 Meredith St Bankstown 2200	Blaxland

- (2) The ATO has not downgraded any shopfronts in terms of the service provided in comparison to that provided in other locations.

The level of service offered from shopfronts is consistent across the country, both in regional/remote and metropolitan areas. All shopfronts provide access to self help services, such as publications, access to the ATO website, the ATO call centres through phones, and e-tax (the online lodgment facility). The ATO provides an appointment preferred interview service for taxpayers with enquiries relating to personal tax matters (as opposed to business matters) in all shopfronts.

#### **Conclusive Certificates**

##### **(Question Nos 1945 and 1947)**

**Senator O'Brien** asked the Minister representing the Minister for Foreign Affairs and the Minister for Trade, upon notice, on 8 June 2006:

- (1) Since October 1996, on how many occasions has a conclusive certificate been issued in relation to departments or agencies within the Minister's portfolio exempting a document or documents from disclosure under the Freedom of Information Act 1982 (FOI).
- (2) For each occasion: (a) what was the date; (b) what was the department or agency of which the FOI request was made; (c) what officer made the decision; (d) what was the document or documents excluded from disclosure pursuant to the certificate; and (e) was an appeal made against the decision in the Administrative Appeals Tribunal; if so, what was the case name and its outcome.

**Senator Coonan**—The following answer has been provided by the Minister for Foreign Affairs and the Minister for Trade to the honourable senator's question:

- (1) 1
- (2) (a) 12 July 2004
  - (b) Department of Foreign Affairs and Trade
  - (c) Minister for Foreign Affairs
  - (d) 77 documents relating to Mr David Hicks
  - (e) Yes. McKinnon and Secretary, Department of Foreign Affairs and Trade. Decision was upheld.

#### **Compensation for Detriment Caused by Defective Administration Scheme**

##### **(Question Nos 1965 and 1967)**

**Senator O'Brien** asked the Minister representing the Minister for Foreign Affairs and the Minister for Trade, upon notice, on 8 June 2006:

With reference to the Compensation for Detriment Caused by Defective Administration Scheme: for each department and agency for which the Minister is responsible, what is the total payment made under this scheme for each financial year since October 1996, by department and agency.

**Senator Coonan**—The following answer has been provided by the Minister for Foreign Affairs and the Minister for Trade to the honourable senator's question:

Department of Foreign Affairs and Trade (DFAT):

Payment totals regarding the Compensation for Detriment Caused by Defective Administration Scheme from October 1996 to 2005 are available in the Department's Annual Reports.

For the financial year 2005-2006, the total payment was \$13,496.37.

Export Finance and Insurance Corporation (EFIC):

Nil return.

Australian Centre for International Agricultural Research (ACIAR):

Nil return.

Australia-Japan Foundation:

Nil return.

AusAid:

Nil return.

Austrade:

Nil return.

### **Compensation for Detriment Caused by Defective Administration Scheme**

#### **(Question No. 1976)**

**Senator O'Brien** asked the Minister representing the Minister for Employment and Workplace Relations, upon notice, on 8 June 2006:

With reference to the Compensation for Detriment Caused by Defective Administration Scheme: for each department and agency for which the Minister is responsible, what is the total payment made under this scheme for each financial year since October 1996, by department and agency.

**Senator Abetz**—The Minister for Employment and Workplace Relations has provided the following answer to the honourable senator's question:

Payments under the Compensation for Detriment Caused by Defective Administration Scheme are reported in department and agency Annual Reports.

### **Employment and Workplace Relations: Monetary Compensation**

#### **(Question No. 1997)**

**Senator O'Brien** asked the Minister representing the Minister for Employment and Workplace Relations, upon notice, on 8 June 2006:

What is the quantum of payments made as settlements to claims for monetary compensation by the departments and agencies for which the Minister is responsible that are consistent with Legal Services Directions issued under section 55ZF of the Judiciary Act 1903, by financial year, since the first Legal Services Directions were issued.

**Senator Abetz**—The Minister for Employment and Workplace Relations has provided the following answer to the honourable senator's question:

The requested information is not readily available and it would involve an unreasonable diversion of the Department's resources to ascertain such information.

### **Prime Minister: Visit to United States of America, Canada and Ireland**

#### **(Question No. 2070)**

**Senator O'Brien** asked the Minister representing the Special Minister of State, upon notice, on 16 June 2006:

- (1) Can details be provided of all costs associated with the Prime Minister's visit to the United States of America, Canada and Ireland in May 2006, disaggregated to show costs including: (a) transport; (b) accommodation; (c) food (d) beverages; (e) security; and (f) other specified costs.

- (2) Can details be provided of costs associated with all: (a) personal staff; (b) departmental staff; (c) family members; and (d) other persons who accompanied the Prime Minister on this visit.

**Senator Abetz**—The Special Minister of State has supplied the following answer to the honourable senator's question.

- (1) As at 7 July 2006, the Department of Finance and Administration (Finance) had paid costs, for the Prime Minister's party as a whole, of (a) \$147,495.30 for transport, (b), (c) and (d) \$74,517.62 for accommodation, meals and beverages and (f) \$130,067.67 for other specified costs. (e) Security costs are met by the Attorney-General's Department.
- (2) As at 7 July 2006, Finance had met costs of \$60,628.78 for ten (10) personal staff members that accompanied the Prime Minister on this official visit. This amount is included in the total costs reported in part (1). When the Prime Minister's party stays at hotels, the travelling party's costs are paid against a combined account. As at 7 July 2006, not all accounts have been received for this visit and costs for individual members of the party have not been separated out from the main accounts. When all accounts are received and reconciliation of the visit is undertaken, costs will be separately identified and acquitted for each individual traveller. The Prime Minister was accompanied by his spouse on this journey but Mrs Howard's costs are not identified separately from those of the Prime Minister. Finance also paid costs, as at 7 July 2006, of \$519.47 for the Prime Minister's accompanying physician. This amount is also included in the above answer to part (1). Finance does not meet the costs of any departmental staff who accompanied the Prime Minister.

### **Community Development Employment Projects**

#### **(Question No. 2106)**

**Senator Chris Evans** asked the Minister representing the Minister for Employment and Workplace Relations, upon notice, on 22 June 2006:

- (1) (a) Are the tender processes for Community Development Employment Projects (CDEP) contracts competitive-based; (b) on what criteria are the tenders assessed; and (c) is price a key factor in awarding a contract.
- (2) Are organisations seeking CDEP contracts given preference over other applicants if they: (a) are Indigenous community-run; (b) provide culturally-appropriate service; (c) have a sound governance structure and management; (d) already run CDEP; and (e) currently support incubating businesses using CDEP participants.
- (3) Please list CDEP providers who have been advised that they will no longer administer CDEP from 1 July 2006.
- (4) For each of the above CDEP providers: (a) what is the name of the organisation which has picked up that contract; and (b) on what basis was the change made.
- (5) How many Job Network Agencies serviced Indigenous communities in the financial years: (a) 2004-05; and (b) 2005-06, please indicate the number of physical sites.

**Senator Abetz**—The Minister for Employment and Workplace Relations has provided the following answer to the honourable senator's question:

- (1) Allocation of contracts for the CDEP programme was through a competitive funding process. For 2006-07 the Department assessed all applications for CDEP funding against published evaluation criteria.

The evaluation criteria used were:

- Demonstrated need for CDEP activities and the benefits to the participants and the community.
- Demonstrated capacity of the organisation to effectively deliver a funding programme.

- Demonstrated organisational standards of governance and conduct to effectively deliver the CDEP programme.
- Demonstrated financial viability and acceptable risk assessment.

Price is not a key factor in awarding a contract.

- (2) All organisations were assessed against the evaluation criteria.
- (3) See Attachment A.
- (4) See Attachment A. All organisations were assessed against the evaluation criteria.
- (5) Indigenous Australians are assisted by all 1065 Job Network sites across the country as part of their general employment services.

#### Attachment A

Current CDEP organisations that will not be funded in 2006-07.

Organisation	Comment
Armidale Employment Aboriginal Corporation	Services will be delivered by Tablelands Community Employment and Training Incorporated.
Cape York Corporation Pty Ltd	Services will be delivered by Ambilmungu-Ngarra Aboriginal Corporation.
CCIT Aboriginal Services Pty Limited	Services will be delivered by its two constituent parts Paupiyala Tjaruta Aboriginal Corporation and Upurl Upurlila Ngurratja Incorporated.
Dubbo Googars Aboriginal Corporation	Services will be delivered by Joblink Plus Limited, Birrang Enterprise Development Company Limited and Uambi CDEP Aboriginal Corporation.
East Gippsland A.C.D.E.P. Co-operative Limited	Services will be delivered by Mission Australia, Workways Association and Ramahyuck District Aboriginal Corporation.
Ellimatta Housing Aboriginal Corporation	Services will be delivered by Murdi Paaki Regional CDEP.
Engawala Community Inc	Services will be delivered by the Anmtjere Community Government Council
Gumatj Association Incorporated	Services will be delivered by the Marngarr Community Government Council.
Gungarde Community Centre Aboriginal Corporation	Remote services will be delivered by Cairns Regional CDEP and participants in Cooktown will access mainstream employment services.
Gurungu Council Aboriginal Corporation	Services will be delivered by Elliot District Community Government Council.
Injinoo Aboriginal Shire Council	Services will be delivered by Community Enterprise Australia.
Kuku Djungan Aboriginal Corporation	Services will be delivered by Mareeba Shire Job Training Association Incorporated and Cairns Regional CDEP.
Laramba Community Incorporated	Services will be delivered by the Anmtjere Community Government Council.
Lockhart River Aboriginal Shire Council	Services will be delivered by Jobfind Centres Australia Pty Limited.
Many Rivers Administrative and Legal Services Ltd	Services will be delivered by Yarrawarra CDEP.
Mapoon Aboriginal Council	Services will be delivered by Community Enterprise Australia.

Organisation	Comment
Mutitjulu Community Aboriginal Corporation	Docker River participants will be serviced by Ntaria Council Inc. Alternative arrangements being negotiated for Mutitjulu and Imanpa communities.
Nalta Ruwe Aboriginal Corporation	Services will be delivered by the Aboriginal Corporation of Employment and Training Development.
Napranum Aboriginal Shire Council	Services will be delivered by Community Enterprise Australia.
Ninti Corporate Services Pty Ltd	Services will be delivered by Anilalya Homelands Council Aboriginal Corporation.
Northern United Aboriginal CDEP Co-operative Association	Services will be delivered by Budja Budja Aboriginal Co-operative Ltd. for most participants. Mildura participants will have services delivered by Active Employment Specialists and MADEC. Bendigo, Swan Hill and Kerang based participants will access mainstream employment services.
Nyampa Aboriginal Corporation	Services will be delivered by Murdi Paaki Regional CDEP.
Nyapari Community Incorporated	Services will be delivered by Murputja Homelands Council.
Oombulgurri Association Inc	Services will be delivered by Joorook Ngarni Aboriginal Corporation.
Pilbara Meta Maya Regional Aboriginal Corporation	Services will be delivered by Hedland Regional CDEP and Western Desert Puntukurnuparna Aboriginal Corporation.
RIO CDEP Aboriginal Corporation	Services will be delivered by Buyinbin Aboriginal Corporation.
Southern Barkly Aboriginal Corporation	Services will be delivered by Alpururulam Community Government Council.
Wallaga Lake CDEP Aboriginal Corporation.	Services will be delivered by Oasis Pre-Employment Network Inc.
Warrana Aboriginal Corporation Employment and Training Development	Services will be delivered by Birrang Enterprise Development Company Ltd.
Western Queensland Regional CDEP	Services will be delivered by Mount Isa Skills.
Wheatbelt Aboriginal Corporation	Services will be delivered by Kaata-Koorliny Employment and Enterprise Development Aboriginal Corporation (KEEDAC).
Yunyarinyi Community Inc.	Services will be delivered by Mimili Community Inc.

### Tasmania: Proposed Pulp Mill

#### (Question No. 2145)

**Senator Bob Brown** asked the Minister representing the Minister for Industry, Tourism and Resources, upon notice, on 12 July 2006:

With reference to the answer to question on notice no. 471:

- (1) What are the reasons for claiming that: (a) the date; and (b) the subject of the meetings with Gunns are confidential.
- (2) Were financial considerations discussed at these meetings; if so, who suggested such considerations, the Minister, the department or Gunns.

**Senator Minchin**—The senator representing the Minister for Industry, Tourism and Resources in the Senate provides the following answer to the honourable senator's question:

- (1) Revealing (a) the date and (b) the subject matter of individual company dealings with government would compromise the ability of governments to deal in good faith with any company and could confer a potential advantage on competitors.
- (2) The subject of these meetings is confidential.

### **China**

#### **(Question No. 2147)**

**Senator Bob Brown** asked the Minister representing the Minister for Foreign Affairs, upon notice, on 13 July 2006:

- (1) What is the Government's response to compelling reports that prisoners in China are having their organs removed for commercial transplant purposes.
- (2) (a) How many Australians have travelled to China to receive transplants in the past 10 years; and (b) in each case, what government checks were made to ensure that the organs used were not from prisoners.
- (3) Is any human tissue, -cells or -liquid imported to Australia, either directly or indirectly, from China; if so, can details be provided.

**Senator Coonan**—The following answer has been provided by the Minister for Foreign Affairs to the honourable senator's question:

- (1) The Government strongly opposes the commercial use of prisoners' organs. We note that a Chinese Vice-Minister of Health, Huang Jiefu, acknowledged in December 2005 that the sale of executed prisoners' organs was widespread and promised to tighten the rules associated with organ transplants. We understand the new rules regulating organ donation and the conduct of transplant operations came into effect from 1 July 2006, and that the sale of organs and other body parts will be banned from 1 August. While the regulations lack the effect of a full law, the World Health Organisation has called them a positive step.

Separately, we are also aware of reports of Falun Gong practitioners being held in "concentration camps" and their organs "harvested". If true, these reports would be of grave concern. But we note that there are differing assessments on the credibility of these reports, and that reputable human rights organisations, such as Amnesty International and Human Rights Watch, appear to be reserving their judgement.

- (2) (a) We are aware of media reports from December 2005 that claimed that up to seven Australians had travelled to China in recent years for the purpose of receiving an organ transplant. The Government is not able to confirm these figures, as it does not monitor the private overseas travel of Australian citizens.  
(b) As Australian individuals do not advise the Government of their intentions to receive organ transplants overseas, the Government is not in a position to undertake such checks.
- (3) To our knowledge, no "viable" (ie, live) human tissue has been imported into Australia from China in the last 18 months.

### **Ballistic Missile**

#### **(Question No. 2148)**

**Senator Allison** asked the Minister representing the Minister for Foreign Affairs, upon notice, on 13 July 2006:

- (1) Can the Minister confirm that on 14 June 2006 the United States (US) test-launched an intercontinental ballistic missile from Vandenberg Air Force Base to the missile test range in the Pacific at Kwajalein.



- (2) Can the Minister confirm that on 30 June 2006, Russia launched a ballistic missile from a submarine.
- (3) Can the Minister confirm that North Korea this week also test-fired missiles that are comparatively less sophisticated in terms of reliability and range.
- (4) Will Australia initiate or support calls for the US and/or North Korea to be taken to the United Nations Security Council for their actions; if not, why not.
- (5) Is it the view of the Minister that US test-launches contribute to the prevention of proliferation of missile and nuclear weapons technology, as claimed by the US, but that North Korean missile tests do not; if so, why.
- (6) Does the Government consider it desirable and possible to achieve progress on non-proliferation of ballistic missiles for nations such as North Korea and Iran without also upholding Article VI obligations for nations such as the US and Russia; if so, what efforts has the Australian Government made to this end.

**Senator Coonan**—The following answer has been provided by the Minister for Foreign Affairs to the honourable senator's question:

- (1) Yes.
- (2) Yes.
- (3) The DPRK conducted test launches of a Taepodong-2 Inter-Continental Ballistic Missile (ICBM) and six shorter-range missiles on 5 July 2006.
- (4) On 15 July the UN Security Council adopted by unanimous vote Resolution 1695 condemning the DPRK missile launches and imposing legally-binding measures on the DPRK's missile and WMD programs. Australia made representations to some Council members in support of firm action by the Council concerning the DPRK missile launches.
- (5) The Government believes there is a very clear distinction between US and DPRK test launches. This view is shared by the great majority of Governments. International concerns about the DPRK's behaviour have been conveyed by the UN Security Council (see answer to Q4 above), and in other international bodies such as the Ministerial meeting of the ASEAN Regional Forum in Kuala Lumpur on 28 July 2006.
- (6) The Government set out its views on these and related arms control and proliferation issues in "Weapons of Mass Destruction: Australia's Role in Fighting Proliferation" at [www.dfat.gov.au/publications/wmd/](http://www.dfat.gov.au/publications/wmd/)

#### **Estimates Training Sessions**

#### **(Question No. 2168)**

**Senator O'Brien** asked the Minister representing the Minister for Industry, Tourism and Resources, upon notice, on 14 July 2006:

- (1) What Senate estimates training sessions have officers of the Minister's departments and agencies attended in the past 3 financial years, by year.
- (2) For each of the past financial years, (a) how many officers participated in, and (b) what was the total cost of, training for Senate estimates, by department and agency and by financial year.
- (3) Where training has been provided by a private provider, what was the name of the provider and the associated cost.

**Senator Minchin**—The Minister for Industry, Tourism and Resources has provided the following answer to the honourable senator's question:

- (1) The Department of Industry, Tourism and Resources has held three Senate Estimates Training Workshops in the last three financial years.
- (2) Details on the number of attendees and the cost of the workshops are as follows:
  - 24 May 2004 (2004-2005)**
    - (a) 22 officers of the Department of Industry, Tourism and Resources attended this workshop.
    - (b) The cost of the workshop held on 24 May 2004 was \$5 500.
  - 10 February 2006 (2005-2006)**
    - (a) 16 officers of the Department of Industry, Tourism and Resources, 1 officer of IP Australia and 1 officer of Geoscience Australia attended this workshop.
    - (b) The cost of the workshop held on 10 February 2006 was \$5 500.
  - 1 August 2006 (2006-2007)**
    - (a) 20 officers of the Department of Industry, Tourism and Resources attended this workshop.
    - (b) The cost of the workshop held on 1 August 2006 was \$5 500.
- (3) Media Gurus were engaged to conduct all three Senate Estimates Training Workshops. As mentioned above, each Workshop cost \$5 500.

**Mr Jerry Hagstrom**

**(Question No. 2187)**

**Senator O'Brien** asked the Minister representing the Minister for Foreign Affairs, upon notice, on 14 July 2006:

- (1) Was *Congress Daily* journalist Mr Jerry Hagstrom prevented from attending a press conference by the Minister for Agriculture, Fisheries and Forestry at the Australian Embassy in Washington in April 2006; if so: why was Mr Hagstrom prevented from attending the press conference.
- (2) Did the Minister authorise Mr Hagstrom's exclusion from the press conference; if not, who authorised Mr Hagstrom's exclusion.
- (3) Was Mr Hagstrom directed to leave the embassy forecourt by security staff.
- (4) Did the Minister authorise the direction to Mr Hagstrom to leave the embassy forecourt; if not, who authorised this direction.

**Senator Coonan**—The following answer has been provided by the Minister for Foreign Affairs to the honourable senator's question:

- (1) Yes. Only journalists representing Australian publications were invited to a press conference scheduled for 7 April 2006. In the event, given the small number of such journalists available (three) the press conference was replaced by two separate interviews by the Minister, the first with one of the journalists, and the second a joint interview with the other two.
- (2) No. Non-Australian journalists were not invited and the press conference was replaced by separate interviews with Australian journalists.
- (3) Yes.
- (4) No. The direction was authorized by the Embassy's Security Services Manager.

**Employment and Workplace Relations: Travel Entitlements**

**(Question No. 2219)**

**Senator O'Brien** asked the Minister representing the Minister for Employment and Workplace Relations, upon notice, on 14 July 2006:

- (1) What entitlement do partners or family members of senior officers of the department, or agencies for which the Minister is responsible, have to travel at government expense.
- (2) If an entitlement exists, by department and/or agency: (a) what process is used to assess whether the travel costs of partners or family members are met by the Government; (b) who undertakes such an assessment; and (c) who approves funding for partner or family travel.

**Senator Abetz**—The Minister for Employment and Workplace Relations has provided the following answer to the honourable senator's question:

Partners or family members of senior officers of the Department of Employment and Workplace Relations and its agencies have no entitlement to travel at government expense.