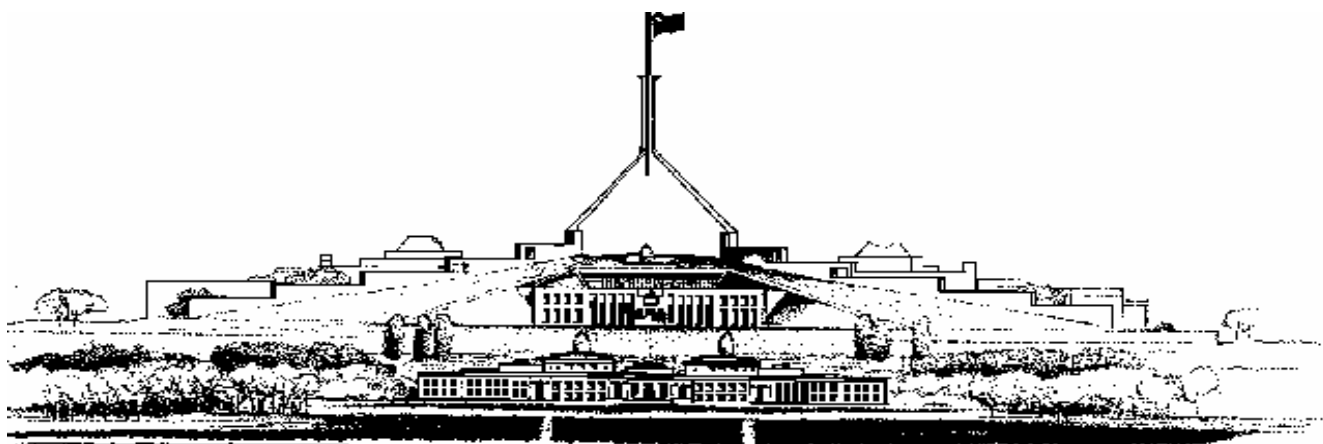




COMMONWEALTH OF AUSTRALIA

PARLIAMENTARY DEBATES



Senate

Official Hansard

No. 9, 2007

Monday, 13 August 2007

FORTY-FIRST PARLIAMENT
FIRST SESSION—TENTH PERIOD

BY AUTHORITY OF THE SENATE

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SITTING DAYS—2007

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

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

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

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

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

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

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

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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. Nigel Gregory Scullion

Leader of the Australian Labor Party—Senator Christopher Vaughan Evans

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Leader of the Australian Democrats—Senator Lynette Fay Allison

Leader of the Australian Greens—Senator Robert James Brown

Leader of the Family First Party—Senator Steve Fielding

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

Nationals Whip—Senator Fiona Joy Nash

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

Australian Democrats Whip—Senator Andrew John Julian Bartlett

Australian Greens Whip—Senator Rachel Siewert

Family First Party Whip—Senator Steve Fielding

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Members of the Senate

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

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

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

PARTY ABBREVIATIONS

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

Heads of Parliamentary Departments

Clerk of the Senate—H Evans

Clerk of the House of Representatives—I C Harris

Secretary, Department of Parliamentary Services—H R Penfold QC

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Treasurer	The Hon. Peter Howard Costello MP
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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
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Minister for Agriculture, Fisheries and Forestry and Deputy Leader of the House	The Hon. Peter John McGauran MP
Minister for Immigration and Citizenship	The Hon. Kevin James Andrews MP
Minister for Education, Science and Training and Minister Assisting the Prime Minister for Women's Issues	The Hon. Julie Isabel Bishop MP
Minister for Families, Community Services and Indigenous Affairs and Minister Assisting the Prime Minister for Indigenous Affairs	The Hon. Malcolm Thomas Brough MP
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Minister for the Environment and Water Resources	The Hon. Malcolm Bligh Turnbull MP
Minister for Human Services	Senator the Hon. Christopher Martin Ellison

(The above ministers constitute the cabinet)

HOWARD MINISTRY—*continued*

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

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

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Shadow Minister for Human Services, Shadow Minister for Housing, Shadow Minister for Youth and Shadow Minister for Women	Tanya Joan Plibersek MP
Shadow Minister for Health	Nicola Louise Roxon MP
Shadow Minister for Superannuation and Inter- generational Finance and Shadow Minister for Banking and Financial Services	Senator the Hon. Nicholas John Sherry
Shadow Minister for Education and Training	Stephen Francis Smith MP
Shadow Treasurer	Wayne Maxwell Swan MP
Shadow Minister for Finance	Lindsay James Tanner MP
Shadow Minister for Public Administration and Accountability, Shadow Minister for Corporate Governance and Responsibility and Shadow Minister for Workforce Participation	Senator Penelope Ying Yen Wong
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Shadow Parliamentary Secretary for Defence and Veterans' Affairs	The Hon. Graham John Edwards MP
Shadow Parliamentary Secretary for Environment and Heritage	Jennie George MP
Shadow Parliamentary Secretary for Treasury	Catherine Fiona King MP
Shadow Parliamentary Secretary for Education	Kirsten Fiona Livermore MP
Shadow Parliamentary Secretary to the Leader of the Opposition	John Paul Murphy MP
Shadow Parliamentary Secretary for Industrial Relations	Brendan Patrick John O'Connor MP
Shadow Parliamentary Secretary for Industry and Innovation	Bernard Fernando Ripoll MP
Shadow Parliamentary Secretary for Northern Australia and Indigenous Affairs	The Hon. Warren Edward Snowdon MP
Shadow Parliamentary Secretary to the Leader of the Opposition (Social and Community Affairs)	Senator Ursula Mary Stephens

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- communities who work in proximity to children,
- (vi) comprehensive coverage of child and maternal health services, essential to give children the best start,
 - (vii) comprehensive coverage of parenting and early development services for Indigenous parents and their babies,
 - (viii) an effective child protection system in the Northern Territory,
 - (ix) all children being enrolled and attending school and governments delivering teachers, classrooms, teacher housing and support services, such as Indigenous teacher assistants,
 - (x) investment in housing construction and maintenance to reduce the shortfall in Indigenous homes and infrastructure, and
 - (xi) reform of the Community Development and Employment Program, including transitioning participants who are employed in public sector work into proper public sector jobs and ensuring participants are not left without sufficient income or participation opportunities”.

Senator BOB BROWN (Tasmania—Leader of the Australian Greens) (6.22 pm)—The Australian Greens oppose the Social Security and Other Legislation Amendment (Welfare Payment Reform) Bill 2007 and related bills. They are an unprecedented and obnoxious assault on the rights of Indigenous Australians, in the run-up to this election, to advantage the Howard government and to further disadvantage the first Australians. I begin by recognising that this parliament, like everything that we enjoy in this country, is on Aboriginal land. I bring to this Senate a message stick from the Gulkula meeting at Garma in the Northern Territory on 3 and 4 August this year. It is to the Australian parliament. It says:

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

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

Leave granted.

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

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

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

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

We are at a loss to understand how the removal of the permit system and the introduction of compulsory acquisition of our lands have anything to do with redressing the many complex social issues afflicting our communities. It is more likely that the Governments proposals will open the floodgates to illegal alcohol, drug and pornography dealers and to those who intend to prey on Aboriginal women and children.

We are deeply concerned at the severity and widespread nature of the problems of child sexual abuse and breakdown in our communities. But these are complex matters that occurred due to the neglect of successive governments in Australia that require a long term commitment of resources and political resolve on all our parts if we are to achieve the sustainable, positive changes that are so long over due.

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

Senator Scullion—Like bus drivers.

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

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

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

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

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

Senator BOB BROWN—Thank you, Mr Acting Deputy President. For the information of Senator Joyce, there is an English transcription of the message stick with the message stick which has been tabled. I am

now reading from the message to this parliament from the people who provided that message stick at Garma. It continues:

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

The Governments present intervention is not sustainable and the personnel presently working in our communities will inevitably leave. The impact of this intervention will have serious negative consequences, and one which concerns us most, because of the widespread defamation of all Aboriginal people that has resulted, is that Aboriginal people will lose confidence in any intervention, such as regular visits to medical services.

The Government's decision to terminate the CDEP and replace it with social security arrangements will affect a majority of those people living on Aboriginal land. The detrimental impact of this new policy will be to force people into townships and communities where Aboriginal housing and services are drastically inadequate and create further dysfunction in those populations. Their policy of making social security entitlements conditional on school attendance and other factors will also contribute to a large transmigration with disastrous potential.

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

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

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

Sitting suspended from 6.30 pm to 7.30 pm

Senator BOB BROWN—Before dinner I had—

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

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

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

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

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

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

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

Jim Doherty is almost coal black. Self-educated and self-assured. He has worked at a variety of jobs from shearing sheep and fencing station

property to driving heavy transports. He is about thirty-three years of age, and says he was born under a mulga bush somewhere near the edge of Tennant Creek.

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

Jim Doherty went on:

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

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

If we then look at the figures of child abuse we find that, for the most recent year of statistics, there were some 34,000 substantiated cases of child harm reported in Australia and that 6,000 of those were in the In-

Indigenous community. So 80 per cent were in the rest of the community. But when I look at this legislation I find that, time and again, a racist approach is taken by the Howard government which focuses right in on the travail of the Indigenous people in the Northern Territory and excludes any focus on similar harm in the rest of the community.

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

I have never seen such racist legislation. I would never have expected that one would see such racist legislation and never could have believed one would see such racist legislation before a parliament this far down from the White Australia policy. It is deplorable. It is disgusting, and it is very political. This is a government which turned its back on the Indigenous people of this country

more than a decade ago, but in the run-up to this election—in trouble itself—it has gone for law and order and is compelled by other arguments which the guillotine will fall on before we can put them properly in this chamber.

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

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

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

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

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

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

Leave granted.

The document read as follows:

"When the government didn't control the Senate in 1997-98 the Native Title legislation was de-

bated over 10 months with several inquiries, 600 amendments moved and 200 accepted, including the government being forced to allow the Racial Discrimination Act to apply. Where is the debate and Racial Discrimination Act now?

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

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

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

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

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

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

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

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

igenous Foundation for specific community building projects.

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

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

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

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

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

“Why would they bother?” Mr Andren said.

Senator BOB BROWN—What is the government going to do after this putsch on Indigenous Australians in the run-up to this election? What are they going to do with those people who find themselves arraigned into jails, which are already overfull in the Northern Territory, if that is the government’s aim? And from the minister that is what we are going to see: jails with no services to deal with sex offenders—none. There are no education facilities and no adequate facilities to deal with addicts. If you are in Alice Springs and you have a psychological crisis, there is no hospital facility, no ability to fly out, and no jail facility except surveillance. This government says that it has moved the Army and police into Indigenous communities to make things better. What is more, it says that it is going to take the land from the Indigenous people and then give compensation—listen to the minister—in terms of the services it provides. There is

no just compensation, as I said a moment ago, other than in the terms this patronising and disgusting government in 2007 would put upon the Indigenous communities without their consultation.

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

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

Senator CROSSIN (Northern Territory) (7.45 pm)—Nearly seven weeks ago Pat Anderson and Rex Wild QC handed down a report as a result of their inquiry into the protection of Aboriginal children from sexual abuse. Infamously now known as the *Little children are sacred* report, their interim re-

port of October last year stated that ‘sexual abuse of children is not restricted to those of Aboriginal descent, nor committed only by those of Aboriginal descent, nor just to people in the Northern Territory’. The report also reiterated the observation that, given the nature of Aboriginal communities, the classic signs of children likely to suffer neglect or abuse is more apparent.

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

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

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

These bills provide for a government response to addressing child abuse of Aborigi-