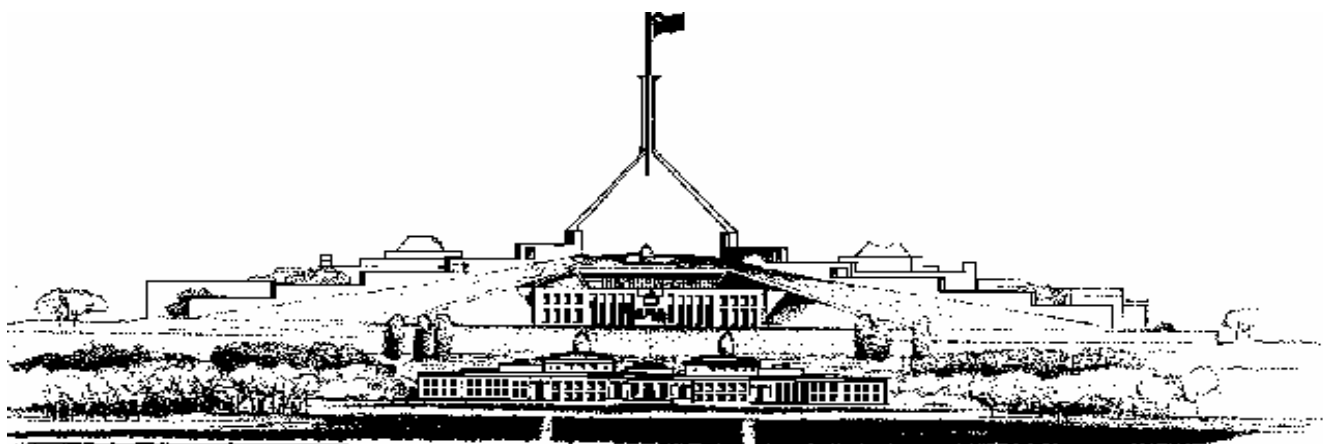




COMMONWEALTH OF AUSTRALIA

**PARLIAMENTARY DEBATES**



**Senate**

**Official Hansard**

**No. 1, 2008**

**Wednesday, 13 February 2008**

FORTY-SECOND PARLIAMENT  
FIRST SESSION—FIRST PERIOD

BY AUTHORITY OF THE SENATE



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### SITTING DAYS—2008

Month	Date
February	12,13, 14
March	11, 12, 13, 17, 18, 19, 20
May	13, 14, 15
June	16, 17, 18, 18, 23, 24, 25, 26
August	26, 27, 28
September	1, 2, 3, 4, 15, 16, 17, 18, 22, 23, 24, 25
October	13, 14, 15, 16
November	10, 11, 12, 13, 24, 25, 26, 27
December	1, 2, 3, 4

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<i>NORTHERN TASMANIA</i>	92.5 FM
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**FORTY-SECOND PARLIAMENT  
FIRST SESSION—FIRST 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

**Senate Officeholders**

*President*—Senator Hon. Alan Baird Ferguson

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

*Temporary Chairs of Committees*—Senators Guy Barnett, Andrew John Julian Bartlett, Thomas Mark Bishop, Carol Louise Brown, Hedley Grant Pearson Chapman, Michael George Forshaw, Stephen Patrick Hutchins, Linda Jean Kirk, Philip Ross Lightfoot, Hon. John Alexander Lindsay (Sandy) Macdonald, Anne McEwen, 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 Hon. Christopher Vaughan Evans

*Deputy Leader of the Government in the Senate*—Senator Hon. Stephen Michael Conroy

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

*Deputy Leader of the Opposition in the Senate*—Senator Hon. Eric Abetz

*Manager of Government Business in the Senate*—Senator Hon. Joseph William Ludwig

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

**Senate Party Leaders and Whips**

*Leader of the Australian Labor Party*—Senator Hon. Christopher Vaughan Evans

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

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

*Deputy Leader of the Liberal Party of Australia*—Senator Hon. Eric Abetz

*Leader of the Nationals*—Senator Hon. Nigel Gregory Scullion

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

*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

*Government Whips*—Senators Kerry O’Brien, Ruth Stephanie Webber and Dana Wortley

*Liberal Party of Australia Whips*—Senators Stephen Parry and Judith Adams

*The Nationals Whip*—Senator Fiona Joy Nash

*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 <sup>(5)</sup>	SA	30.6.2008	LP
Birmingham, Simon John <sup>(6)</sup>	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 <sup>(1)</sup>	QLD	30.6.2008	LP
Brandis, Hon. George Henry, SC	QLD	30.6.2011	LP
Brown, Carol Louise <sup>(4)</sup>	TAS	30.6.2008	ALP
Brown, Robert James	TAS	30.6.2008	AG
Bushby, David Christopher <sup>(9)</sup>	TAS	30.6.2008	LP
Campbell, George	NSW	30.6.2008	ALP
Carr, Hon. 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 <sup>(8)</sup>	WA	30.6.2011	LP
Conroy, Hon. 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, Hon. Christopher Vaughan	WA	30.6.2011	ALP
Faulkner, Hon. John Philip	NSW	30.6.2011	ALP
Ferguson, Hon. 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 <sup>(2)</sup>	VIC	30.6.2008	LP
Fisher, Mary Jo <sup>(7)</sup>	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 <sup>(3)</sup>	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, Hon. 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, Hon. 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, Hon. 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 <sup>(3)</sup>	NT		CLP
Sherry, Hon. Nicholas John	TAS	30.6.2008	ALP
Siewert, Rachel	WA	30.6.2011	AG
Stephens, Hon. 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, Hon. 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.
- (9) Chosen by the Parliament of Tasmania to fill a casual vacancy vice Hon. Paul Henry Calvert, resigned.

#### PARTY ABBREVIATIONS

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

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

Clerk of the Senate—H Evans

Clerk of the House of Representatives—I C Harris

Secretary, Department of Parliamentary Services—D Kenny (Acting)

## RUDD MINISTRY

Prime Minister	Hon. Kevin Rudd MP
Deputy Prime Minister, Minister for Education, Minister for Employment and Workplace Relations and Minister for Social Inclusion	Hon. Julia Gillard MP
Treasurer	Hon. Wayne Swan MP
Minister for Immigration and Citizenship and Leader of the Government in the Senate	Senator Hon. Chris Evans
Special Minister of State, Cabinet Secretary and Vice President of the Executive Council	Senator Hon. John Faulkner
Minister for Trade	Hon. Simon Crean MP
Minister for Foreign Affairs	Hon. Stephen Smith MP
Minister for Defence	Hon. Joel Fitzgibbon MP
Minister for Health and Ageing	Hon. Nicola Roxon MP
Minister for Families, Housing, Community Services and Indigenous Affairs	Hon. Jenny Macklin MP
Minister for Finance and Deregulation	Hon. Lindsay Tanner MP
Minister for Infrastructure, Transport, Regional Develop- ment and Local Government and Leader of the House	Hon. Anthony Albanese MP
Minister for Broadband, Communications and the Digital Economy and Deputy Leader of the Government in the Senate	Senator Hon. Stephen Conroy
Minister for Innovation, Industry, Science and Research	Senator Hon. Kim Carr
Minister for Climate Change and Water	Senator Hon. Penny Wong
Minister for the Environment, Heritage and the Arts	Hon. Peter Garrett MP
Attorney-General	Hon. Robert McClelland MP
Minister for Human Services and Manager of Government Business in the Senate	Senator Hon. Joe Ludwig
Minister for Agriculture, Fisheries and Forestry	Hon. Tony Burke MP
Minister for Resources and Energy and Minister for Tourism	Hon. Martin Ferguson MP



**RUDD MINISTRY—*continued***

Minister for Home Affairs	Hon. Bob Debus MP
Assistant Treasurer and Minister for Competition Policy and Consumer Affairs	Hon. Chris Bowen MP
Minister for Veterans' Affairs	Hon. Alan Griffin MP
Minister for Housing and Minister for the Status of Women	Hon. Tanya Plibersek MP
Minister for Employment Participation	Hon. Brendan O'Connor MP
Minister for Defence Science and Personnel	Hon. Warren Snowdon MP
Minister for Small Business, Independent Contractors and the Service Economy and Minister Assisting the Finance Minister on Deregulation	Hon. Craig Emerson MP
Minister for Superannuation and Corporate Law	Senator Hon. Nick Sherry
Minister for Ageing	Hon. Justine Elliot MP
Minister for Youth and Minister for Sport	Hon. Kate Ellis MP
Parliamentary Secretary for Early Childhood Education and Childcare	Hon. Maxine McKew MP
Parliamentary Secretary for Defence Procurement	Hon. Greg Combet MP
Parliamentary Secretary for Defence Support	Hon. Mike Kelly MP
Parliamentary Secretary for Regional Development and Northern Australia	Hon. Gary Gray MP
Parliamentary Secretary for Disabilities and Children's Services	Hon. Bill Shorten MP
Parliamentary Secretary for International Development Assistance	Hon. Bob McMullan MP
Parliamentary Secretary for Pacific Island Affairs	Hon. Duncan Kerr MP
Parliamentary Secretary to the Prime Minister	Hon. Anthony Byrne MP
Parliamentary Secretary for Social Inclusion and the Voluntary Sector and Parliamentary Secretary Assisting the Prime Minister for Social Inclusion	Senator Hon. Ursula Stephens
Parliamentary Secretary to the Minister for Trade	Hon. John Murphy MP
Parliamentary Secretary to the Minister for Health and Ageing	Senator Hon. Jan McLucas
Parliamentary Secretary for Multicultural Affairs and Settlement Services	Hon. Laurie Ferguson MP

## SHADOW MINISTRY

Leader of the Opposition	Hon. Brendan Nelson MP
Deputy Leader of the Opposition and Shadow Minister for Employment, Business and Workplace Relations	Hon. Julie Bishop MP
Leader of the Nationals and Shadow Minister for Infrastructure and Transport and Local Government	Hon. Warren Truss MP
Leader of the Opposition in the Senate and Shadow Minister for Defence	Senator Hon. Nick Minchin
Deputy Leader of the Opposition in the Senate and Shadow Minister for Innovation, Industry, Science and Research	Senator Hon. Eric Abetz Hon. Malcolm Turnbull MP
Shadow Treasurer	
Shadow Minister for Health and Ageing and Leader of Opposition Business in the House	Hon. Joe Hockey MP
Shadow Minister for Foreign Affairs	Hon. Andrew Robb MP
Shadow Minister for Trade	Hon. Ian MacFarlane MP
Shadow Minister for Families, Community Services, Indigenous Affairs and the Voluntary Sector	Hon. Tony Abbott MP
Shadow Minister for Agriculture, Fisheries and Forestry	Senator Hon. Nigel Scullion
Shadow Minister for Human Services	Senator Hon. Helen Coonan
Shadow Minister for Education, Apprenticeships and Training	Hon. Tony Smith MP
Shadow Minister for Climate Change, Environment and Urban Water	Hon. Greg Hunt MP
Shadow Minister for Finance, Competition Policy and Deregulation	Hon. Peter Dutton MP
Shadow Minister for Immigration and Citizenship and Manager of Opposition Business in the Senate	Senator Hon. Chris Ellison
Shadow Minister for Broadband, Communications and the Digital Economy	Hon. Bruce Billson MP Senator Hon. George Brandis
Shadow Attorney-General	
Shadow Minister for Resources and Energy and Shadow Minister for Tourism	Senator Hon. David Johnston
Shadow Minister for Regional Development and Shadow Minister for Water Security	Hon. John Cobb MP
Shadow Minister for Justice	
Shadow Minister for Border Protection and Assisting Shadow Minister for Immigration and Citizenship	Hon. Chris Pyne MP
Shadow Special Minister of State	Senator Hon. Michael Ronaldson
Shadow Minister for Small Business, the Service Economy and Tourism	Steven Ciobo MP
Shadow Minister for Environment, Heritage, the Arts and Indigenous Affairs	Hon. Sharman Stone MP
Shadow Assistant Treasurer and Shadow Minister for Superannuation and Corporate Governance	Michael Keenan MP
Shadow Minister for Ageing	Margaret May MP

### **SHADOW MINISTRY—*continued***

Shadow Minister for Defence Science and Personnel and Assisting Shadow Minister for Defence	Hon. Bob Baldwin MP
Shadow Minister for Business Development, Independent Contractors and Consumer Affairs and Deputy Leader of Opposition Business in the House	Luke Hartsuyker MP Hon. Bronwyn Bishop MP
Shadow Minister for Veterans' Affairs	
Shadow Minister for Employment Participation and Apprenticeships and Training	Andrew Southcott MP
Shadow Minister for Housing and Shadow Minister for the Status of Women	Hon. Sussan Ley MP
Shadow Minister for Youth and Shadow Minister for Sport	Hon. Pat Farmer MP
Shadow Parliamentary Secretary Assisting the Leader of the Opposition and Shadow Cabinet Secretary	Don Randall MP
Shadow Parliamentary Secretary Assisting the Leader of the Opposition and Shadow Parliamentary Secretary for Northern Australia	Senator Hon. Ian Macdonald Senator Hon. Richard Colbeck
Shadow Parliamentary Secretary for Health Shadow Parliamentary Secretary for Education	Senator Hon. Brett Mason Hon. Peter Lindsay MP
Shadow Parliamentary Secretary for Defence Shadow Parliamentary Secretary for Infrastructure, Roads and Transport	Barry Haase MP John Forrest MP
Shadow Parliamentary Secretary for Trade Shadow Parliamentary Secretary for Immigration and Citizenship	Louise Markus MP Sophie Mirabella MP Jo Gash MP
Shadow Parliamentary Secretary for Local Government Shadow Parliamentary Secretary for Tourism	
Shadow Parliamentary Secretary for Ageing and the Voluntary Sector	Mark Coulton MP
Shadow Parliamentary Secretary for Foreign Affairs Shadow Parliamentary Secretary for Families and Community Services	Senator Marise Payne  Senator Cory Bernardi

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*Wednesday, 13 February 2008*

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

**APOLOGY TO AUSTRALIA'S  
INDIGENOUS PEOPLES**

**Senator CHRIS EVANS** (Western Australia—Leader of the Government in the Senate) (9.31 am)—I take great pleasure in moving this motion. I first want to acknowledge all the traditional owners of the land upon which we meet today. I want to acknowledge the presence of many Indigenous peoples in the parliament and its surrounds who are part of what we know as the stolen generations. I also want to acknowledge the many Australians, Indigenous and non-Indigenous, across Australia who are listening or watching the parliament this morning—although probably the House of Representatives.

Today is a very important occasion in the history of our nation and this parliament. Today is not just about our past; it is also about our future. For many Australians, today means confronting and accepting what has gone before and acknowledging our values of civility, fairness and compassion, which hopefully will guide us in our future endeavours. I move:

That—

Today we honour the Indigenous peoples of this land, the oldest continuing cultures in human history.

We reflect on their past mistreatment.

We reflect in particular on the mistreatment of those who were Stolen Generations – this blemished chapter in our nation's history.

The time has now come for the nation to turn a new page in Australia's history by righting the wrongs of the past and so moving forward with confidence to the future.

We apologise for the laws and policies of successive Parliaments and governments that have inflicted profound grief, suffering and loss on these our fellow Australians.

We apologise especially for the removal of Aboriginal and Torres Strait Islander children from their families, their communities and their country.

For the pain, suffering and hurt of these Stolen Generations, their descendants and for their families left behind, we say sorry.

To the mothers and the fathers, the brothers and the sisters, for the breaking up of families and communities, we say sorry.

And for the indignity and degradation thus inflicted on a proud people and a proud culture, we say sorry.

We the Parliament of Australia respectfully request that this apology be received in the spirit in which it is offered as part of the healing of the nation.

For the future we take heart; resolving that this new page in the history of our great continent can now be written.

We today take this first step by acknowledging the past and laying claim to a future that embraces all Australians.

A future where this Parliament resolves that the injustices of the past must never, never happen again.

A future where we harness the determination of all Australians, Indigenous and non-Indigenous, to close the gap that lies between us in life expectancy, educational achievement and economic opportunity.

A future where we embrace the possibility of new solutions to enduring problems where old approaches have failed.

A future based on mutual respect, mutual resolve and mutual responsibility.

A future where all Australians, whatever their origins, are truly equal partners, with equal opportunities and with an equal stake in shaping the next chapter in the history of this great country, Australia.

Nearly 10 years ago, on 27 May 1997, the Human Rights and Equal Opportunity Commission released its report *Bringing them home*. The report was the result of a national inquiry established by the Keating government in August 1995. The report was dedicated to the generations of Aboriginal children taken from their families and communities who are still searching for home and to the memory of the children who will never return. The inquiry visited every state and territory and most regions of Australia. It took evidence in public and private from Indigenous people, government and church representatives, former mission staff, foster and adoptive parents, doctors and health professionals, academics, police and others. Most hearings were conducted by Sir Ronald Wilson, the HREOC President, and Mick Dodson, the Aboriginal and Torres Strait Islander Social Justice Commissioner. We are indebted to these two great Australians.

In each major region throughout Australia an Indigenous commissioner was appointed to assist with the hearings. An Indigenous advisory council with representatives from all the regions also assisted the inquiry. A total of 770 people and organisations provided evidence or a submission. Some 535 were Indigenous people. Most had been removed as children; others were parents, siblings or children of removed children. The report found that somewhere between one in three and one in 10 Indigenous children were forcibly removed from their families between 1910 and 1970. We do not know how many were separated prior to 1910. Indeed, we do not know with certainty how many children were removed from their families, but we do know that Indigenous children were placed in institutions and church missions, were adopted or fostered and were at risk of physical and sexual abuse. Many, of course, did not receive wages for their labour. The practice was on such a large scale

and over such a long period, continuing so close to the present day, that its effect cannot be dismissed as only applying to olden times. It is our responsibility. The truth is in the past and is very much with us today in the effect on the lives of Indigenous Australians.

There are some, I know, who still believe that the removal of Indigenous children was good. Some removals, it is argued, were part of a broad welfare system which decided what was in the best interests of the children. But the truth is that the stolen generations were removed from their families because of their culture, their colour and their race, because they were considered inferior and because non-Indigenous Australians thought that they could do better.

Thousands of Indigenous people grew up without the love of their parents or the love of their brothers and sisters. Many never knew who they were or where they came from. These policies did break down families, clans and tribes and played a key role in dislocating communities, depriving many of them of the bonds that bind communities and depriving them of family and cultural legacies.

After the release of the report, many of the stolen generations made a request for an apology. They said that this would have meaning by showing that Australians recognised their hurt and pain and accepted that what had been done to them was wrong. It was a heartfelt request because, they said, this would help the healing process. The stolen generations are real people. Let us think of them as individuals as well. It is to them that we belatedly offer our apology.

Since that time, apologies have been given in state parliaments in New South Wales, Queensland, Western Australia, South Australia, Victoria and Tasmania and in the parliaments of the ACT and the Northern Territory. Words of apology have been said in



churches, in public meetings and in private conversations. They have been discussed and debated Australia wide. But until now no apology has been offered in this place by an Australian government. And that has been wrong. The stolen generations have been deeply damaged by the decisions of this parliament and of governments. Their suffering was a product of the deliberate policies of the state as reflected in the explicit powers given under statute.

There are countless moving stories from the many thousands of Aboriginal people who were taken from their families involuntarily. I was particularly touched by the story of Sandra Hill, who says today's apology from the parliament will be the biggest thing to happen in her life. I would like to recount part of her story, which was published in the *Sunday Times* of Perth last weekend, for the benefit of the Senate today.

Sandra is a professional artist, a mother of three children and grandmother to five children, who lives in the south-west of Western Australia in Balingup. Sandra is also a strong, resilient and proud Nyungar woman who was forcibly taken from her parents in 1958 at the age of six. Along with her two sisters and younger brother, Sandra was taken to Sister Kate's Children's Home, where they lived for two years before being fostered out to a white family. It would be 27 years before those children saw their parents again.

I would like to recount some of Sandra's story, as only her words can do justice to the experiences that she and her family have endured. She said:

You can't begin to imagine the sense of loss that I, and so many like me, have experienced. My children were the first 'free' children born into my family for four generations and I celebrate every day that we share together as a family.

She also said:

My heart aches for my Mum and Dad—to lose a child is bad enough, to lose four young children in one foul swoop is incomprehensible.

... ..

Our removal forced Mum to not only relive her own experiences, but also that of her father and grandfather (both were 'surrendered' to the monks at New Norcia).

In 1933 the Native Welfare swooped down on my grandparents' camp in Caversham. They took my mother Doreen ... and her sister Hilda, who were seven and ten at the time.

She was taken to Moore River Native Settlement and then transferred, due to her fair skin, to Sister Kate's Home for Half Castes at Buckland Hill. The authorities changed her name and her birth date so that her parents couldn't trace her.

... ..

... over a period of 23 years, from 1933, my grandparents lost six children to the welfare authorities, ending in 1956 with their youngest daughter Boronia.

Mum could barely talk about the family's experience without enormous distress, even after 60 years.

... ..

No education, material gain or so-called 'opportunities' could or would ever be a fair trade-off for losing the ones you love. My family was my world and it was stolen from me and my siblings and, if I could go back in time I would choose to stay where I belonged, where my spirit and my heart still live, with my beloved mum and dad.

She goes on to say:

We don't want to relegate blame or guilt—that would be counter productive. However, recognition and acknowledgement of the profound and far reaching effects that past policies have had on my people is critical in helping us to move forward into a more positive and inclusive future.

While working on committees of this parliament and in moving around the electorate, I have listened to many of the stolen generations tell us their stories over the years. You are always struck by the dignity with which those stories are told. The thing that strikes

me most is the lack of bitterness—the lack of thought of vengeance. I defy anyone not to be moved by those stories. Do not think of them as ‘a generation’ or under the title we give them. Think of them as individual people.

It has been written that the pain and suffering cannot be addressed unless the whole community listens with an open heart and mind to the stories of what happened and, having listened and understood, commits itself to repairing the damage. It is awful to comprehend the pain and suffering of the children who were removed and the anguish of their parents, grandparents, aunts and uncles. The trauma of a removal is indescribable. Every parent fears the death of their children. The forcible separation from their children must have been equally traumatic. To have such a policy organised and sanctioned by the national government would only have added to the trauma and the feeling of helplessness.

The past is always with us. It shapes the present and the future. It shapes who we are and how we behave. It determines the colour of our thinking, and we can only progress when we acknowledge the good and the bad that have happened. It has taken nearly 11 years since the report was published, but this morning, in the other place, the Prime Minister, on behalf of the Australian parliament, offered an apology to the stolen generations. There is no more important place for these words to be said, because this parliament speaks for the nation. The Prime Minister apologised for the laws and policies of past governments which caused profound grief and loss for many Indigenous Australians. He promised that this will never happen again. He has committed us to a new beginning—a new national effort—and we must succeed.

The response of the nation to today’s apology has been wonderful. People are embracing the opportunity to do the right thing, to do what we teach our children to do, to say sorry for doing something hurtful and, more importantly, to mean it. Non-Indigenous Australians should be proud that we are strong enough as a people to admit the wrong and to say sorry.

I know that this is a day that many Indigenous Australians believed they would never live to see. It has been far too long coming. For that, I am sorry too. And we acknowledge those who did not live to see this day. To their descendents we say sorry for the pain and hurt suffered over generations and the loss of identity, family and country that can never be restored.

Much has been said and written in the past few weeks about the symbolism of an apology and its significance. Some people have argued that the symbolic act of saying sorry will somehow undermine or even replace the practical reforms needed to fix the huge gap between Indigenous and non-Indigenous Australians. I believe the opposite is true. I am mindful of what Sir William Deane said:

It is simply to assert our identity as a nation and the basic fact that national shame, as well as national pride, can and should exist in relation to past acts and omissions, at least when done or made in the name of the community or with the authority of government. Where there is no room for national pride or national shame about the past there can be no national soul.

Saying sorry gives us the impetus to move on. It reminds us of our responsibilities as citizens, as members of the Australian community, to help those in society less well-off. It is the next step in the huge task of closing the gap. Yes, it is arguably a symbolic gesture; but symbols are important by definition in sending a strong message, which I believe will help us tackle the substance of the issue:

removing the inequalities that exist between Indigenous and non-Indigenous Australians.

We know that the health and wellbeing of Aboriginal and Torres Strait Islander Australians remain dramatically worse than that of the rest of the community as a whole. Many still endure inadequate health services, overcrowded and substandard housing, poor access to education and barriers in getting a job. Alcohol and drugs are crippling communities and child abuse is evident. Entrenched health problems are denying Indigenous Australians a future, and progress to improve their health status has been slow under successive governments. The inequality between Indigenous and non-Indigenous Australians is stark. The 17-year life expectancy gap remains one of the starkest indicators of inequality in Australian society. Current rates of Indigenous life expectancy are comparable to those of other Australians in the 1920s. Third World diseases like rheumatic fever and trachoma persist, and there are high rates of chronic disease, including renal failure, cardiovascular disease and diabetes.

The government, and I think the parliament, comprehend the enormity of closing this gap and we know it can only be done in a mutually responsible partnership with Indigenous Australians. That is why we seek the support of the whole parliament. The government is making a concerted effort to ensure the fundamentals of a decent life are shared by Indigenous Australians: good health and nutrition, a safe and comfortable home, a high-quality education and the opportunity to share in the dividends of our economy through work. We are determined to make sure that all children, Indigenous and non-Indigenous, have the same healthy future.

We have pledged to halve within a decade the gap in mortality rates between Indigenous and non-Indigenous children under the

age of five. Such goals, such targets, are important. In the same period we want to halve the gap in reading, writing and numeracy. To do this we are providing comprehensive funding for child and maternal health services, early development and parenting support, and literacy and numeracy in the early years. Health services are being expanded and improved. The government is prioritising the expansion of alcohol detoxification and rehabilitation services across the Northern Territory. We are also expanding sobering-up shelters in Katherine and Tennant Creek so that alcohol abusers can be accommodated in a safe environment.

Giving Indigenous children the best chance for a bright future requires a sound foundation of education and training. Literacy and numeracy are the building blocks, but currently the performance of Indigenous children often falls far behind. This is not good enough. We have no illusions about the extent and complexity of the challenges before us, but we must close the gap in life expectancy between Indigenous and non-Indigenous Australians and we must close the infant mortality gap for young Indigenous children. What we must understand from the past is that we cannot do this for Indigenous Australians. Paternalism, new or old, does not work. We must find solutions together with Indigenous Australians and empower them to overcome the enormous barriers to equal opportunity in our society.

Today's motion is very different from the way we normally conduct business. The motion will be supported by the alternative government and other senators around the chamber. That is vital for Indigenous Australians to accept this apology. It has to be from all of us and we have to mean it. Hopefully the broad support for the apology will be a platform for a more bipartisan approach to attack the inequalities between Indigenous and non-Indigenous Australians.

It is a regret that, in the past, Indigenous policy became an ideological issue to be fought over. It would be good to think that today marks an end to the ideological battles of the past and marks a willingness on all sides to work together with Indigenous Australians. For too long the ideological battles of politicians have been at the expense of Indigenous people. These are our challenges for the future. The responsibility for a just and equitable future for Indigenous Australians falls on all our shoulders. Today, this parliament, on behalf of the nation, has taken a powerful step in this regard.

The apology today is not about imposing guilt or shame on this generation of Australians. It is not about attributing personal blame. It is the acknowledgement of the injustices and mistakes of the past and it is an acceptance of what has happened. It can also be the next step in reconciliation. It is now up to us as a nation, as the Prime Minister pledged in the other place this morning, to bring together Indigenous and non-Indigenous Australians—government and opposition, Commonwealth and state—to write a new chapter in our nation's story. I commend the motion to the Senate.

**Senator MINCHIN** (South Australia—Leader of the Opposition in the Senate) (9.51 am)—I rise to speak to the motion just moved by Senator Evans in relation to an apology to those Indigenous Australians that were forcibly removed from their families and communities under laws of past state and federal governments. While the coalition do support the motion, I must say at the outset that we do have strong objections to the way in which the government has handled this matter.

An apology has been Labor policy for many years, and they have now been in government for nearly three months, but it was only last night that MPs and senators were

able to see the wording of the motion to be put to the House and Senate. Not only that but the government have insisted that a vote be taken on the motion after only a limited number of speakers and before everyone who wants to speak has had that opportunity. The government's handling of this sensitive matter has been arrogant and disrespectful of the parliament in whose name this apology is to be made.

Nevertheless, as we have announced, the coalition will support this motion. We have given a very lengthy consideration to this matter in our party room. We admit this has not been an easy issue for many of us or for the millions of Australians that we represent. The debate about an apology has, of course, been held previously in this parliament, and state parliaments across the country have made some form of apology or statement of regret for the actions of the past. As parliamentarians we have a big responsibility to ensure that these issues are debated for the right reasons, and in this case it is about making sure that we see better outcomes for Indigenous Australians and that we all work to overcome obvious Indigenous disadvantage.

As I said, we have given a lot of thought to this matter for a decade. When our government responded to the *Bringing them home* report in 1997 the then Prime Minister, John Howard, expressed his profound personal sorrow but stated that the coalition did not believe that Australians of this generation should be required to accept guilt and blame for past actions and policies over which they had no control. That was a view sincerely held by our government and it was, I think, shared by many Australians at that time. I must say that one should always approach with caution any proposition which involves judging past actions by contemporary standards or seeking to hold one generation re-

sponsible for the actions of those who came before.

I should also state for the record that our government were concerned that a formal statement of apology could trigger a substantial number of claims for compensation which we felt then would be both very divisive and, if successful, an unjustified burden on current taxpayers. We remain of that view in relation to the issue of compensation. We note that, while the government has ruled out any compensation, this motion is silent on the matter. I note that Senator Bob Brown proposes to move an amendment on that matter and I give notice now of our opposition to an amendment relating to compensation.

In light of our reservations about a formal apology, in 1999 the then Prime Minister moved a statement of regret in the House of Representatives. That statement reaffirmed the parliament's commitment to reconciliation, acknowledged that the mistreatment of many Indigenous Australians over a significant period represents the most blemished chapter in our national history, expressed the parliament's deep and sincere regret that Indigenous Australians suffered injustices under the practices of past generations, and acknowledged the hurt and trauma that many Indigenous people continue to feel as a consequence of those practices. The intent of that statement remains as relevant today as it was nearly 10 years ago, but we acknowledge that Indigenous Australians affected by the policies of the past need more than our sympathies and regret in order for them to accept the sincerity of our nation's remorse for past practices.

It has been a long road since that national inquiry into the separation of Aboriginal and Torres Strait Islander children—the *Bringing them home* report. May I say that Brendan Nelson's contribution to the debate after the

release of that report is as poignant and emotive today as it was then. His strong sense of humanity and commitment to Indigenous Australians helped to ensure that the coalition would move to support this motion today. Dr Nelson is to be commended for his leadership on this issue which, as I said, is not an easy one for the men and women of the Liberal and National parties and the millions of Australians we represent.

But Dr Nelson was right when he stated back then that this is not a question of our generation or subsequent generations carrying guilt. It is about understanding what was done and the consequences of it. We now understand and accept that this apology is the right thing to do. We accept that the Australian people want this parliament to come together to settle this matter. Our policy on this matter has evolved against the background of our strong faith in the importance of families. The impact on families of the policies of forced removal does not sit well with what our parties fundamentally believe in. When we look at the individual stories of those affected by separations we find hurt, damage, regret and, in many cases, justifiable anger.

But we also find that those who implemented these policies were in many cases acting in what they believed were the best interests of the children at the time. Of course, any civilised society has laws to provide for the protection of children from harm, including from their own families. Such laws exist today in Australia but regrettably do not always operate to protect Australia's vulnerable children. This is a fundamental argument about who knows what is best for children in our society. It is a debate that is still going on. We trust that even today state government officers around the country act appropriately when they remove children at risk, even from their parents. The danger is in creating a perception that removal is al-

ways wrong. Ultimately, authorities must act to protect children at risk. So the balance between the sanctity of the family and the state's responsibility for the protection of children is never easy to achieve, especially in the case of Aboriginal children.

The last decade has seen much action and many programs in relation to Indigenous affairs, and this chamber has been very active in the matter. The former government implemented a number of significant reforms as we turned away from what we perceived to be political correctness to focus on real results. The former government had at the forefront of its policy for Indigenous Australians the ensuring of better outcomes. Our policies were admittedly about substance; they were not about symbolism. John Howard was not the barrier to an apology. It cannot be said of our government in any way that we did not do our utmost to ensure that Indigenous people in this country received adequate support, or that our reforms did not help reduce the disadvantage facing our Indigenous communities.

I personally had the privilege of spending a considerable amount of time in our Indigenous communities during the first three years of our government, when I had executive responsibility for native title. I therefore experienced firsthand the enormous disadvantage suffered by people in many of our more remote Indigenous communities. Negotiating native title reform with Indigenous leaders and their communities was a difficult but personally very enriching experience. Native title is just one aspect of Indigenous affairs where our determination to implement practical improvements—which we can now see have resulted in real advances—was met with hostility. Our reforms to the way in which we deal with native title claims have resulted in much better outcomes for all involved.

As a coalition we are proud of our overall achievements in Indigenous affairs. Expenditure on Indigenous-specific programs and services in our last budget was set at \$3.5 billion for the current financial year, a 39 per cent real increase from the levels of 1995-96, when we came to office. More Indigenous Australians are participating in our strong economy. That includes a fall in the unemployment rate among them from 30 per cent in 1994 to just 12.8 per cent in 2004-05. Over the same period, Indigenous long-term unemployment has fallen from 14.2 per cent to 5.1 per cent. Although more improvements need to be made in the fields of health and education, there are some positive signs, including a 16 per cent decrease in the Indigenous mortality rate in the Northern Territory, South Australia and Western Australia from 1991 to 2003. So we have seen some real and significant improvements—but of course we acknowledge that there is very long way to go to ensure that Indigenous Australians are on an equal footing and no longer feel shamed by past policies.

One of the most significant steps of our government was the introduction of emergency measures in the Northern Territory just last year to protect Aboriginal children from abuse in their own communities. Our government launched this drastic but decisive action after the release of the *Little children are sacred* report to the Northern Territory government. Like many here I am a parent and particularly felt the repulsion caused by the revelations in that report. This is a most significant intervention. We must act to stop such abhorrent crimes against children in Indigenous communities and must establish the protection of the law.

The measures in that intervention are worth noting. They were increasing police levels in prescribed townships, including secondments from other jurisdictions, funded by the Australian government; introducing

comprehensive voluntary health checks for all Aboriginal children, and providing treatment and making referrals where necessary; improving governance by putting managers of all government business in prescribed townships; widespread alcohol restrictions; banning the possession of X-rated pornography and introducing audits of publicly funded computers to identify illegal material; welfare reforms to stem the flow of cash going towards substance abuse and gambling, and to ensure funds meant for children's welfare are used for that purpose; enforcing school attendance; improving housing in townships through increased funding and the introduction of market based rents and tenancy arrangements.

They are a very comprehensive set of interventions and they were initiated by our government in its single-minded pursuit of ensuring that Indigenous children no longer suffer abuse of any description. That is why the Northern Territory intervention launched by John Howard is just so important. We do need to ensure that children in these communities can grow up without fear and grow up to reach their full potential.

The intervention in the Northern Territory, I think, has also been pivotal in focusing the public's attention on the plight of Indigenous communities, particularly of their children, and this intervention—its aims, its early successes—have helped bring us, the coalition, and, I think, the parliament and the nation to where we are today. Of course, it raises broader questions about a community. Every one of us is and must be concerned about child abuse in every Australian community, and we need to ensure that all jurisdictions continue to work together to counter child abuse.

I was part of a government that may not have approved a formal apology but did make sure that our Indigenous communities

received assistance when and where they needed it most. If there was any failure on our part, it was in relation to recognising the significance of symbolism in helping Indigenous communities to move forward. We were unashamedly focused on practical outcomes but we can now acknowledge that that was at the expense of important symbolic acts. The transition to supporting an apology, for us and I think for the people we represent, has been a gradual process, but the report to the Northern Territory government, that *Little children are sacred* report, was yet another wake-up call that I think did capture the attention of our population. The fact that such horrific abuse of children could be so prevalent today required that intervention, and it did require the nation's attention. There is, as Senator Evans has rightly said, so much more to be done, and I do hope this debate focuses the new government on ensuring that funding to Indigenous communities is well managed and does deliver the results we all want. It is vitally important that the new government presses ahead with the measures adopted by the emergency intervention and does not just rest with the symbolism, as important as it is, of today.

We do accept that the lack of a formal apology from the federal government has been an impediment to better relations between Indigenous and non-Indigenous Australians. The coalition now recognise that this apology is very important to Indigenous Australians and that the parliament should adopt this motion in the interests of enhancing their hopes, their aspirations and their opportunities. But, as important as this motion may be, parliaments and governments must remain focused on delivering real results on the ground for disadvantaged Indigenous Australians. We can only do that by maximising their chances to take advantage of all the opportunities offered by this great country to lead a rich and rewarding life. So,

on behalf of coalition senators, I re-emphasise our commitment to our 1999 statement of regret and I do now offer our support for the motion moved by Senator Evans today, as we apologise to all those Indigenous Australians affected by the policies of the past.

**Senator SCULLION** (Northern Territory—Leader of the Nationals in the Senate) (10.05 am)—In rising to speak to this motion I would like to acknowledge the traditional owners of this country and their ancestors. For many people in this place, their life's journey was very varied before they became a senator. I was very lucky before entering the Senate for the Northern Territory to be engaged as both a commercial fishermen and a professional shooter. As part of that, I was very privileged to work alongside Aboriginal and Torres Strait Islander people—not only work alongside them but live together as a family and often play together. Many of these times we were in fairly remote circumstances, where there is no television, often for many months at a time. So at night, normally around a fire, there were two or three hours where we had the opportunity to simply discuss things as the fire died down. That is all we had. As people do, we discussed each other's life experiences, and I had the great privilege of hearing very different stories.

Where I worked in Arnhem Land, for instance, the people had not been dispossessed; they had always had their own country, they always had connection to country. But there were also many people who were part of the stolen generation and had been dispossessed. They had a variety of views about a number of issues but a particular view about an apology. I was an apology cynic through much of that time, and as mates we had pretty robust discussions about the practical applications of an apology and how that would have an

effect on their lives. I think it is important that I make that confession.

I also had an opportunity last year to speak with a group of over 100 Indigenous men who were part of the Attorney-General's leadership group. An older group of men and a younger group of men met in one of the rooms in Parliament House. They had asked me to give them a presentation on my leadership journey. As a pragmatist, I said, 'You're not often going to get a pretty frank and forthright discussion with Chatham House rules with the minister in government; you should possibly spend more of your time having a crack at that.' It was not long into the conversation when someone said, 'If you were the Prime Minister, Nigel'—as unlikely as that would ever be—'would you say sorry?' I declared myself a cynic and I said no. We had a discussion. As a pragmatist, I did not really understand how it would help if we went through these processes and thought it was a bit of a distraction.

Thanks to a long-term relationship with many of the people in that room and the discussions we had after that, a number of people were able to convince me, by their own stories, just how important this was and that, whilst it was not a practical step, it was the way that people felt. I believe now, through that experience, that it is so difficult to put yourself in the shoes of others that we need to acknowledge the past practices that resulted in harm and hurt to many Indigenous people and we need to say sorry.

The exact number of children involved and the exact number of people bearing internal wounds as a result of their removal under past government policies and practices may never be known, nor may the true number of people that shared that pain through not knowing their ancestral history or the fate of other family members. What I do know is that it is very important that we ac-



knowledge the pain and suffering that resulted from those policies, and for that I say sorry. I am also sincerely sorry that any individual or family has suffered through past government policies and practices, however well intentioned or otherwise they may have been at the time by that government.

I must also acknowledge that not all Indigenous policies and practices of past and current governments of all persuasions have necessarily failed. I cite the intervention in the Northern Territory. Whilst it was fairly controversial, I think everybody would agree that it contained very important policies that will be very positive for Indigenous communities. I think there are positive aspects of policies from the past that we need to look to for the future. I think it is really important that we learn from the past, that we never repeat the failures and, as I have said, that we learn from the positive aspects in regard to any future policies.

I view today's significant motion as a very important acknowledgement and acceptance of previous actions and as a sincere apology to those who have suffered personally. Today's debate is a further step towards a collective better future, and I believe it should signal an end to the focus on the past and a step towards a new future. From here we must continue to move forward, and it is so important that we move forward together. As the third President of the United States, Thomas Jefferson, said: 'I like the dreams of the future better than the history of the past.'

The policies of removing children from their families ended about 25 years ago, but I think it is important that we recognise and acknowledge that, unfortunately, the rate at which Aboriginal children are now being removed from their families by welfare authorities has actually increased since then. It should also be acknowledged that the way in which they are removed is far better and that

we have managed to ameliorate that. We have a lot better communication. Normally, they are removed for a period of time until the environment they have been taken from has been restored.

If you are going to be fair dinkum about this apology and this debate, I would hope that people do not take this as an assault against anyone. It should not really tarnish our future endeavours, and that is certainly not my intention here today. But, unless we are honest with ourselves and accept the realities that many Indigenous communities still find themselves in, I do not think we can move forward in the way that we should. Indigenous health, Indigenous education, social opportunities and employment opportunities still lag so far behind what is experienced and expected by many other Australians. The exposure to and actual neglect and abuse are still far more prevalent in Indigenous communities than in other sectors of our community. These are real issues that confront not only Indigenous Australians but also all Australians.

We must acknowledge these facts in order to address the underlying issues that have led to the reality confronting many Indigenous people today. I think we also need to acknowledge that the policies of today are having a similar effect to the policies of the past. I would cite the need to acknowledge the contribution of unconditional welfare to the cycle of substance abuse and poverty in many Indigenous communities today. If we fail from today to develop and implement effective policies that look very carefully at the past—and, in fact, at failures of the present—then I fear that at some stage in the future there will be another generation of Australians apologising for our failures.

My vision for Australia is to have a nation where everyone is encouraged to add to our richness and collective cultural wealth while

being unified as a single proud nation, sharing equally in the opportunities that this wonderful country has to offer. We are never going to achieve anything close to this vision if we refuse to accept that there are serious problems that are still present within some of our Indigenous communities. These problems will never be resolved without first accepting that they exist. We can no longer deny the problems simply because we do not see them and, as we move through our daily lives, we only read about them. They are real, they exist and they deserve to be dealt with immediately. If we deny that this is happening, we deny a future for the next generation of children; and this is totally unacceptable.

Today's apology is a recognition of the past and an acceptance of the outcomes that resulted from those policies. More importantly, today's apology must constitute a significant step towards the future. Our rhetoric of today must be matched by all of our actions of tomorrow. Only then will we truly have a stake in our collective future. I and the Nationals are fully committed to doing everything that we can to make our future a brighter one for all Australians.

**Senator ALLISON** (Victoria—Leader of the Australian Democrats) (10.14 am)—I begin by acknowledging country and the Indigenous peoples of this land, particularly those who are here with us today. I congratulate the government on arranging yesterday's long-overdue welcome to country for the opening of parliament. I thank Matilda House for her deeply moving words and the Indigenous dancers and musicians for their deadly performance. I acknowledge the patient but persistent efforts of our colleague, former Democrats senator Aden Ridgeway, to have a welcome to country included in ceremonies that mark events such as the opening of parliament. I think it is a great shame that we are having this debate without

a contribution from an Indigenous member of parliament or senator in this place.

My colleagues and I join, without reservation, the Rudd federal government in offering an official apology from the Australian parliament to those Indigenous Australians who were taken from their mothers, their fathers, their siblings, their communities and their land and placed in institutions and in the charge of complete strangers. We are sorry for the lifetime of damage that this did to them and to their families. We are sorry for the ongoing damage that this causes to Indigenous communities and we are sorry that the principle of self-determination was so completely denied by this and other acts of political, cultural, economic and physical domination by our forebears.

We say sorry for the ignorance and the prejudice and the misguided attempts to improve the opportunities and the lives of Indigenous children that gave rise to more than 60 years—three generations—of people being dispossessed of their kin and their dignity. The precise numbers are not known but, from 1910 to 1970, between one in three and one in 10 Indigenous children were taken.

We are sorry that the removal of children was so often brutal. I quote the *Bringing them home* report:

They put us in the police ute and said they were taking us to Broome. They put the mums in there as well. But when we'd gone [about ten miles] they stopped, and threw the mothers out of the car. We jumped on our mothers' backs, crying, trying not to be left behind. But the policemen pulled us off and threw us back in the car. They pushed the mothers away and drove off, while our mothers were chasing the car, running and crying after us. We were screaming in the back of that car.

We are sorry that Aboriginal children and their parents were deliberately kept apart and denied the truth of their heritage. Here is another quote:

I remember this woman saying to me, 'Your mother's dead, you've got no mother now. That's why you're here with us'. Then about two years after that my mother and my mother's sister all came to The Bungalow but they weren't allowed to visit us because they were black.

We say sorry that it was not until 30 years after the child stealing stopped that we asked Aboriginal Australians to tell us their stories. We are moved by the courage shown by the stolen generations in doing so.

We have read *Bringing them home* and, to the extent that it is humanly possible, we try to understand their pain. We acknowledge that removing a baby, a small child or even an adolescent from its parents, whatever their circumstances or culture, is the cause of deep hurt, sorrow and grief to both parent and child. There was a time when white children were more readily taken away from their families than is the case now; however, it was mandatory for children with Aboriginal mothers and white fathers. I quote again from the report:

Lots of white kids do get taken away, but that's for a reason – not like us. We just got taken away because we was black kids, I suppose – half-caste kids. If they wouldn't like it, they shouldn't do it to Aboriginal families.

They were lied to, so the separation—as some prefer to call it—would have an awful, painful finality.

'Your family don't care about you anymore, they wouldn't have given you away. They don't love you. All they are, are just dirty, drunken blacks.' You heard this daily.

We are sorry that many children were abused and exploited and emotionally, physically, educationally and culturally deprived in institutions and at the hands of some heartless men and women when the state held that they were being protected. One person said:

I was sent out when I was eleven years old to [pastoral station]. I worked there for seven and a half years. Never got paid anything ...

And there was this story:

I was the best in the class, I came first in all the subjects. I was 15 when I got into 2nd year and I wanted to ... continue in school, but I wasn't allowed to, because they didn't think I had the brains, so I was taken out of school and that's when I was sent out to farms just to do housework.

Punishment was routine. Another story told of Moore River settlement:

Young men and women constantly ran away ... Not only were they separated from their families and relatives, but they were regimented and locked up like ... animals, locked in their dormitory after supper for the night. They were given severe punishments, including solitary confinements for minor misdeeds.

Another story stated:

Dormitory life was like living in hell. It was not a life. The only thing that sort of come out of it was how to work, how to be clean, you know and hygiene. That sort of thing. But we got a lot bashings.

One in 10 boys and three in 10 girls report that they were sexually abused in foster placements. The probability is that most went unreported because those who did report it were not believed. One in 10 girls reported sexual abuse in the work placements organised by protection boards or institutions, as in the following story:

The thing that hurts the most is that they didn't care about who they put us with. As long as it looked like they were doing their job, it just didn't matter. They put me with one family and the man of the house used to come down and use me whenever he wanted to ... Being raped over and over and there was no-one I could turn to. They were supposed to look after me and protect me, but no-one ever did.

The New South Wales protection board recorded the following in 1940:

It has been known for years that these unfortunate people are exploited. Girls of 12, 14 and 15 years of age have been hired out to stations and have become pregnant.

Their children were also removed and, with them, often the responsibility of the men who sired them.

The distinction between being stolen and being separated will be argued by some, and it is true that some Aboriginal children were not forcibly removed. Some were removed because of neglect, but for the most part their circumstances were totally irrelevant. Some parents were coerced into giving up their children to institutions to avoid them being taken by force. Others were tricked into signing documents, so the official record will always be unreliable. Some hoped their children would be better off away from the poverty and the squalor. However, we now know that removed children are less likely to have a post-secondary education and are much less likely to have stable living conditions. They are less likely to be in a stable, confident relationship with a partner, they are twice as likely to be arrested by the police and convicted of an offence, they are three times as likely to have been in jail and they are much more likely to have used illicit substances.

The institutions that took Aboriginal children received only minimal funding and as a consequence the children were constantly hungry and denied basic facilities and medical treatment. In any case, the objective of taking so called half-caste children, whatever their circumstances, was clear and it was official. The policy in the earliest times of settlement was to 'inculcate European values and work habits in children who would then be employed in service to the colonial settlers'. The theory by the late 19th century was that children of mixed descent would be merged and absorbed into white society and other Indigenous people would be forced onto reserves and missions and over time would die out.

This generation of parliamentarians must make this apology because we are the ones confronted with the evidence. Many of us were here in the parliament in 1997 when the Human Rights and Equal Opportunity Commission presented its report, and I acknowledge here the great work of the commission and particularly Sir Ronald Wilson, who briefed us on the awful findings. We learned the depth of racial discrimination, the arbitrary deprivation of liberty, the pain and suffering, the abuse, the disruption to family life, the loss of cultural rights and fulfilment, the exploitation and the loss of opportunities. The report tells us:

For the majority of witnesses to the inquiry, the effects have been multiple and profoundly disabling ... Psychological and emotional damage renders many people less able to learn social skills and survival skills. Their ability to operate successfully in the world is impaired causing low educational achievement, unemployment and consequent poverty. These in turn cause their own emotional distress leading some to perpetrate violence, self-harm, substance abuse and anti-social behaviour.

The apology must be official and it must come from the highest level and it needs to be heartfelt and heard by those who were hurt, if it is to make a difference. Ten years were lost and yet more of the stolen generations have died without hearing this apology. State and territory governments have apologised. Churches have apologised. As Australian Democrats and as individuals we have said sorry, but saying sorry as members of our federal parliament matters more. I regret that it took 10 years and a change of government to say sorry. The commission made 54 sets of recommendations, one of which was acknowledgement and apology—from parliaments, from state and territory police forces, from churches and other non-government organisations. This done, we should move to the rest: the guarantees that there will be no repetition; the measures of

restitution; the measures of rehabilitation and monetary compensation. Mr Ted Lovett, a member of the Gunditjmarra nation and the stolen generation, said:

NO APOLOGY to the Victorian Aboriginal community or to the members of the stolen generations could ever be adequate without compensation for what has been lost.

Of all the things that were stolen, the loss of our country, language, culture, traditional lore and family have been the most hurtful. The removal and dispersal of family members from our traditional lands, and government policies that controlled our lives (even the relationships that we were allowed to enter into), have caused enormous pain for all our people.

As a boy, I was made a state ward in Victoria during the 1950s and late 1960s. I was put into the Turana Boys Home in Melbourne and then the Salvation Army Boys Home at Bayswater. During that time, I was subjected to inhumane and unjust treatment as if I was a criminal, even though my only "crime" was to have been born into an Aboriginal family. I was subsequently prevented from being in their care. Up to this time, I had not committed even a minor offence of a criminal nature.

We say sorry that incarceration for Indigenous youth has been, even recently, a mandatory first resort, and many lives and opportunities have been lost as a consequence.

We are disappointed that the Rudd government has so far rejected compensation. However, we will not support Senator Bob Brown's amendment today. An apology is a distinct action and we consider that it should be there to stand on its own. The Democrats have for many years called for compensation and have legislation before the Senate that would achieve this. If I have learned anything in this place it is that governments must be persuaded to change position and that a last-minute, simplistic amendment will not do that. I also know that the more multi-partisan the debate and the vote on this motion is, the more complete and the more

meaningful it will be to those for whom it is intended. What is so exciting about today is the fact that the coalition has reversed its long-held public opposition to making an apology, and I acknowledge the political courage it takes to do that. I hope this change of heart and the consensus vote it delivers is so much the sweeter and so much more healing to the stolen generations as a result.

My commitment, during the short time that remains for us in the Senate, is to push not only for compensation but for a truly collaborative, all-party effort to solve the problems that give rise to such serious disadvantage for Indigenous people. Eventually the government will see that compensation is the right course of action—after all, Tasmania and WA have done that. Reparation must include family reunion and collecting and communicating the oral histories and experiences of the stolen generations. We need properly funded, long-term, soundly based goals and strategies to tackle drug and alcohol dependence, incarceration and deaths in custody, child mortality and poor levels of education, health and economic endeavour. Indigenous Australians should get a better deal for what they have given up. The housing crisis would be solved if profits and royalties from mining operations alone were more fairly shared with the traditional owners of the land. And we must all listen—intently, carefully and respectfully—or the strategies will be totally worthless and the money again wasted.

Forcing a baby from the arms of its Indigenous mother because white people knew what was best for that child proved very stupid and very wrong. It was a sorry business and we say sorry.

**Senator BOB BROWN** (Tasmania—Leader of the Australian Greens) (10.29 am)—I begin, on behalf of the Australian Greens, by recognising the first Australians,

the traditional owners, right across this great country of ours. I congratulate the Rudd government for yesterday's affording of the welcome to country and thank the Indigenous people for that welcome. I also thank the government for providing this important moment in our nation's history. The Greens wholeheartedly support this motion. Were it up to the Greens, we would have representatives of the stolen generations with us here on the central floor of this Senate to receive our apologies and to respond, because in human terms that is how apologies should be made and that is how they work best.

When I was a little boy my loving but somewhat exasperated mother, wanting to let me know that she was a human being with her own limits, once told me she would go away and leave me if I did not behave, and she closed the door. Of course, she did not go, and she lived to 73 years and was the mother I adored. Yet that shock of warned separation is seared into my mind at 63. I cannot express my debt to her and my father. What then, if at that dreadful moment, she had in fact gone? Or worse, if complete strangers had arrived as if from Mars and taken her from me or me from her? My life would have been taken too, and I certainly would not be standing here in the Senate today.

But I stand here in the Senate and, with the parliament as a whole, look back in horror at the fact that thousands of other little girls and boys were taken from their mothers and their fathers—not by strangers from Mars but by Australian governments. Thousands of mothers and fathers—because they were Aboriginal; because they were black, and therefore not understood or valued by the perpetrators—had their little boys and girls, many just babies, taken from them by strangers in the name of our nation. It does not matter what the reason was, personal or official. Governments not only allowed but

directed this racist separation of the innocent Indigenous infants from their powerless, numberless parents in unaccountable fear and agony—an agony that would not, for all of life, let go its grip.

Today in this parliament of Australia we acknowledge that heart-rending wrong to the stolen generations. We express our sorrow, unencumbered by attempts to excuse or rationalise such behaviour. This nation let its authorities trespass against a fundamental law of nature—that every child deserves and must have the love of parents who have love to give and that no parent who loves a child should have that love denied. We know the facts. We try to understand the pain. And we reach out not just for forgiveness but towards whatever restitution can now be given to those who suffered and are suffering so much. And, in reaching out, all of us may rest a little better in the name of humanity and in the name of our nation, Australia.

We Greens welcome this day in Australia's parliament. But we urge the government to logically move from sorrow through to just and fair compensation. To be sure, no government cheque will ever make up for the dispossession of Indigenous Australians taken from their parents, just as no compensation ever makes up for an eye lost in an accident or even a job lost in a corporate collapse. Yet logic and compassion make it clear that the national parliament should now move, and move speedily, to compensate the stolen generations, just as the Tasmanian parliament—with the Labor and Liberal parties and the Greens working together—did last year.

As foreshadowed, I move:

That paragraph 10 of the Government's notice of motion no. 1 be amended in the following terms: After the words: 'We the Parliament of Australia' insert 'commit to offering just compensation to all those who suffered loss and'.

This is not a last-minute amendment. This amendment came as a first-minute response to this great motion and is a logical follow-through that, down the road, we as a nation must take towards reconciliation.

We Greens advocate to the Rudd government that all of the 54 recommendations of the *Bringing them home* report should be implemented. The report's recommendations on monetary reparation are critical to redressing the terrible wrongs of, to quote from the motion, 'the blemished chapter of our history'. In particular, that report recommended to this parliament that appropriate reparation, including monetary reparation, be made in recognition of the history of gross violations of human rights; that reparation be made to all who suffered because of forcible removal policies, including those who were forcibly removed as children, their family members, their communities and their descendants, who as a result have been deprived of community ties, of culture and language and of links with and entitlements to their traditional land; and that the Council of Australian Governments establish a joint national compensation fund, managed by a board chaired by an Indigenous person and made up of both Indigenous and non-Indigenous people.

I commend this amendment to all parties in the Senate because it incorporates the essential practical component to this historic gesture we are making here today. It moves us closer to a nation reconciled between the first Australians and all other Australians—that is, the 97 per cent majority of us who have come or whose forefathers and mothers have come to these shores since 1787. That reconciliation requires that all the people understand the history of dispossession of Aboriginal and Torres Strait Australians from their land. There were acts of consideration by the colonialists, but they were too few. Australia's true history reveals that, through

the ravages of European disease, official and unofficial military or vigilante operations and even poisoning of food and waterholes, the first peoples of this continent were cruelly decimated along with their cultures and their languages. That history has not yet been put in full reverse, but we are challenged to reverse it as best we can.

Former Prime Minister John Howard rejected what he called 'the black armband' version of Australia's history and put on blinkers instead. But he could not, in the end, defy the truth or the more mature aspiration of Australians as a whole to honestly face the past and deal with it. So, as the sun set on his government, he lit candles of reconciliation by calling for acknowledgement of Indigenous Australians at the head of our Constitution and by moving, however crudely, unprecedented resources into addressing the plight of Aborigines in the Northern Territory.

Like the Australian Greens now, the new government of Prime Minister Kevin Rudd, in consultation with first Australians, is committed to pursuing constitutional change and undertaking the work of ending the broad-scale disadvantages which first Australians still suffer. We Greens are committed to accelerating that course of action. Saying sorry is a step along the road to true reconciliation and recognition of the original sovereignty of Aboriginal and Torres Strait peoples in Australia.

In 1997, as my Greens colleague Senator Milne was with the Liberal government and Labor opposition of the day bringing Indigenous people onto the floor of the Tasmanian parliament to receive and respond to an apology, I rose in this Senate to say sorry to the stolen generations on behalf of the Australian Greens. Here, a decade later, I congratulate the new Rudd Labor government for giving the nation this day when 'sorry' is

truly said by all of us. We all understand that the dispossession and cruelty of the past cannot go away but that this simple act of heartfelt sorrow is an essential step to heal our nation's history and therefore to help ensure that Australia's future will be safer, securer, fairer and happier for all of us. So, at last in 2008, this nation says to the first Australians, 'We are sorry.' Now, from sorrow, let us move to fair and just reparation to the stolen generations for the betterment of all Australians.

**Senator FIELDING** (Victoria—Leader of the Family First Party) (10.41 am)—Today, Australia's parliament will deliver a long-overdue apology to Australia's Indigenous people. It will be a historic and emotional day for many who have waited a long time to hear these words. Saying sorry should not be so hard. In families, just like any relationship, we know that we should be quick to say sorry when we do something wrong and to mend any hurt we have caused. It is not about blame. It is about genuinely being sorry that the other person has been hurt, even if that action or that hurt was unintentional. Every parent knows and understands the importance of teaching our children to say sorry when something goes wrong. There is no doubt that something has gone wrong for the children and families of the stolen generations.

But what exactly do we mean by the term 'the stolen generations'? I think many Australians may not understand the wrong that was done to Aboriginal and Torres Strait Islander children, that it was Australian government official policy from the mid-1800s right through to the 1970s to remove children from their parents in order to assimilate the Indigenous population into the wider community.

Family First does not believe that Australian governments 50 years ago or even 100

years ago intended harm to any child or family. These governments and authorities acted in a manner that they thought was right at the time and in the best interest of the children involved. But removing children from their parents just because they were Aboriginal and Torres Strait Islander children—not on genuine welfare grounds—was wrong. The parents were hurt and the children got hurt.

A report found that many of the children taken from their families fell victim to physical and sexual abuse. They got hurt, and everybody should be sorry—very sorry—for the hurt caused to these children. We should show compassion and empathy. These children are now adults, while many others have passed on. But the unresolved hurt continues in them, in their families and in their communities. Unresolved and unacknowledged hurt in any family or relationship just festers and never really goes away. We would not wait to say sorry if this was our family. We would want to fix the rift and restore the relationship. When we do not resolve past hurts, we find that resentment builds and there really is little possibility of an ongoing healthy relationship. However, 'sorry' often seems to be the hardest word to say. Yet it is one of the most important words in any family, marriage or relationship. Saying sorry allows our kids and us as parents to move past our mistakes and our failures. Saying sorry is a part of life because at times we all do and say things we should not. Sometimes on purpose, sometimes out of ignorance or out of carelessness, hurts are made. But we need to fix them and we need forgiveness. There is responsibility on both parties here.

And it is no different in the relationship between the Australian government and Indigenous people, which was torn apart by the government's policy to remove Indigenous children from their parents, their families and their communities. In our family, we also teach that when someone says sorry they



must also ask for forgiveness. Sometimes, we can say sorry as a throwaway line just to get us off the hook, but my wife, Sue, and I have taught our kids that a proper apology comes with the words: 'I'm sorry. Please, will you forgive me?' The child who has been hurt, even in an unintended situation, then feels that their hurt has been acknowledged. Importantly, they are also part of the healing by actively forgiving their brother or sister. We reckon that saying sorry and being forgiven go hand in hand. Relationships get restored, friendships are mended and fences are rebuilt.

As I said before, sorry can be the hardest word to say, but forgiving can be the hardest thing to do. Forgiveness is not an easy thing. As a nation, today we are sincerely sorry for the great hurt and pain caused and we admit that Australian governments have treated Indigenous Australians badly. In turn, I hope Indigenous Australians can be open to a process of forgiveness. Forgiveness does not mean condoning what happened. We cannot change the past, but we can forgive it.

There are real, positive effects from letting go of the hurt by forgiving. It enables us to move forward. Most importantly, forgiving makes room for hope: hope for the future; hope for a better life for the kids; hope for a united Australia. As a nation, we need to help that process of forgiveness by really committing to dealing with the complex and long-standing problems facing the Aboriginal and Torres Strait Islander community. We need to close the 17-year life expectancy gap between Indigenous and non-Indigenous children. Who can hope for a future without knowing that their kids will get good schooling and decent health care? It is a scandal that Indigenous Australians are so far behind other Australians in the standard of education and health care provided to them and in the outcomes from those key services. The big task for government is to make sure that

schooling, health and other services are provided at a level equal to the broader Australian community, and the challenge for Aboriginal and Torres Strait Islander people is to make the most of those opportunities.

Family First agrees the Australian parliament should say sorry for the past. I hope the children and families that have been hurt can then accept that apology and forgive us. The debt must finally be cancelled so we can all move on together to build a united family of Australians.

Question put:

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

The Senate divided. [10.53 am]

(The President—Senator the Hon. Alan Ferguson)

Ayes.....	4
Noes.....	<u>65</u>
Majority.....	<u>61</u>

AYES

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

NOES

- |                 |                       |
|-----------------|-----------------------|
| Abetz, E.       | Adams, J.             |
| Barnett, G.     | Bernardi, C.          |
| Birmingham, S.  | Bishop, T.M.          |
| Boswell, R.L.D. | Boyce, S.             |
| Brandis, G.H.   | Brown, C.L.           |
| Bushby, D.C.    | Campbell, G.          |
| Carr, K.J.      | Chapman, H.G.P.       |
| Colbeck, R.     | Conroy, S.M.          |
| Coonan, H.L.    | Cormann, M.H.P.       |
| Crossin, P.M.   | Eggleston, A.         |
| Ellison, C.M.   | Evans, C.V.           |
| Faulkner, J.P.  | Ferguson, A.B.        |
| Fielding, S.    | Fierravanti-Wells, C. |
| Fifield, M.P.   | Fisher, M.J.          |
| Forshaw, M.G.   | Hogg, J.J.            |
| Humphries, G.   | Hurley, A.            |
| Hutchins, S.P.  | Joyce, B.             |
| Kemp, C.R.      | Kirk, L.              |
| Ludwig, J.W.    | Lundy, K.A.           |
| Macdonald, I.   | Macdonald, J.A.L.     |

Marshall, G.	Mason, B.J.
McEwen, A.	McGauran, J.J.J.
McLucas, J.E.	Minchin, N.H.
Moore, C.	Nash, F.
O'Brien, K.W.K.	Parry, S.
Patterson, K.C.	Payne, M.A.
Polley, H.	Ray, R.F.
Ronaldson, M.	Scullion, N.G.
Sherry, N.J.	Stephens, U.
Sterle, G.	Troeth, J.M.
Trood, R.B.	Watson, J.O.W.
Webber, R. *	Wong, P.
Wortley, D.	

\* denotes teller

Question negatived.

Original question agreed to.

### GOVERNOR-GENERAL'S SPEECH

#### Address-in-Reply

**Senator WORTLEY** (South Australia)  
(10.58 am)—I move:

That the following address-in-reply be agreed to:

*To His Excellency the Governor-General*

MAY IT PLEASE YOUR EXCELLENCY—

We, the Senate of the Commonwealth of Australia in Parliament assembled, desire to express our loyalty to our Most Gracious Sovereign and to thank Your Excellency for the speech which you have been pleased to address to Parliament.

I welcome the opportunity to move the address-in-reply to His Excellency the Governor-General's speech given at the opening of the 42nd Parliament. On 24 November 2007 the people of Australia voted in a new government. They voted for a government with a plan—a plan that as a nation we will move forward to write a new page in our nation's history, a plan to make this country of ours even greater. As His Excellency said yesterday:

As one of the world's oldest democracies, it is easy for us to take elections for granted ...

But, as he went on to say:

... all Australians can celebrate the success of our democracy when such changes can occur so seamlessly and with such goodwill.

This week and those ahead of this parliament are history in the making, a precursor to change, renewal and moving forward. There will be new directions, advancements and progress important to our nation, and today I will focus on just some of these. They include workplace relations, the environment, climate change and water, education and health, skills training, and reconciliation and Indigenous affairs.

It is significant that yesterday, the day we opened the 42nd Parliament, we were for the first time officially welcomed by the traditional owners of this land, by Indigenous Australians—welcomed to country. The Rudd government has made a commitment to our future as a nation, and this was a small but significant step.

The tasks ahead are challenging. We are faced with the bleak reality of climate change, the fact that owning a house is beyond the reach of many Australian families and many young people, the frustration of a skills crisis, the lack of adequate childcare places, the confrontation that many hard-working Australian families are being denied fairness in the workplace, and a wide gap in health and educational outcomes between Indigenous and non-Indigenous Australians. On that Saturday in November less than three months ago, the Australian people made a stand on these and other issues at the ballot box. It is now fair to say that the recovery of the Australian soul, the restoration of our national spirit, is underway with a fair go for all.

Admittedly, there are mountains to climb; but each step takes us closer to delivering to the Australian people the commitments made by this government. The seeds of compassion are once again being sown. Today we

take a step forward by honouring the Indigenous people of this land and by apologising for the wrongs they have worn; by apologising for the laws and policies of successive parliaments and governments that inflicted profound grief, suffering and loss on them; by apologising for the removal of Aboriginal and Torres Strait Islander children from their families, their communities and their country; and by saying sorry for the pain, suffering and hurt of the stolen generations, their descendants and their families left behind and for the indignity and degradation inflicted upon a proud people and a proud culture.

In the words of the Prime Minister:

We today take this first step by acknowledging the past and laying claim to a future that embraces all Australians.

When I entered the parliament in July 2005, I included the following words in my first speech:

Today I acknowledge the traditional owners of this land where we stand ... and I pay tribute to all Indigenous people of Australia. For the tragedy suffered by them and their ancestors I am truly sorry, as are the 55,000 people with whom I marched in Adelaide on that long weekend in June 2000. More than 240,000 people around Australia walked for reconciliation with our Aboriginal and Torres Strait Islander people. It is a shame that reconciliation has not progressed as it could have, and we now know that as a nation it will not reflect kindly on us in the history books.

Almost three years on, and with a new government in office, today as a nation we arrive at a place from which to progress reconciliation with our Indigenous peoples. Optimism and hope are returning to these halls. Today we find ourselves at a place from which to start building better relationships between Indigenous and non-Indigenous Australians—a better future. It is the cornerstone upon which we can all begin to establish mutual respect and from which we can work

towards achieving other meaningful goals. Now we must take the opportunity to move forward, Indigenous and non-Indigenous people, learning from the mistakes of the past and ensuring that they are never repeated.

As Prime Minister Kevin Rudd said at yesterday's historic welcome to country opening of parliament:

Our challenge this week, then is to write a new page in the country's history, and this is one small step. But for that page to be truly written, it must be written between ourselves and indigenous Australia, and within this parliament between those who are Government and those who are Opposition.

There remains much to be done across the Australian community to bring about reconciliation between Indigenous and non-Indigenous Australians. Through consultation and collaboration with Indigenous peoples and communities, the government will seek to build a relationship based on respect. We must translate our words of apology into actions via meaningful and effective policy, legislation and law. The government will continue developing and implementing a range of initiatives to help close the gap between Indigenous and non-Indigenous Australia in the areas of health outcomes and educational achievement. These include, but are not limited to, within a generation closing the 17-year life expectancy gap between Indigenous and non-Indigenous Australians; halving the gap in infant mortality rates between Indigenous and non-Indigenous Australians in the next decade; and halving the gap between Indigenous and non-Indigenous children in their reading, writing and numeracy achievements, also within a decade. It is important that individually and as a nation we recognise the true and full value of Indigenous culture, and we must move towards this end. As a government, we will

address these and other examples of oversight and neglect of our Indigenous peoples.

The Rudd government believe every Australian child deserves a world-class education. We have promised an education revolution, and that is what we are working towards delivering. Submissions have already been made to cabinet regarding the \$1 billion National Secondary School Computer Fund and the \$2.5 billion trades training centres initiative. Real commitments have been made through the Council of Australian Governments to drive the productivity agenda through substantial reform in education, skills and early childhood development.

The government will raise standards in education by increasing standards in our schools and improving the quality of teaching through a grand reform agenda—the education revolution. Added to our education measures is Labor's 50 per cent education tax refund, which is designed to boost Australia's productivity and ease cost of living pressures for working families. Indeed, Australia needs an education revolution with new measures and innovations from early childhood years through primary and high school and on to tertiary study.

As His Excellency noted in his address yesterday, the government wants parents to have access to affordable, high-quality child care that helps them balance their work and family responsibilities. Another innovation will be universal access to early childhood education for all four-year-olds for 15 hours per week for 40 weeks of the year. A national curriculum will be introduced to streamline education in key learning areas for older children and the government will establish trades training centres in thousands of high schools around the country as a central plank in addressing the skills shortage.

There is no doubt that the skills shortage is impacting on our economy. Therefore, the

government will commit \$1.17 billion to a skills package over four years. The government's establishment of the Skills Australia body is being fast-tracked to assist in fighting the inflationary pressures in the economy and improving productivity. This independent statutory body, to be known as Skills Australia—made up of members from a range of backgrounds, including economics, industry and academia—will oversee the government's pledge to provide an extra 450,000 training places in the next four years. Over the coming decade, this number will grow to 820,000. To emphasise the government's seriousness in this matter, the plan is to have the first 20,000 of these training places available by April this year. The goal of this program is to better match the demand for skills with skills training in Australia.

When it comes to our nation's health systems, we need to end the state and territory versus Commonwealth government blame game referred to by His Excellency in his speech yesterday. The Rudd government, in cooperation with the states and territories, will direct resources towards medical and health research, boost nursing numbers, establish GP superclinics and put in place strategies to slash elective surgery waiting lists at our hospitals. There will be more attention paid, too, to the seriously under-resourced sectors of rural, women's and Indigenous health. Aged care will take its turn in the spotlight during this parliamentary term, as will dental health, preventative health policies and meeting the challenge presented by the obesity epidemic confronting Australians of all ages.

As a government, we will address this and other areas that urgently require attention, including the environment, climate change and our most fragile and vital resource, water. Australians know we cannot afford to be sluggish when it comes to issues of our envi-

ronment. What we do or do not do now and in the coming years will help shape the health of our planet for generations to come. To what extent the globe continues to be hospitable may well depend on us. We cannot afford to leave things to those who come after us.

While, through the media, we have seen worldwide the spectacular and even terrifying evidence of the toll of climate change, there are also clear signs in our own backyard. Environmental wonders, including rainforests, reefs and unique natural wildlife sanctuaries such as Kakadu National Park, are under threat. Bushfires pose more of a threat to life and livelihood than before, and our river systems are being choked by drought. For these reasons and more, on 3 December—the day the government was sworn in—as one of the first acts of this government, the Prime Minister signed the instrument of ratification of the Kyoto protocol. It was the first official act of the newly elected Rudd Labor government. In doing so, we have now gained a place at the world's negotiating table.

So Australia will become a full member of the Kyoto protocol next month, and this government intends to be actively involved in developing a comprehensive new agreement to address the very serious issue of climate change. As a government, we want to be helping to drive the international dialogue on climate change rather than remaining in the back seat criticising those at the wheel. The government has also committed to slashing Australia's greenhouse gas emissions by 60 per cent on 2000 levels by 2050. There will also be a \$500 million renewable energy fund to develop, commercialise and deploy renewable energy technologies in Australia. This will aim to generate a further \$1 billion private sector investment in such technologies. The government is committed to a national emissions trading scheme, which will

provide incentives to cut greenhouse gas emissions across the country.

Caring for the environment is everyone's responsibility, but we believe that the government must lead the way. Only the government can legislate change, and so this administration has embarked on a range of initiatives designed to preserve our precious environment. We want to conserve whales in our waters and around the world, and to that end we have upped diplomatic efforts, looked seriously at our international legal options and overseen an unprecedented level of monitoring of the Japanese whaling fleet in the Southern Ocean. We are also working to help Australians make their homes greener and more sustainable. The range of measures includes green loans, energy efficient insulation and cost-saving new standards for household appliances. The Solar Cities concept will be expanded and every school will become a solar school.

When it comes to action on the urgent issue of water, and particularly our drought-ravaged lifeblood, the Murray-Darling Basin, the government will implement its election commitments to secure a sustainable future for the basin. While some of the nation has suffered through floods in recent weeks, much of it remains terribly parched. Because of this fact, special water-sharing arrangements in the Murray-Darling Basin will continue in 2009.

Nowhere is the need for a new spirit of cooperation between the federal and state governments in the area of water more evident than in my home state of South Australia. Through cooperation, we need to find a long-term and sustainable solution for the River Murray and the communities who depend on it. For the first time in many years, real progress is being made in the area of consolidating a national approach to this crisis. How we deal with this challenge now

will affect our people and environment for many years to come.

As with climate change, the voting public's verdict from last November on workplace relations is clear. Australians want a fair go for themselves, their families and others in the workplace. They want to be treated with respect and even-handedness, and that is an entirely reasonable expectation. When Australians voted last November for Labor's fair and balanced workplace relations system, we promised them there would be no new Australian workplace agreements. This government's commitment in this area is to give working families a better, simpler industrial relations system than the one it will replace.

Essential to establishing a better system is to have a modern safety net. Our 10 national employment standards will form the integral part of that safety net. We will modernise and simplify our award system, and we will begin this process with a transition bill promised before the election. People who want to make individual agreements can make common-law agreements which must give them equal or more than the safety net rather than overriding and undermining that safety net.

The purpose of these measures is clear: we want to restore job security and satisfaction to our workforce. The Forward with Fairness reforms that the government will introduce are designed to establish just and fair relationships between employers and employees and revive worker confidence and family certainty. Better morale and more reasonable conditions within the workforce will also foster improved productivity. Happier workers are also healthier workers, with less stress and the associated social problems that it brings. Our legislation will implement a genuine no-disadvantage test for workplace agreements, protect workers against being unfairly dismissed and halt the stripping

away of pay and conditions, including public holidays and overtime, without any appropriate remuneration. The government will promote family-friendly policy developments, such as giving women the right to ask their employer for an extended period of maternity leave or to return to work under part-time or more flexible conditions. There also will be a Productivity Commission inquiry looking into possibilities for paid maternity leave as a priority of this administration.

However, it is not only in the areas of the environment, working families, education, health and Indigenous issues that we will see benefits from a new way of thinking and a different course of action from our government; the government's policies and their implementation are working towards delivering a more just society, a more united society, a more productive society and a more sustainable society in which all Australians can share.

**Senator McEWEN** (South Australia) (11.16 am)—It is with great pleasure that I second the motion moved by Senator Wortley thanking his Excellency the Governor-General for his address to parliament yesterday. I also take this opportunity to congratulate the new ministers and parliamentary secretaries who took their seats for the first time in the parliament yesterday. After 2½ years for me, and up to 11 years for some of my colleagues here, it is a great feeling today to be sitting on the right side of you, Mr Acting Deputy President.

The opening of the 42nd Parliament was a very special day. For the first time in our parliament's history, we had a welcome to country ceremony. It is hard to believe that it had not been done before. I think that for many years most senators would have attended conferences, events and government functions where a welcome to country ceremony was expected and always occurred. It

is good that we have finally done it here. It is unfortunate that it took so long. The welcome to country ceremony was a strong sign that this parliament and this government will be different to those of the past. I am heartened to know that future openings of parliament will also incorporate the welcome to country ceremony.

In his speech, His Excellency the Governor-General pointed out how fortunate we are to live in a nation where governments change peacefully as a result of the free expression of the will of the people. We live in a democracy that is truly democratic, where people can safely and secretly vote with the confidence that their vote will be counted and that they have a say in who runs their country. Not everyone in the world is as fortunate as us. It is indeed a feature of our democracy that we change governments peacefully, and it is also a significant feature of our democracy that it began from the roots up rather than being created by special interest groups. This fact was noted by South Australian representative Josiah Symon at the time of Federation. While members on this side of the chamber do not share all of Symon's philosophies, he was right in making a distinction between us and the founding structure of the British parliament, for example, which was frustrated by power struggles between royalty and landed gentry.

Although in our early history there was a failure to include Aboriginal Australians, there were at least sentiments expressed about a people's parliament. This historic week in our parliament is a step towards achieving a more inclusive system. The political liberty Australians have in being able to change governments democratically and peacefully is one that other nations do not have. Some nations do not have that opportunity, nor the opportunity to establish their democracies from scratch. Before a democracy can come about in some countries a lot

of pain has to be endured while regimes which are not representative are replaced. One example of such a country is Myanmar. In its recent history Myanmar has suffered a military dictatorship which has severely curtailed the democratic rights of its citizens. Who could forget those terrible images we have all undoubtedly seen of Buddhist monks and democracy protesters being fired at with tear gas and rounded up to be imprisoned? Pakistan is another example where the fight for democracy is characterised by violence. Less than two months ago, former Prime Minister Benazir Bhutto was murdered by extremists. She had shown great courage and defiance in her resistance to extremism as she campaigned resolutely for democracy in Pakistan.

Recently, Kenya has also struggled for democracy as it faces civil strife and allegations of vote rigging following the recent elections there. Subsequent to those elections, we have seen violence which has claimed the lives of more than 1,000 Kenyans and is reported to have displaced more than 600,000 people. Even in the ex-Commonwealth country of Zimbabwe, where the history of the British system and conventions on parliamentary democracy would be presumed to be stronger than in some other countries, abuses of executive power leading to an undemocratic regime occur to this day. One emerging democracy which must in time experience the democracy that Australia enjoys is East Timor. However, currently this young nation is beset with political instability which saw the country split following the last election. The instability was further expressed in the recent attempted assassination of the country's President and Prime Minister.

I would like to take this chance to remind the Senate that our government is strongly committed to seeing democracy prosper in that nation, our nearest neighbour, and we

have deployed extra troops and police officers there in an effort to maintain order at this particularly volatile time. I would like to acknowledge the efforts of our troops and the Australian Federal Police officers serving in East Timor and in other countries, including Iraq.

In contrast to those examples of nations struggling for democracy, on 24 November last year Australians went to polling booths and voted according to their own free will. Australians used their democratic right and they voted for change. The trust and confidence of the nation has been handed to those of us in the Labor Party. It is a significant step for a nation to change government, and with change comes much responsibility for those who are assuming government.

A key difference between the new Australian government and the previous one is that under a Labor government the focus will not be on the individual. We have the ability to look at the bigger picture and we are committed to improving the lives of all Australians. We believe in a fair distribution of the benefits of economic growth, continuous improvement in the welfare and living standards of the Australians people and the reallocation of resources to those most in need. Labor is proud to bring these principles with it into the new government.

I was very encouraged to hear the Governor-General outline the government's plans for the future. We do not just have plans; we implement them. When elected, Labor hit the ground running, and we will not be slowing down anytime soon. As His Excellency mentioned, one of our first actions as a new government was to ratify Kyoto. From the beginning of the election campaign, Mr Rudd outlined Labor's commitment to the environment and our commitment to addressing climate change. This commitment has been evident since our election, not only in the

ratification of the Kyoto protocol but also by the creation of the climate change portfolio. That change to portfolios means that the Minister for Climate Change and Water, Senator Penny Wong, is able to dedicate herself to the issue.

The government has also committed to reducing Australia's greenhouse gas emissions by 60 per cent on 2000 levels by the year 2050. We see that climate change is one of the biggest challenges of our generation and, if the Australian government does not take action, it will undoubtedly continue to be one of the biggest challenges for generations to come. The previous government unfortunately was full of climate change sceptics and made little effort to protect our environment and develop ways to counteract global warming, but we will take action.

Labor has developed a strong plan of action to address the environmental issues that are currently facing Australia and the rest of the world. As the Governor-General outlined, our plans for the environment include managing the water crisis. As Senator Wortley said, this is an issue of particular importance to my state of South Australia. For urban areas, the new government will be establishing a \$1 billion fund to invest in both old and new water supplies. A number of rebates will also be made available for families across the nation to assist them in making their homes more water efficient.

Those in rural areas, particularly farmers, have been impacted the most by the water crisis. For this reason the government has a drought policy that will ensure that those farmers receiving government assistance are better equipped to deal with drought. That includes climate change adaptation programs, which support farmers to change their practices to better deal with changes in the environment.



One area that really suffered during the reign of the Howard-Costello government was the education sector. So, shortly after the election, senators and members were directed by the new Prime Minister to visit schools. These visits were invigorating. It gave us all a chance to get out into the community and find out what is needed in our education sector. I took the opportunity to visit public and private schools in metropolitan and rural areas of South Australia and it provided me with a very good understanding of the issues faced by our schools. It was exciting to visit the schools and to present our education revolution, particularly our digital education revolution. Everywhere we went principals, teachers, students and parents showed great interest in this initiative and looked forward to improving and expanding the information technology systems in their schools.

University students continued to suffer because the previous government introduced voluntary student unionism and broke its promise of no more full-fee-paying university places. As we know, there are now 104 domestic full-fee university degrees costing over \$100,000—three of which cost more than \$200,000 per student. Labor believes that everyone has the right to a good education regardless of their socioeconomic background. Therefore we will be keeping our promise of phasing out full-fee-paying courses so that by the year 2010 students will be entering universities based on merit, not on their household income.

Working families have also suffered over the last decade through Howard's draconian and extreme industrial relations laws, the decline in housing affordability and the rising cost of living. Those three elements combined have led to a lot of people doing it really tough at the moment. The Rudd Labor government acknowledges those problems and is committed to addressing them.

I am proud to say that the government will bury WorkChoices. Changes will include abolishing AWAs but respecting existing contractual arrangements; providing 10 national employment standards; creating a fast and simple unfair dismissals system; simplifying and modernising some 4,300 awards; and creating a new independent umpire—Fair Work Australia.

Throughout the campaign we outlined a comprehensive plan on how to address housing affordability and homelessness. This plan incorporates first home saver accounts, the release of Commonwealth land and talking with the states and territories to develop a national housing affordability agreement. That agreement is just one example of the new cooperation between state and federal governments that will bring an end to the so-called blame game that we saw the previous federal government use extensively as an excuse for doing nothing.

An area that is of great importance to the government is Indigenous affairs. The experience of the last day and a half in Canberra and in Parliament House has been unique and I feel very honoured to have been a part of it. The events that have transpired are truly momentous and are without doubt a highlight of this nation's history. Today's apology in both houses of the parliament is but the first step in developing respect and equality amongst all Australians. Our next focus must be on closing the life expectancy gap between Indigenous and non-Indigenous people. Australians can already be proud of the government, as we have already shown strength and energy—disproving claims that we would become a 'me too' government.

The Governor-General referred to a 'modern Australia' in his speech yesterday. A modern Australia can be interpreted as a country which is prepared to be active and is not shackled by conservatism. A modern so-

ciety also sets targets and takes action. While conservatism is by definition a tendency to resist change, this change of government will see a refreshing approach to how we view the world and how we treat our citizens. We do have a lot of catching up to do.

One area where we need to catch up very quickly is the skills shortage. By not acting on the Reserve Bank predictions of a skills shortage, the former coalition government made this country much less able to take advantage of opportunities in this first decade of the 21st century. Rather than rhetoric, the Labor government has set targets for change. In the Governor-General's address, for instance, we see specific targets and time lines. I would like to outline a few of those time lines. The government aims to deliver a budget surplus of 1.5 per cent of GDP in 2008-09. It aims to provide an additional 450,000 training places, which will be established over four years, including 65,000 extra apprenticeships, with the first 20,000 places available from April this year. The government has committed to reducing Australia's greenhouse gas emissions by 60 per cent on 2000 levels by 2050. A major study to help Australia set robust shorter term emission reductions will report in June this year. A national emissions trading scheme will be established by the end of 2010. The time line for an apology to the stolen generations is immediate. Targets have been set for improved education and health among Aboriginal and Torres Strait Islander people. The government will withdraw all Australian combat troops from Iraq at the end of the next rotation, due in the middle of the year. Australia's overseas development assistance will increase to 0.5 per cent of gross national income by 2015-16. There were many other initiatives outlined in the Governor-General's speech, including plans to reform the health system and to build a world-class education system, as I mentioned before.

Apart from setting targets for a modern, fairer and more efficient and productive society, Labor has demonstrated already its commitment to being modern, as the Governor-General put it, by addressing contemporary and future issues. Under that banner, there are many other things those of us in this chamber would like to see the government implement so that the nation is truly inclusive and fair for all. Personally, I hope that one day soon we can agree on a sensible scheme of universal paid parental leave and stronger legislation to ensure women do not continue to be disadvantaged in the workplace. I would also like to see government legislation amended to remove any provisions that discriminate against Australians because of their race, gender, disability, religion or sexuality. I look forward to the term of this government and look forward to working with all my fellow senators to make a better future for all Australians.

Debate (on motion by **Senator Ludwig**) adjourned.

## COMMITTEES

### Membership

**The ACTING DEPUTY PRESIDENT (Senator Moore)**—Order! The President has received letters from party leaders nominating senators to be members of committees.

**Senator LUDWIG** (Queensland—Manager of Government Business in the Senate) (11.34 am)—by leave—I move:

That senators be appointed to committees as follows:

#### **Appropriations and Staffing—Standing Committee—**

Appointed—Senator Parry

#### **Community Affairs—Standing Committee—**

Appointed—

Senator Allison

Participating members: Senators Bartlett, Fielding and Stott Despoja

**Economics—Standing Committee—**

Appointed—

Senator Murray

Participating members: Senators Allison, Bartlett and Fielding

**Employment, Workplace Relations and Education—Standing Committee—**

Appointed—

Senator Stott Despoja

Participating members: Senators Allison, Bartlett, Fielding and Murray

**Environment, Communications, Information Technology and the Arts—Standing Committee—**

Appointed—

Senator Bartlett

Participating members: Senators Allison, Fielding and Stott Despoja

**Finance and Public Administration—Standing Committee—**

Appointed—

Senator Murray

Participating members: Senators Bartlett and Fielding

**Foreign Affairs, Defence and Trade—Standing Committee—**

Appointed—Participating members: Senators Allison, Bartlett, Fielding and Stott Despoja

**House—Standing Committee—**

Appointed—Senator Parry

**Legal and Constitutional Affairs—Standing Committee—**

Appointed—

Senator Bartlett

Participating members: Senators Allison, Fielding, Murray and Stott Despoja

**Library—Standing Committee—**

Appointed—Senators Barnett and Payne

**Privileges—Standing Committee—**

Appointed—Senators Brandis, McGauran and Payne

**Procedure—Standing Committee—**

Appointed—Senators Bartlett and Parry

**Publications—Standing Committee—**

Appointed—Senator Mason

**Regulations and Ordinances—Standing Committee—**

Appointed—Senators Bartlett, Cormann and Ronaldson

**Rural and Regional Affairs and Transport—Standing Committee—**

Appointed—Participating members: Senators Allison and Fielding

**Scrutiny of Bills—Standing Committee—**

Appointed—Senators Ellison, Murray and Troeth

**Selection of Bills—Standing Committee—**

Appointed—Senators Adams and Ellison

**Senators' Interests—Standing Committee—**

Appointed—Senators Adams, Allison, Humphries, Johnston and Lightfoot.

Question agreed to.

**BUSINESS**

**Days and Hours of Meeting**

**Senator LUDWIG** (Queensland—Manager of Government Business in the Senate) (11.34 am)—I move:

That the days of meeting of the Senate for 2008 be as follows:

**Autumn sittings:**

Tuesday, 12 February to Thursday, 14 February

**Autumn sittings (2):**

Tuesday, 11 March to Thursday, 13 March

Monday, 17 March to Thursday, 20 March

**Budget sittings:**

Tuesday, 13 May to Thursday, 15 May

**Winter sittings:**

Monday, 16 June to Thursday, 19 June

Monday, 23 June to Thursday, 26 June

**Spring sittings:**

Tuesday, 26 August to Thursday, 28 August

Monday, 1 September to Thursday, 4 September

Monday, 15 September to Thursday, 18 September

Monday, 22 September to Thursday, 25 September

Monday, 13 October to Thursday, 16 October

**Spring sittings (2):**

Monday, 10 November to Thursday, 13 November

Monday, 24 November to Thursday, 27 November

Monday, 1 December to Thursday, 4 December.

**Senator BARTLETT** (Queensland) (11.34 am)—This motion is to set the days of sitting for the Senate for this year. As some senators would know, but others may not, it is the Senate itself that chooses the days that it meets to conduct business. The Democrats have expressed concern for a number of years about the inadequate number of days of meeting for the Senate. Under the previous coalition government we saw a consistent decline in the number of days that the Senate met to conduct business—at the same time, I might say, as a consistent increase in the number of pieces of legislation that were put before the chamber. It is very disappointing that this decline in the number of sitting days will continue under the new Labor government. There has been some media coverage of the fact that the House of Representatives

is now sitting on Fridays for the first time and that the number of days the House of Representatives is sitting has increased. That has been used to create the perception of the new, hardworking Rudd government. As usual, the media has completely ignored the very different reality in the Senate. I am not going to get into the debate about what the House of Representatives is doing on Fridays and whether or not that constitutes hard work. That is a matter for them.

For the Senate, which is after all the primary chamber where legislation is actually considered in genuine detail—and particularly after July, when no one party or grouping will have control of this chamber—it will be absolutely critical to ensure there is enough time to properly consider different amendments to legislation that are put forward. The parliament and the Senate in particular is a legislature. The Senate is not—or should not be—a debating chamber in which to score political points. It is a chamber that is the primary mechanism for determining the adequacy of the laws that are passed by the national parliament, the laws that affect every person in this country and, indeed, many people outside this country. We should be ensuring that there is adequate time to properly consider those proposed laws and, I might say, any other matters that deserve proper consideration.

We have literally thousands of regulations and ordinances—subsidiary legislation. We also have hundreds of reports that are tabled in this chamber that rarely get consideration. But my primary concern is the inadequate time to properly consider the legislation itself. Of course, we have Senate committees that meet outside of this chamber and we have estimates committees that meet in addition to the sitting days spent here. We have had estimates committees for a long period of time and have managed to have them meet alongside a much greater number of sitting

days than are being put forward here. In total there are just 52 days, spread across 14 sitting weeks, scheduled for this year in the motion before the chamber. As far as I can see, that is the lowest number in a non-election year going back at least 30 years.

When the Howard government first came to office in 1996—and that was in a year when the election was held in March, if I recall correctly, so we did not even sit for the first three months of that year—there were 71 sitting days spread across 16 weeks. In contrast to that, in its first full year the Rudd government—and we will have an entire year—are suggesting just 52 sitting days across 14 sitting weeks. During the previous Labor government, it was basically the norm to have 70-odd sitting days. Back in 1983, the first year of a Labor government—again, an election year—there were 63 sitting days. In the following years there were 62, 74, 86 and 85 sitting days, and then 89 sitting days in 1988 and 92 sitting days in 1989. I think it is unacceptable for the number of sitting days to have declined so dramatically—to just 52 in a full year when there is no election—particularly with a new government coming in.

As we heard yesterday from the Governor-General, the government has a comprehensive program of reform—I appreciate not all of it will require legislation but it certainly will require examination and there will be a lot of legislation. So I think the proposal is inadequate. Perhaps it is understandable, although not necessarily excusable—it is understandable given Realpolitik—that the government wants only 21 sitting days in the first part of the year when the coalition still has a majority. But to have only 31 days in the second half of the year, when the balance of power situation will be back in operation, I think is grossly inadequate.

As usually happens when a new government comes in, there is talk of taking the parliament more seriously and treating it with more respect. I do not think this is a good sign of that. It is more important than just the formality of showing respect; it is important for doing the job properly. I am quite conscious of the fact that I will not be here to take part in the job being done after July—and neither will anyone from the Democrats—so to some extent people could say it does not have anything to do with me in particular, but I think there is a broader message. It is not about any particular party or individual; it is about the job that the Senate has done, certainly from the time the Democrats first appeared—and hopefully after the Democrats disappear—of holding the government to account and properly examining what the government is doing. This is the only chamber that can do that. We all know the House of Representatives is not capable of doing that properly and we do need to ensure that the Senate does meet on a sufficient number of days to properly provide that opportunity and to ensure that the senators themselves have sufficient time to make fully informed decisions. That particularly applies to views and amendments that are put forward by people outside of government. It might seem a long time since the election, but I am sure all on the government side can remember what it was like to be in opposition for that long period of time—it was not that long ago. I am sure you can recall how frustrating it is not to have sufficient time to properly consider amendments and to feel that things are being railroaded through. I think this is quite a bad start in that respect.

There are other aspects of the Rudd government's start which I think are quite positive. As you know, Madam Acting Deputy President Moore, I always try to take a balanced view of these things, but I think this is not a particularly good sign. To have the

lowest number of sitting days for decades, for at least 30 years and probably for many years before that—and quite clearly in a non-election year—is unsatisfactory. It certainly gives the lie to any suggestion that the new government will be a hardworking one, at least in regard to work done in the Senate chamber. I think it is unfortunate. In previous years, when the coalition was in government and motions like this were moved, I moved amendments proposing extra sitting weeks. I have not bothered to do that this time around because of the assumption that it would not be likely to receive support. I think it is quite clear when you look at this schedule that there are number of spaces where at least a couple of extra sitting weeks could easily have been fitted in. I think that would have sent a better signal to the community about how serious the Senate is about doing its job. Even more importantly, it would mean that the Senate would actually be doing its job more effectively than it will otherwise be able to do.

**Senator LUDWIG** (Queensland—Manager of Government Business in the Senate) (11.43 am)—I am sure I have heard before in this chamber the points that Senator Bartlett makes. In respect of the program, it is a planned program. What the Senate does—and has done in the last couple of years—is to ensure there is sufficient time for legislation to be debated by expanding the hours where necessary to ensure that everyone has an opportunity to speak. Given the numbers in this place, I am sure we will continue to debate legislation properly and appropriately and utilise the committee system as we have done in the past to foreshorten debates in the Senate. Of course, Fridays are reserved for Senate committees to meet, and I would encourage the committee chairs to plan their days to ensure that Fridays are utilised for committees to meet to consider leg-

islation and other matters that committees look at.

When a new government comes into parliament, the reality is that in the first half of the year the new government will be working on delivering its election commitments, taking the necessary steps to bring forward its legislative agenda, and ensuring that stakeholders are properly consulted and that the Senate committees can do their work. This means that it is more likely that the second half of the year will be even busier than the first half.

However, the Senate has in the past adjusted its program accordingly to ensure that there is sufficient time to deal with the legislative program. In the past that statement has proved correct. The Senate has adjusted its hours and its times to ensure that debate has been had and that all of those who wanted to speak could speak on these matters. I will not prolong this matter. I do understand the point that Senator Bartlett made; however, I do not agree with it in this respect. The Senate will determine the appropriate times for sittings, as they will do now, and of course the program will generally adjust itself to ensure that we can deal with the legislation that comes forward.

Question agreed to.

## COMMITTEES

### Standing Committees

#### Allocation of Departments and Agencies

**Senator LUDWIG** (Queensland—Manager of Government Business in the Senate) (11.45 am)—I move:

- (1) That standing order 25(1) be amended as follows:

Omit: 'Employment, Workplace Relations and Education'

Substitute: 'Education, Employment and Workplace Relations'

Omit: 'Environment, Communications, Information Technology and the Arts'

Substitute: 'Environment, Communications and the Arts'.

- (2) That departments and agencies be allocated to legislative and general purpose standing committees as follows:

*Community Affairs*

Families, Housing, Community Services and Indigenous Affairs

Health and Ageing

*Economics*

Treasury

Innovation, Industry, Science and Research

Resources, Energy and Tourism

*Education, Employment and Workplace Relations*

Education, Employment and Workplace Relations

*Environment, Communications and the Arts*

Environment, Water, Heritage and the Arts

Broadband, Communications and the Digital Economy

*Finance and Public Administration*

Parliament

Prime Minister and Cabinet (including Climate Change)

Finance and Deregulation

Human Services

*Foreign Affairs, Defence and Trade*

Foreign Affairs and Trade

Defence (including Veterans' Affairs)

*Legal and Constitutional Affairs*

Attorney-General

Immigration and Citizenship

*Rural and Regional Affairs and Transport*

Infrastructure, Transport, Regional Development and Local Government

Agriculture, Fisheries and Forestry.

Question agreed to.

**BUDGET**

**Consideration by Estimates Committees**

**Meeting**

**Senator LUDWIG** (Queensland—Manager of Government Business in the Senate) (11.46 am)—I move:

- (1) That estimates hearings by standing committees for 2008 be scheduled as follows:

**2007-08 additional estimates:**

Monday, 18 February and Tuesday, 19 February and, if required, Friday, 22 February (Group A)

Wednesday, 20 February and Thursday, 21 February and, if required, Friday, 22 February (Group B).

**2008-09 Budget estimates:**

Monday, 26 May to Thursday, 29 May and, if required, Friday, 30 May (Group A)

Monday, 2 June to Thursday, 5 June and, if required, Friday, 6 June (Group B)

Monday, 20 October and Tuesday, 21 October, and if required, 24 October (supplementary hearings—Group A)

Wednesday, 22 October and Wednesday, 23 October and, if required, 24 October (supplementary hearings—Group B).

- (2) That the committees consider the proposed expenditure in accordance with the allocation of departments and agencies to committees agreed to by the Senate.
- (3) That committees meet in the following groups:

**Group A:**

Environment, Communications and the Arts

Finance and Public Administration

Legal and Constitutional Affairs

Rural and Regional Affairs and Transport

**Group B:**

Community Affairs

Economics

Education, Employment and Workplace Relations

Foreign Affairs, Defence and Trade.

- (4) That the committees report to the Senate on the following dates:
- (a) Tuesday, 18 March 2008 in respect of the 2007-08 additional estimates; and
  - (b) Tuesday, 24 June 2008 in respect of the 2008-09 Budget estimates.

Question agreed to.

**SENATE TEMPORARY ORDERS**

**Senator LUDWIG** (Queensland—Manager of Government Business in the Senate) (11.46 am)—I move:

That the following operate as temporary orders until the conclusion of the 2008 sittings:

**(1) Adjournment debate on Tuesday**

On the question for the adjournment of the Senate on Tuesday, a senator who has spoken once subject to the time limit of 10 minutes may speak again for not more than 10 minutes if no other senator who has not already spoken once wishes to speak, provided that a senator may by leave speak for not more than 20 minutes on one occasion.

**(2) Divisions on Thursday**

If a division is called for on Thursday after 4.30 pm, the matter before the Senate shall be adjourned until the next day of sitting at a time fixed by the Senate.

**(3) Substitute members of committees**

If a member of a committee appointed under standing order 25 is unable to attend a meeting of the committee, that member may in writing to the chair of the committee appoint a participating member to act as a substitute member of the committee at that meeting. If the member is incapacitated or unavailable, a letter to the chair of a committee appointing a participating member to act as a substitute member of

the committee may be signed on behalf of the member by the leader of the party or group on whose nomination the member was appointed to the committee.

Question agreed to.

**APOLOGY TO AUSTRALIA'S INDIGENOUS PEOPLES**

**Senator LUDWIG** (Queensland—Minister for Human Services) (11.47 am)—I move:

That the Senate take note of the National Apology to the Stolen Generations.

**The ACTING DEPUTY PRESIDENT (Senator Moore)**—Order! I understand that informal arrangements have been made to limit the time in today's debate to 10 minutes per speaker. With the concurrence of the Senate, I ask the clerks to set the clock accordingly.

**Senator LUDWIG**—Madam Acting Deputy President, I seek your indulgence. One of the matters that I think is worth while putting on the record is this: I do thank the Senate for agreeing to the way the debate proceeded today. It is important to have the Senate support the process that has been undertaken today. This motion gives the Senate the ability to speak on the national apology to the stolen generations. This motion ensures that today the stolen generations receive an apology from both houses of parliament. I do thank the Senate for agreeing to the procedures to ensure that people can speak on the debate today. It is the right thing to have the motion moved and passed today by both the House and the Senate. The Australian people do want this parliament to collectively apologise. Senators who want to speak on this motion, like me, will be able to do so and can be assured that the time will be available to them. To prevent myself from falling into the difficulty of having to speak twice on the motion, I wanted to take the opportunity—and I thank Senator Kirk for



allowing me to undertake this today—to ensure that the motion did receive its proper place and could be debated today.

It is with great privilege that I speak in this chamber on this historic day, when the Australian government and the Australian parliament formally apologise to the stolen generations and to Indigenous Australians for the wrongs of the past. We are sorry for the pain and suffering that past policies brought to Indigenous Australians. We are sorry for the forced separation of children from their families and communities. We are sorry for the indignity and harm that this brought to those forcibly taken and to those left behind to grieve. I do not pretend to understand the pain and suffering inflicted on tens of thousands of Indigenous Australians who were forcibly removed from their families, their communities and their culture. I do not pretend to know the pain of those who were forced to live their lives in these unjustifiable circumstances. But, as a parent, I do know the importance of a family and of living a life filled with love and support within that family. I am proud that the Australian parliament is now apologising for the forced separation of Indigenous families and the significant and ongoing challenges that have resulted. To the individuals, families and communities that have been affected by the past policies, I can only commend the apology articulated by the Prime Minister this morning. I add my voice to that genuine and unreserved apology in the nature of reconciliation in which it was offered. The apology today provides a unique opportunity for the Australian people and the Australian government to move forward with a sense of common purpose. The parliament should not allow this moment to pass as a missed opportunity.

The importance of today needs to be backed up with meaningful, practical and effective action from the government. The

Department of Human Services, for which I am responsible, can participate in a very real way in addressing the practical challenges still facing our community. The department can play an important role as the key service provider in the national effort to address the serious issues still facing many Indigenous communities. I would like to take a moment to commend the hard work and genuine effort of staff members of Centrelink and the Department of Human Services. They are dedicated public servants who are tasked with the front-line effort to work with Indigenous communities to address the serious challenges we still face. I hope that today's apology will help the department to further our mutual respect for Indigenous Australians. This is an important day for the Australian parliament, and it is an important step that we have taken today. It has been a long hard road to get here and there is more work to be done. Let us work together in the spirit of reconciliation and mutual respect to meet the challenges that continue to face our community. Let us harness the great spirit of today to work for real improvement in the lives and conditions of Indigenous Australians. We owe it to those who have suffered in the past. We owe nothing less to the generations to come.

**Senator KIRK** (South Australia) (11.52 am)—I rise today to speak in support of the national apology to the stolen generation delivered this morning by the Prime Minister in the House of Representatives and moved in this place by the Leader of the Government in the Senate. Today, as the Australian parliament acknowledges the past mistreatment of Indigenous Australians and in particular offers a formal apology to members of the stolen generation, their descendants and families, we formally recognise, reflect and acknowledge the experiences and repercussions that past policies and laws have had on these people—the first Australians. In

particular, today we recognise the many thousands of Indigenous children who were forcibly removed from their families, communities and country during the mid-1800s right through to 1970. We say to them that we are deeply sorry.

These children, known to us now as members of the stolen generation, were taken from their families often solely on the basis of race and placed into institutional care or with non-Indigenous families and have suffered profound grief and loss. In the words of former Prime Minister Keating:

... we failed to see that what we were doing degraded all of us.

We now know, and today acknowledge, that this practice inflicted profound grief, suffering and loss on many of our fellow Australians, and for this we, the Australian parliament, are sorry.

The apology given today is offered in recognition of and in response to the policies, laws and decisions of past parliaments and governments. Whilst it does not attribute guilt to the current generation of Australian people, in the words of former Labor Prime Minister Paul Keating, in his Redfern speech in 1992:

We simply cannot sweep injustice aside. Even if our own conscience allowed us to ...

The word 'sorry', as I understand it, holds a special meaning in Indigenous culture in that it is used to describe rituals regarding death—known as 'sorry business'. In this sense it is used to express empathy, sympathy, compassion and understanding as opposed to responsibility, guilt or liability. It is my hope that today's apology acts as a powerful symbol to restore respect to Indigenous Australians, not only on a personal level but also in sending a message to the rest of the country and to the world that Indigenous Australians and Indigenous culture are valued in this country.

Removing children from their families solely on the basis of race and attempting to assimilate them with children of mixed ancestry into the non-Indigenous community has impacted the lives of many Indigenous Australians. Not only did children have to contend with the great loss of being removed from their parents; they also lost their connection with their extended family, their traditional land, their culture and their language. In many cases, as we have now learned, Indigenous children were placed in vulnerable situations, at risk of physical, emotional and sexual abuse. We now understand that the experience of many of the children who were forcibly removed from their families has had long-term disabling consequences.

I wish to bring to the attention of the Senate the example of one South Australian woman—someone from my home state: the late Doris Kartinyeri. She was a woman who was forcibly removed from her parents when she was just four weeks old. Her mother passed away and the United Aborigines Mission came and took her from her father and her siblings in Port McLeay to be raised at the Colebrook Home in Eden Hills, a suburb of Adelaide.

Colebrook housed a number of Aboriginal children, including the former chair of ATSIC, Lowitja O'Donoghue, who is known to many. The children were given a strict religious upbringing in the home, which was run by the United Aborigines Mission. In a book that Doris published entitled *Kick the Tin*, she wrote about her experiences in coming to terms with what it meant to be a stolen child. She said:

The saddest thing is that I really didn't have a mum or family to guide me.

In a poem written by her expressing her feelings, she wrote:

Walking through a blue dream,  
 Reality calls but it's not what it seems.  
 Living while the subconscious screams.  
 Living to find out what it all means.

Doris was a brave ambassador and campaigner for members of the stolen generation through her openness and candour about her experiences. I am sorry that she is not here with us today to hear this national apology, which would have meant so much to her. To those who grew up at Colebrook in South Australia and to the many thousands of Indigenous Australians who had experiences similar to Doris's across this country, we, the Australian parliament, say sorry.

The *Bringing them home* report, which reported on the National Inquiry into the Separation of Aboriginal and Torres Strait Islander Children from their Families, was tabled in this parliament in 1997. The committee, of course, was chaired by the late Sir Ronald Wilson. The report brought to the forefront of the national conscience the impact which past governments' policies and laws had on Indigenous Australians. In particular, the report brought to our attention that nationally between one in three and one in 10 Indigenous children were forcibly removed from their families during the period that I referred to earlier.

It has been 11 years since the *Bringing them home* report was tabled, and during this time all state and territory governments have apologised to the stolen generation. But, as we know, unfortunately this parliament has never given a formal apology. The Howard government offered an expression of deep and sincere regret in a motion of reconciliation in 1999, but there has never been a formal apology until today.

I want to make brief mention of Labor's track record in this area, beginning with my state of South Australia. When Labor came to office in South Australia in 1965, the then

minister for Aboriginal affairs, Mr Dunstan, introduced three pieces of legislation which granted greater autonomy to Indigenous people. Most significant of these was the introduction of the Land Trust Bill, which was the first step by any Australian state government to grant Aboriginal title to land. In 1972, when Labor was elected to government at the federal level, then Prime Minister Whitlam set about altering Australia's treatment of Indigenous people through a raft of positive and progressive policy initiatives. The most notable of these was when the Prime Minister granted 2,000 square metres of tribal land back to the Gurindji people. I am proud today to be a member of the Rudd Labor government, which has initiated and negotiated today's apology with Indigenous people.

I fondly refer to the inspirational speech of former Labor Prime Minister Paul Keating at the launch of Australia's celebration of the 1993 International Year of the World's Indigenous People. This speech is commonly known as 'the Redfern speech'. He made the point that the:

... fundamental test of our social goals and our national will: our ability to say to ourselves and the rest of the world that Australia is a first rate social democracy ...

rests in how we treat and care for our Indigenous people.

I hope that this apology represents a significant step along the road to reconciliation with Indigenous Australians. It is offered with sincerity, sympathy, compassion, hope and now a greater sense of understanding. Whilst we understand that reconciliation is a journey that remains incomplete, we are keen for the opportunity to build a new relationship with Indigenous Australians and to work together, in particular, to close the 17-year life expectancy gap between non-Indigenous and Indigenous Australians by maintaining long-term action and support in the areas of

health, education, housing and employment. I look forward to closing this dark chapter in Australian history and to working together with Indigenous people for a brighter future.

**Senator ABETZ** (Tasmania) (12.01 pm)—Today I join with others in supporting the motion moved by the Leader of the Government in the Senate. The purpose of the motion is to say sorry to Indigenous Australians for past misdeeds, an apology. It is to advance reconciliation—laudable, worthy and noble objectives deserving the support of every senator in this chamber. Previously, this parliament has resolved a similar sentiment in its expression of regret in 1999. The dislocation white settlement had on our Indigenous brothers and sisters is hard to imagine. The differences were phenomenal, be it in traditions, beliefs, technology, resistance to certain diseases and tolerance to alcohol, to name a few. Another is the understanding—or, should I say, lack of understanding—of how our Indigenous population operated in the sense of a genuine extended family in the nurture of children, which was often misunderstood as child neglect.

I commend the statesmanlike speech that the alternative prime minister, Dr Nelson, delivered earlier today. It was sincere, genuine and visionary. In 1996, I had the honour and privilege to serve as the chair of this parliament's native title committee, and saw first hand the unacceptable disadvantage of our Indigenous communities, visiting them from Coober Pedy to Kununurra and from the Torres Strait to my home state of Tasmania. In discussing native title, in discussing apologies, a number of themes did emerge. One was the Indigenous community's understandable desire to enjoy mainstream health and wealth, something which native title promised to deliver. Another was the need for local leadership and responsibility. The difference between communities only half-an-hour drive apart was sometimes very

stark, the differences being in the local leadership. The other theme was the scourge of white lawyers inflicting their ideology in the name of looking after the Indigenous communities.

Not surprisingly, Indigenous aspirations are largely the same as ours. They want a house, they want good health, they want a car, they want security and they want a future for their children. So, when former Labor senator Graham Richardson promised all Indigenous communities flowing water, it was welcomed. That practical help, if carried out, would have been a massive step forward, as is the intervention in the Northern Territory, restoring law and order and protecting women and children. But, in the 'group think' we currently have, it seems you are socially aware to be angry about not apologising for past deeds whilst condemning those who feel anger about the abuse and misdeeds that currently occur within these communities. I suspect children in danger of being raped would prefer protection to an apology. I trust we will have both. We can have both, and we must have both—the practical and the symbolic.

I do not mind admitting that I am more of a practical person, or a person in support of substance over the symbolic. But I accept symbolism is important, and it is a journey that I have travelled and accepted. Words of apology are important circuit breakers if accepted and acknowledged with a reciprocation of forgiveness. Apologies will not provide the healing unless the words are accepted and forgiveness is reciprocated. In my home state of Tasmania, there was an official apology a decade ago followed by compensation. Regrettably, I do not detect any change. Indeed, the same activists who called for the apology and compensation condoned the burning of the Australian flag just a few weeks ago. I hope today's apology does not travel the same path.

We need to recognise that many Australians are questioning of today's apology. Are they all mean-spirited? Absolutely not. Similarly, not all those advocating an apology are politically correct flunkies. Both views come from genuine, sincere Australians. But I must say the Prime Minister's approach is causing some division and cynicism. The refusal by the Prime Minister to share the wording with the Australian people until a few hours ago suggests other imperatives were at work, as is his absolute refusal to share the legal advice on the issue of compensation. Sure, the Prime Minister had the media, the audience, the screens—which, might I add, only showed Mr Rudd—and even the day and hour finely choreographed, but he had all that done before he even had the words in place. The parliament was denied the opportunity to fully discuss the issue, to keep the self-promotion timetable for the Prime Minister.

This is an issue which was developed over 10 years ago and is now brought into this place with indecent haste, lack of consultation and breach of accepted parliamentary practices. We had the vote before the debate finished. That is fine if you are into the slick media timetable, but not so if you are truly genuine about bringing as many Australians as possible with you. The apology, I believe, has been demeaned as a result. Indeed, the rush and lack of consultation is highlighted by the reported bungle over which group were the traditional owners for the purposes of yesterday's delightful welcome to country and the different representatives for today's activities.

I can understand the cynicism of many in the community. I also understand the doubts by many over the term 'stolen generation'. As someone who has read the report cover to cover including its appendices, and discussed some misgivings I had with one of the authors, Sir Ronald Wilson, in my office, I em-

pathise with those doubts. To assert that people who took vows of poverty and devoted their life's work to serving the Aboriginal community were complicit in genocide is unsustainable and offensive, and even more so after the findings in the Gunner and Cubillo cases.

I understand how people feel when a person gets compensation because of their race and for being 'stolen' by welfare authorities when their mother was doing time in jail for neglect of children. But we do not compensate capable, loving, young unmarried mothers who were defrauded by the same welfare authorities by being told their child had died at birth and given empty coffins to bury. It seems we are allowed to feel sorry for the first but not the second.

When you hear the Labor member for Bass pronounce the apology as a first step and then laugh hysterically when asked what the next step might be, it shows the shallowness of some. To all those people who have those doubts, see an inequity or express cynicism, I simply say: I understand those reservations, but nevertheless I plead with you to give this apology a go. Many people have asked for it for many years. Many say it will make a material difference for a group in our society that have been undeniably mistreated, so why not give it a go?

Some time ago, a group of Christian Aboriginal women that I spoke with apologised for their hatred of the white people. Racism in this country has been a two-way street but I think most of the traffic has been on the white side. If these Aboriginal women had found it within themselves to seek forgiveness from the white community why can we not find it within ourselves to also offer an apology for past misdeeds? That is what this apology is about and that is why I fully support it, and I trust that reconciliation will be

enhanced as a result of this unanimous decision of this place. (*Time expired*)

**Senator SIEWERT** (Western Australia) (12.12 pm)—I acknowledge the Ngunawal, the traditional owners of the land on which we meet. I pay respect to their elders, their culture and their law. This always was, and always will be, Aboriginal land. I also wish to acknowledge the people who have come to Canberra this week from all over this country as this issue is being discussed in parliament. That includes people from the Kimberleys, Alice Springs, New South Wales, Victoria, South Australia, Tasmania and Queensland.

To the new Rudd government, I say thank you for this day. It has been so important to so many people. I was very pleased to finally hear an Australian Prime Minister say sorry on behalf of the parliament and his government. It means a great deal to many, many Australians. I would also like to say thank you for the opening of the 42nd Parliament yesterday with the magnificent welcome to country ceremony.

I am sure every member of the House of Representatives and the Senate today saw all the people streaming up to this place to bear witness and look at and take part in the ceremony either on the lawns or in the Great Hall or who went to all the places around Australia where the apology was being televised. In my home state of Western Australia I understand that at seven o'clock this morning there were nearly 2,000 people on the foreshore of the Swan River listening to the apology. I understand that the feeling there was just as it was here. If you were standing in the Great Hall you share in this moment with the stolen generations. I do not think there has ever been a greater moment for me to actually hear that apology and be with the people feeling the emotion of that apology.

It is significant that the apology is seen to be the very first action of this new government, but we will be watching to see that after that first step of apology and acknowledgement the government continues to take the second, third, fourth and fifth steps that are needed to address the health, education, housing, representation and opportunities of life of the Aboriginal people of Australia. We welcome the commitment of the new government to close the gap on life expectancy, community health, education and economic opportunity. We also welcome the government's stated commitment to evidence based policy, and I will come to that again later.

We are very hopeful that they will assess and respond to the evidence about the problems with the intervention in the Northern Territory by maintaining or increasing the commitment of resources, but also by making sure that those resources are being used properly, constructively and effectively. Unfortunately, the evidence that we are seeing come in is not reflecting that. The Greens again reiterate our support for a full, sincere and unreserved apology for stolen land, stolen children, stolen wages, stolen rights and stolen opportunities. We are sorry for the appalling way that we, non-Indigenous Australians, have treated the first peoples of this land. We are sorry for the way that the removal of children has ripped the hearts out of families and created a legacy of intergenerational suffering and trauma and contributed to the wider exclusion of Aboriginal and Torres Strait Islander people from the social, cultural and economic life of the nation. We desperately hope that this will be a new beginning.

The *Bringing them home* report, the report on the national inquiry into the removal of Aboriginal and Torres Strait Islander children, was brought down on 26 May 1997. The Greens, through Senator Bob Brown, gave our heartfelt and unreserved apology in

the Senate in 1997. My very first action as a new senator was to speak on this very issue. In my first words to the Senate, I acknowledged the traditional owners of this country, the Ngunawal. I also went on to say sorry to our Indigenous peoples. I said that I looked forward to a day 'when we will acknowledge their voices and do them justice by enabling their true representation in the governance of this country'. I also felt that it was to our shame that we were the only developed nation which has failed to achieve this and that the plight of our Indigenous peoples continued to worsen. The Greens believe that there is a need for a full audit of the *Bringing them home* report and its 54 recommendations. We need to measure the progress that has been made on these recommendations and to identify targets and timelines, and monetary resources, to deliver on each and every one of them. To date, our audit indicates that most have in fact not been implemented.

I also want to acknowledge, remember and pay my respects to Rob Riley, who kicked off the very first inquiry into the removal of children in Western Australia, which then went on to become a model for the national inquiry. I have told Rob's story in this place before—in fact, on Sorry Day in 2006. Rob was a pillar of strength for the local Nyungah community in Perth. For many years, he headed up the Aboriginal Legal Service. But he was also one who night after night went down to the lockup when one of the Nyungah street kids was taken down there and needed help. When Rob released the first WA report, he came out and told the story of being taken from his mother at the age of 18 months, of being brought up being told that his mother was dead and of not learning any different until it was too late and she had passed on. Rob, unfortunately, took his own life when it got too much for him.

Rob's story gives us a very clear example of the way that removal has very stark impacts on the health and wellbeing of both the children removed and their families. These ongoing, tangible impacts are the reason that a heartfelt apology on behalf of the nation, backed up by a commitment to address the wrongs of the past, is so important. This clearly includes reparations, which are so clearly and strongly recommended in the *Bringing them home* report.

For concrete evidence for, and an understanding of, the intergenerational impacts of removal on the health and wellbeing of Aboriginal Australians and the stolen generations, I draw your attention to the Western Australian Aboriginal Child Health Survey and remind you of the speech given by then Australian of the Year Dr Fiona Stanley in parliament in May 2005. I also acknowledge the work of Dr Helen Milroy and others on this issue. This survey quantified the relationship between the removal of parents and grandparents who are now the carers of the current generations of Aboriginal kids and the health and wellbeing of those children. One in six Aboriginal children in WA were surveyed—that is over 5,000 kids, the biggest and most comprehensive survey of this kind. Of those zero- to 17-year olds, nearly 13 per cent had carers who had been removed. Those carers who had been removed as children had higher rates of alcohol consumption, were more likely to have been arrested or charged and were half as likely to have someone with whom they felt they could share their problems. They were also more likely to have contact with mental health services. The children for whom they cared were twice as likely to have behavioural and emotional problems, twice as likely to have a high risk of hyperactivity and emotional conduct disorders and twice as likely to be already abusing drugs and alcohol. As you can see, there are very clear

links between the stolen generations and the impact on the children of the current generation.

Children growing up hearing the stories of officially sanctioned mistreatment of their parents, their mothers and their grandmothers in an environment in which these injustices are not acknowledged, or are even denied, can easily be led to despair, particularly when they are growing up in disadvantage, experiencing firsthand the impacts of social exclusion and living in a community with a high rate of unemployment and in which they face an uncertain future. This is why a full and unconditional apology from the government to the stolen generations on behalf of the parliament is important to not just the children who were removed but also their children and grandchildren. The health and wellbeing burden carried by Aboriginal Australia and Aboriginal communities is huge. But, compared to the population, their numbers are relatively small. So how can we justify not being able to address their social exclusion and their disadvantage? How can we justify not being able to fix the 17-year gap in life expectancy?

It was very disappointing to hear that the issue of reparations and compensation was dismissed out of hand when the delivery of the apology was being discussed. We believe that this business will not be resolved or finished until the stolen generations are properly compensated and have full reparation. We Greens are absolutely committed to following that issue and ensuring that the stolen generations are fully compensated and that just reparation is delivered.

**Senator McEWEN** (South Australia) (12.21 pm)—I would like to acknowledge and pay my respects to the traditional owners of the land on which we meet and to the traditional owners of all the lands that make up our nation of Australia. In the long history of

the land that we now call Australia, the period of non-Indigenous occupation has been very short—less than 300 years. In that short time, much damage has been done to our Indigenous Australians. Some people still try and delude themselves that everything that was done was done with the best intentions. But if everything was so well intentioned, why do our Indigenous Australians still have a higher mortality rate, poorer education outcomes, poorer health, lower homeownership rates, higher unemployment rates and higher incarceration rates than the rest of us? White settlement of this nation brought with it the view that nothing else mattered but the advancement of the new—white—colony, and that was coupled with the belief that white people were somehow superior. It was an attitude that led to abuse and dispossession of our Indigenous Australians, a beginning from which the nation has yet to recover.

As we focus today on the forced removal of children from their families—the stolen generation—there will persist those self-satisfying remarks from some who continue to say that things were not really so bad and that the ‘stolen generations’ is a misnomer. An extreme view is that there is nothing at all to apologise for if the actions were seen by the perpetrators to be for the advancement of Aboriginal Australians. Put aside for the moment that our Indigenous Australians were not even regarded as equal Australians, because they did not have the vote. The families who had their children taken away were not consulted. They were not engaged in any discussion about the matter at all, about whether or not this action would be better for them and their children. They were not engaged and not consulted because they were not considered worthy of such engagement.

Some people do not like the word ‘stolen’, yet it is very appropriate to use this term when anything is taken without permission



and when it is hidden away. The fact that human beings were involved, with force and secrecy used to sever ties with family and culture, makes it the most offensive and cruel form of theft. The fact that governments condoned this happening, indeed legislated for it to happen, makes it even more regrettable. Let us not fool ourselves. While the nation's short white history is rich in achievements, some of our past is shameful and what happened was hurtful—and the hurt of the past continues to the present. If there is hurt we must apologise and we must say sorry. This is an Aboriginal as well as a non-Aboriginal custom. To deny an apology when it has been asked for does nothing to help us move on as a nation from a past that allowed racism and discrimination to be sanctioned by governments.

Systematic discrimination swept across our country, beginning in Victoria in 1869 when the Aborigines Protection Act (Victoria) gave the Governor power to order the removal of any Aboriginal child from their family to a reformatory or an industrial school. In 1897 Queensland introduced the Aboriginal Protection and Restriction of the Sale of Opium Act, which allowed the chief protector to hold children in dormitories. Western Australia, New South Wales, South Australia, the Northern Territory and Tasmania followed suit, giving bureaucrats the power of guardianship over Indigenous children. These laws stripped mothers and fathers of their right to be their child's guardian and principal caregiver.

In 1937 there was nowhere for Aboriginal and Torres Strait Islanders to escape from these bigoted policies as the first Commonwealth-state conference on 'native welfare' adopted assimilation as the national policy. That policy meant that children could be taken away from their parents, not because the parents were bad parents but because the children were a different colour, because the

children had a mixed parentage and needed to be 'saved' from their traditional culture—that is, the black part of their culture. Indigenous children were placed in institutions or church missions, adopted or fostered. Often their new living conditions meant they not only lost contact with their family and friends but with their culture. The vast majority of the stolen children had every connection severed as they were taken away from their land, their language and their loved ones. Some were able to reconnect later in life, but for many, by the time they were able to find the strength to seek out their mothers and siblings, it was too late because their loved ones had already died or because they could not reconcile the culture they had been taken from. Of course, experience varied from person to person and it is ridiculous to say that all of the people affected by government policies shared the same feelings and the same fate.

In the 1997 *Bringing them home* report, one confidential submission from a victim summed up the systematic discrimination of the policies well when the victim said: 'Lots of white kids do get taken away, but that's for a reason—not like us. We just got taken away because we was black kids, I suppose—half-caste kids. If they wouldn't like it, they shouldn't do it to Aboriginal families.' It has been argued by some that the children who were taken away were better off in the hands of white people than with their own families. How on earth can you define 'better off', let alone use it as some justification for wrenching families apart? Who can say that kids who were sent to a 'home for half-castes' or to places like Colebrook House in South Australia were better off because they were taught how to cook and clean for non-Indigenous Australians? Only the children and the families of the children who were removed can decide whether or not they were better off. While

some Indigenous children may have been removed on genuine welfare grounds during this time, those children are not considered the stolen generation. The stolen generation is the children who were removed solely because of their race, and their forced removal did not leave them better off.

Many reports from victims of the stolen generation speak of incredible mistreatment, extending from inadequate clothing to outright abuse. Almost a quarter of witnesses to one inquiry who were fostered or adopted reported being physically abused. One in five reported sexual abuse. One in six children who were sent to institutions reported physical abuse and one in 10 reported sexual abuse. Claims that the state and federal governments of the day had the best of intentions are hard to swallow. The various legislation that led to the stolen generation was racist and should never have been written. The *Bringing them home* report followed the National Inquiry into the Separation of Aboriginal and Torres Strait Islander Children from their Families. That report made 54 recommendations. A key recommendation was that reparation be made to Indigenous people affected by policies of forced removal and that this reparation should include an acknowledgement of responsibility and an apology from all Australian governments. Since then, apologies have been forthcoming. All state and territory governments, whether conservative or Labor, have apologised, but, until now, not the Commonwealth. The *Bringing them home* report recommended that the first step in healing is the acknowledgement of truth and the delivery of an apology. It is the responsibility of the Australian government, on behalf of previous Australian governments that administered this wrongful policy, to acknowledge what was done and to say that we are sorry.

There is another excuse used for not supporting an apology, and that is that today's

Australians are not responsible for what happened. The motion that was passed in this chamber today makes it clear that it is this parliament and this Commonwealth government providing the apology in recognition of the wrongs perpetrated by past parliaments and governments. The apology is not an expression of personal responsibility or guilt by individual Australians. Those individuals who do believe or who know they had a part to play in what happened to the stolen generations are still at liberty to apologise or not, as they see fit. Government cannot and will not do it for us.

I am very pleased that today we have shown the world that we are prepared to acknowledge the wrongs of the past and move to the future. There was some discussion from those initially opposed to, or quibbling about, supporting a motion such as the one we passed today, along the lines that there are more important things for the government to be addressing. I do not think there is anything more important than making an effort to redress the wrongs of the past and to plan for and bring to fruition a better future for all Australians. Is that not what we try and do here, every day, in this parliament? Whatever motion we are debating, whatever legislation we are considering, a better future for everyone is surely the goal.

I also would like to thank everyone who travelled here to Canberra today to witness the national apology. To those of the stolen generation: I am just sorry you had to wait so long for it. Now that the acknowledgement has been made, I look forward to building a better future for all Australians, especially our Indigenous brothers and sisters.

**Senator MURRAY** (Western Australia) (12.30 pm)—I rise to take note of Senator Evans's motion on the national apology to the stolen generations—an apology I unequivocally and wholeheartedly support. I

and my party have long advocated such an apology. I have waited a long time for this national apology by the full federal parliament and the government of the Australian Commonwealth. Although it is long overdue, it is surely welcome. Importantly, it is also unanimous. The great speech of former Prime Minister Paul Keating at Redfern still rings in my ears. His complete acknowledgement of harm done to the Indigenous people of Australia is now rightly followed up by Prime Minister Kevin Rudd, both with the apology and the promise of much more remedial action to come. I listened carefully to every word of his address. It was a fine speech, fitting both to the occasion and to the importance of this statement.

I come to this debate with some understanding of my own of what the stolen generations experienced, although each individual's experience is different. I was taken at the age of two. I, too, was taken from my country, but I was reclaimed in later years. As a senator, I have been heavily involved with the problems of children taken from their families. I have read hundreds of submissions, books and articles on these matters. I have spoken all over the country in this cause. After the *Bringing them home* report, in this Senate I lobbied for and initiated further inquiries into the harm done to children who were taken from their families and institutionalised or put in care. As a result we now have a trifecta of national inquiries that attest to this reality. The reports are: HREOC's 1997 *Bringing them home* report; the Senate community affairs 2001 report into child migration, *Lost innocents: righting the record*; and the two reports of the Senate community affairs inquiry into children raised in institutional and other forms of care, the 2004 *Forgotten Australians* report and the 2005 *Protecting vulnerable children: a national challenge* report.

The *Forgotten Australians* report conservatively estimates that, taken together, there are some 500,000 people in Australia who experienced life in orphanages, children's homes or other forms of out-of-home care last century. They are the 7,000 to 10,000 child migrants, the 30,000 to 50,000 Aboriginal stolen generations children and the 450,000-plus Australian-born, non-Indigenous children raised in orphanages and other forms of out-of-home care. These three cohorts exhibit the intergenerational effects of harming children, whereby, if you hurt a child, a harmed adult will often result. The abuse, neglect and assault of children should never be tolerated, not only because it is wrong but also because of the huge aggregated long-term social and economic effects. Although some survived care relatively intact, far too many live ruined and marginalised adult lives with the painful memories and scars of childhoods lived in fear. Over the last century, thousands are believed to have committed suicide. As adults, people harmed in care have endured lives tarnished by welfare dependency, substance abuse, mental and other health disorders, relationship and parenting problems and endless searches for identity. To this very day, many continue to suffer from the loss of identity and family, from feelings of abandonment, from a fear of authority and from a lack of trust and security.

The upshot is that this policy of forcible removal directly contributed to the alienation of Aboriginal society today. Its effects have been profound, not only for the survivors but also for subsequent generations, who continue to suffer the enduring effects of the removal of parents and grandparents. It is indisputable that the contemporary problems facing Aboriginal society cannot be understood without reference to this shameful history. To my mind there are two main aspects to apologising for the sin of forcibly remov-

ing Indigenous children from their families: one is to apologise for the policy and the other is to apologise for the execution of the policy. The evidence is irrefutable. The stolen generations policy was racist in intent. It was not a welfare policy of removing neglected children who were at risk in dysfunctional families. It was designed to get so-called ‘half-caste’ children out of black families and to begin a process of assimilation into the white community. There were already federal and state welfare laws allowing for the removal of children at risk in dysfunctional families. No other legislation was necessary. But racially based legislation and regulation was introduced for the specific purpose of removing Indigenous children from their families, their communities and their country. Yes, there were Indigenous neglected children who were at risk in dysfunctional families and who were removed for welfare reasons. But most children were removed regardless of their specific home circumstances. If the execution of the policy had resulted in high standards of care then that would have been a mitigating factor in the children’s removal. But the execution of the policy was mostly bad, and churches, agencies, state and federal governments all failed in their duty of care.

If we compensate victims of crime and trauma, we should also compensate those who experienced childhoods of fear, neglect and criminal acts. Evidence to all three inquiries revealed children experiencing severe physical pain, fear and terror resulting from beatings and floggings. The *Bringing them home* report says at page 161:

I’ve seen girls naked, strapped to chairs and whipped. We’ve all been through the locking up period, locked in dark rooms ...

... ..

They used to lock us in a little room like a cell and keep us on bread and water for a week ...

Countless stories are told of the sexual and physical assault of Indigenous children—of neglect, abuse and mental torture. I wish journalists and politicians would stop euphemising rape as ‘abuse’. It is criminal sexual assault. I wish they would stop their easy belief that nuns and priests acted with the best intentions. Yes, some did, but most seemed to just stand by, while others were just satanic. Let me give you an example of the abhorrent behaviour across all institutions that shows why ‘abuse’ is so weak a word for what too many Indigenous and non-Indigenous children endured at the hands of those who preyed on them. The vile crime of sexual assault was summed up in the child migrant report at page 75:

Boys and girls were subjected to sexual assault in a variety of forms while in the care ... The Committee heard stories of boys being subjected to explicit sexual acts such as fondling and genital touching, of being forced to perform oral sex, of being repeatedly sodomised, and of girls being assaulted and raped.

Evidence was also given of boys being pressured into bestial acts—that is, acts with animals, for those who do not know what that means.

The failure to exercise the duty of care demands restitution, it demands reparations, it demands compensation. In my view, a compensation or redress scheme should not be solely the responsibility of the Commonwealth when various governments, churches, charities and agencies were proportionately responsible. Redress was an important and unanimous recommendation of the *Forgotten Australians* report. Recommendation 6 of that report stated:

That the Commonwealth Government establish and manage a national reparations fund for victims of institutional abuse in institutions and out-of-home care settings and that:

- the scheme be funded by contributions from the Commonwealth and State Governments

and the Churches and agencies proportionately;

- the Commonwealth have regard to the schemes already in operation in Canada, Ireland and Tasmania—

and I can add since in Queensland and Western Australia—

in the design and implementation of the above scheme;

- a board be established to administer the scheme, consider claims and award monetary compensation;
- the board, in determining claims, be satisfied that there was a 'reasonable likelihood' that the abuse occurred;
- the board should have regard to whether legal redress has been pursued;
- the processes established in assessing claims be non-adversarial and informal; and
- compensation be provided for individuals who have suffered physical, sexual or emotional abuse while residing in these institutions or out-of-home care settings.

Although the Senate committee acknowledged that the Commonwealth generally did not have a direct role in administering institutional care arrangements, it did consider that the Commonwealth should contribute to a national reparations scheme as an act of recompense on behalf of the nation. The opportunity is there for the Rudd government to take the necessary steps to right the wrongs of the past. The opportunity is there for Labor members of the government, particularly in the Senate, to advocate that in their own forums. It is neither too hard nor unaffordable, as evidenced by the international redress schemes in Canada, in Ireland and here in Australia by Tasmania, Queensland and Western Australia. The Western Australian scheme which has been most recently announced amounts to \$114 million and applies to all adults who were harmed as children in institutions.

The amount of money outlaid by the Commonwealth would be expended over a number of years—based on the Irish experience, at least six years, I would have thought—taking into account the application and decision-making process. In sum, it would not be too hard to add to the three states' efforts so far with a national reparations fund that also picks up contributions by those who have not yet accepted their proportional responsibility.

In concluding, I want to again state how warmly and strongly I welcome the actions of the Labor government today. I hope that they can do much more in future, including the establishment of a national reparations fund.

**Senator CORMANN** (Western Australia) (12.41 pm)—As a relatively new Australian, the debate on the apology is a difficult debate for me to be involved in. As I said in my first speech in the Senate, I chose to become an Australian, and I am grateful for the opportunity. I love my adopted country. I admire the Australian spirit. I admire what has been achieved by successive generations of Australians, initially in very difficult conditions, in a relatively short period of time. I am grateful for the opportunities that the efforts and sacrifices of past generations have created for Australians today. I became involved in the political process because I wanted to play a part in helping to make Australia a better place for future generations.

In taking note of the apology, though, I rise to express my reservations and give a voice to the reservations of many Australians on how our government has handled this issue which has divided our nation for the whole period I have been an Australian citizen. With great empathy and sincere regret for the personal hurt and suffering of those who were unjustifiably removed from their families, I remain concerned about the way

we have passed this apology today. I am concerned about the use of the term 'stolen generations'. I am concerned about us, representing this generation of Australians, sitting in judgement over the actions and motivations of past generations of Australians.

More than anything I am concerned about the process—the divisive way our government has handled this sensitive and emotive issue. I am concerned that the government was not prepared to take all of the Australian people into its confidence before last night. I am concerned about the secrecy and lack of transparency. I am concerned that the wording of the apology when finally released, with less than 16 hours to go, went well beyond an apology to those who were unjustifiably removed from their families. I am concerned that the government has refused to release the legal advice it says it has that this apology will not lead to a requirement for compensation. I am concerned that two weeks ago we were told by the chair of the Northern Territory intervention task force that our new government had still not given any direction to them on how to proceed with the intervention aimed at the protection of Aboriginal children from abuse and neglect today.

In short, in my view, the government's handling of this difficult issue has been arrogant, it has been divisive and it has been insincere. Where Dr Nelson demonstrated true leadership by directly engaging in the difficult debate with those of us in our party room who quite legitimately held different views, the Prime Minister in contrast arrogantly railroaded this parliament and, through this parliament, the Australian people. He railroaded this parliament with a partisan political approach. It is Dr Nelson who demonstrated true leadership. Without Dr Nelson's leadership today it would not have happened.

All Australians should be concerned if the approach to this issue sets the tone for the government's approach to other difficult issues for our nation. To be meaningful, an apology has to be sincere. To be sincere, this apology should have the support of the Australian people. The apology was given by the parliament as representatives of the Australian people. The government are aware that the Australian people have been divided on this issue; the government are aware that Australians remain divided on this issue today; and the government must have been concerned about the views of the Australian people. Why else did the government make a deliberate decision to keep the wording of the apology secret until the last possible moment? Why did they, on this first opportunity to be open and transparent—to listen to and be up-front with the Australian people—exclude the Australian people from their consideration of what was their first important priority in parliament? Why did they not engage with the Australian people in a genuine attempt to bring the Australian people together? We will not get healing and reconciliation if we exclude the Australian people from this process. I hope sincerely that, moving forward, the government will be engaging in a genuine fashion with all Australians on this and other issues.

The parliament today has apologised. It was an apology that had bipartisan support. Now that it has happened we should, and need to, move on. We all need to focus on helping to achieve better outcomes for Aboriginal people. The *Little children are sacred* report confronted us all with our responsibility to focus on the safety and protection of Aboriginal children who are subject to abuse and neglect today. It continues to confront us and should confront our government every waking hour of every single day. In the spirit of both the motion for reconciliation passed by the parliament in August 1999 and the

motion passed by the parliament today, we all need to commit as a nation to the cause of reconciliation between Indigenous and non-Indigenous Australians—to work together to strengthen the bonds that unite us, to respect and appreciate our differences, and to build a fair and prosperous future we can all share.

**Senator CROSSIN** (Northern Territory) (12.47 pm)—I am extremely privileged to be part of a federal parliament that took a giant leap of faith today that will go down in the annals of Australian history. When we reflect on the significance of today—when we not only look back on it tomorrow but think about it next week and in the years to come—it will go down as a momentous day in the history of this nation.

When I first stood in the Senate I offered my personal apologies to the people of the stolen generation. Having lived and worked with people in the Northern Territory for more than 25 years, I have heard many stories. I have got to know many of these people at a personal level and at the level of deep friendship. I know that for decades they have waited for some acknowledgement—not only by the parliament but by this country—that what occurred in the past was an incredible mistake and was so terribly wrong.

If you think of yourself and what defines you as a person, it is actually your family. It is who you are, where you have come from and who you relate to. It is what you learn from each other, how you defend and support each other, and, at times, how you have some massive blues with each other as well. I cannot imagine, as a mother of four, what it would possibly have been like back at the turn of the last century to see your child being removed from your arms or from your camp or from your family existence. I cannot imagine the pain that a mother, or even her relatives, would have felt in seeing that oc-

cur. We have heard the stories; we have watched the movies. I think everybody can internalise the kind of impression that would have on you as a parent and, of course, as a child. We know now the significance of the 1997 HREOC report which was called *Bringing them home*. The term ‘stolen generation’, of course, was first used by Professor Peter Read when he was at the Australian National University. It is a term that has stuck because it so aptly describes what these people were and what they were to themselves.

In taking pride in our country we always look at the achievements, whether they are scientific, sporting or in arts and crafts. We relish those achievements and we are happy to celebrate them. We do not do such a good job at recognising the faults and perhaps the flaws in our history and confronting them full on. The fact that children were taken from their parents on the basis of their race is indeed a national shame. We do have to confront that past act and make that admission. We have done it today and I think we have done it in a very appropriate, capable way. We have done it through consultation with Indigenous people and through the people who have been concerned. We have done it by talking to members of the National Sorry Day Committee and members of the Stolen Generations Alliance.

In the Northern Territory I had the privilege of meeting for many hours representatives from the Northern Territory Stolen Generation Aboriginal Corporation—members of the stolen generation who come from the Retta Dixon home, Croker Island, Garden Point, Groote Eylandt, the Kahlin compound, the fostered and adopted group, and members from Katherine. The significance of those names, of course, is that they were the names of the homes that children were taken to in the Northern Territory: the Retta Dixon home, the Kahlin compound,

Croker Island and Garden Point. There are not too many of those children left, I have to say—probably around 186 in the Northern Territory. In fact, there are only three still alive who were taken to the Kahlin compound. Aunty Hilda Muir is one of those. She could not be here in Canberra today, but I know she would have been listening in the hall of parliament house in the Northern Territory.

What people were after was a final recognition from this parliament that the acts and the actions back then were wrong. They were very clear to me in our discussions that they wanted this day to be about the beginning of a new era. They wanted to be very clear that this was not about a closure or an end, not about signalling further action or requests for assistance, but about a brand new day, about bringing peoples together, about confronting the past and acknowledging how severely wrong that was, and about everybody taking a step forward. They wanted to ensure that it was made on behalf of the Australian parliament and not the Australian people. They would lay no fault at the feet of any one particular person—not then and not now. They wanted to ensure that this parliament acknowledged that the acts of this parliament were wrong, and we have done that. Of course, that has particular reference to the Northern Territory. The Aboriginals Ordinance of 1911 applied specifically to families in the Northern Territory. They were directly affected by this. Unlike any other non-Commonwealth legislation in various states, the Commonwealth Aboriginals Ordinance had a direct and specific effect upon the families in the Northern Territory. They wanted to ensure that the apology was to pertain to the people affected by the laws, policies and practices of forcible removal. In fact, they were hoping that recommendation 5a of the *Bringing them home* report would be specified and enacted today and that is

what has happened. Recommendation 5a states:

That all Australian parliaments—

and now all Australian parliaments have—

1. officially acknowledge the responsibility of their predecessors for the laws, policies and practices of forcible removal;

... ..

3. make appropriate reparation as detailed in following recommendations.

That has occurred. We have had the start today with Prime Minister Rudd setting up a commission to look at housing and preschool education. It is a new beginning and that is exactly what members of the stolen generation want. They were also concerned that this apology must acknowledge their Indigenous mothers. I notice that today in his speech the Prime Minister did exactly that. They wanted acknowledgement that their mothers who were left behind when children were taken suffered the most unkind and cruel impact you could possibly imagine. They also want us to acknowledge that, when they were removed from their families, they incurred an incredible loss of language, a loss of culture and a loss of land. A lot of these people would have been the next senior people in their communities and camps and the next line of traditional owners. All of that has been denied them.

These children were discouraged from having family contact. They were taught to reject Aboriginality. Their institutional conditions were harsh. Their education was often basic. Many never received wages. Physical punishment was often common. They were at risk of sexual abuse and the authorities failed to care for and protect the children. We have had documented in the *Bringing them home* report the lifelong effects that some of these people have endured—the loss of a primary carer in infancy, the fact that forcibly removed people



were no better off despite the fact that that is what the policies intended, the fact that their parenting skills have been undermined, that their next generation is at risk, that there is a loss of heritage and that there have been massive effects on those left behind. These people deserved this apology today and I am glad to have been part of it.

One of the strongest memories I have of my time in this Senate is walking over the Sydney Harbour Bridge in 2000. I want to place on record my thanks to non-Indigenous people who have walked the journey with the stolen generation people over the years, people out in the broader community who have worked hard to achieve the apology we have had from the federal parliament today, and to those members of the stolen generation who were wandering around at morning tea this morning with 'Thanks' on their T-shirts. This has been a very significant day for them and for our nation. I sincerely hope we can all now walk forward in a new era of reconciliation.

**Senator IAN MACDONALD** (Queensland) (12.57 pm)—I am deeply and genuinely sorry for the way Indigenous Australians have been treated for many years. I apologise for the fact that in the time I have been in parliament we did not do enough to address many of the problems. I am also very sorry that some of the initiatives that we implemented for Indigenous people in the Northern Territory, the only jurisdiction over which we have control, have already been placed in doubt by the new government.

I am desperately sorry about the treatment of Aborigines even as we speak. Stories abound in my state of Queensland about sexual abuse of young Indigenous people and about worse than Third World health and education services provided by the state government. The state government seems incapable of or uninterested in addressing those

issues. Daily in Queensland there are reports of tragic incidents.

All the talk, all the symbolism, all the hand wringing will not address the appalling situations that many Indigenous people still find themselves in.

The work that the Howard government started should be accelerated, but already the politically correct brigade are stalling that work. I mention just one instance—the actions of the Northern Territory and Commonwealth governments in reversing the opening up of communities to other Australians. It seems to be so essential to involve Indigenous Australians in the wider community and to let the wider community interact with Indigenous Australians. In this regard I share the concern of prominent Australians such as Mr Warren Mundine, the former President of the ALP, who has, as do I, concerns about bringing back the permit system.

Many of the actions implemented by Mr Brough should have been duplicated around Australia, but it served the purposes of Labor state governments not to accept those solutions. I am desperately sorry for the plight of many Indigenous people who find themselves in the revolving door of poverty, substance abuse and sexual abuse and parents who are simply incapable of bringing up their children.

The forcibly separated generation of Indigenous people was separated by well-meaning people decades and decades ago. I do not believe that I or other Australians can apologise for actions taken by former generations in different circumstances at a time of different attitudes, laws and Christian beliefs. I venture to say that all the missionaries, churches and state government officials did what they did believing it to be best for those involved—for the children they believed to be at risk, for the children they believed would never be able to enjoy what

they believed to be a civilised way of life. In today's thinking, that has all changed and would not be repeated. Having said that, though, one only has to look at the everyday occurrences in the non-Indigenous communities today, where young children seen to be at risk are forcibly taken from their parents because those parents are simply incapable of dealing with young children at a particular age. I know about this because I have family in this situation.

But, if apologies are to be given and compensation paid, I think it behoves the government to look wider than just the position of Indigenous people. I want to refer the government to the report of the Senate Community Affairs References Committee entitled *Forgotten Australians*, published in August 2004, which gives a damning account of young non-Indigenous Australians who were forcibly taken from their parents in the 1930s and 1940s. I am indebted to a Mr John Walsh from Roma in Queensland, who contacted me and alerted me to this report into the terrible situation in which he and many other young Australians found themselves in the last 70 years.

In many cases the father had volunteered to join the Australian Defence Force to go overseas in defence of our country and the empire. Their spouses, left with young children, when they asked for assistance from the government of the time, had their young children forcibly removed from them. Horrific stories abound of how these young people were molested by monsters, how they were transferred from one orphanage to another and, at an early age, made to work for their existence. If apologies are to be made and compensation paid to Indigenous people, they should, in my view, also be made to all those Australians, be they Indigenous or otherwise, who have suffered through the forcible removal of children from their parents in years gone by.

I am deeply sorry for what happened to those people, and I do believe that those who are still alive, who have suffered and continue to suffer, should be treated in the same way as those Indigenous people also forcibly removed. I would assume, again, that those who perpetrated the acts of separation in the 1930s and 1940s did so not out of malice but out of their belief at the time that it was the correct way to deal with the situation as they found it. We can look back today and say how inappropriate and in fact devastating those actions have been. But again I remain to be convinced of the worth of a formal apology by the Australian government for actions perpetrated by another government in another time.

Nothing will ever prevent me, having learnt of their plight, from being deeply sorry for them, as I am for those Indigenous people who were forcibly separated and suffered as a result. But a formal apology, I think, does not take the matter further. The day after the formal apology, life will move on for most Indigenous people. I want to see out of this whole debate a continuation of the good work started by the Howard government so that, in that way, we can really do something to address the problems that confront Indigenous people. Formal apologies have been offered by churches and state governments in the past, and what has been achieved? After all, actions speak louder than words. State governments have responsibility for safety, protection, education and health and have failed, and words will not fix these deficiencies. It needs real action.

I draw the Senate's attention to the motion passed by parliament in 1999 where the parliament expressed 'its deep and sincere regret that Indigenous Australians suffered injustices under the practices of past generations and for the hurt and trauma that many Indigenous people continue to feel as a consequence of those practices'. Those words

from back in 1999 were followed by action which culminated in the Northern Territory intervention—the first real attempt to right the appalling conditions and circumstances of Australia's Indigenous people. If the apology takes that any further, then I am very happy. I doubt that it will, however, and what we need to get from this government is not more rhetoric and hand-wringing but real action of the sort that Mr Brough introduced to try and build the situation of Indigenous people to what other Australians accept, rightly so, as a matter of right.

I also urge the government to look at the plight of the forgotten Australians and any other persons, Indigenous or otherwise, who have been forcibly separated from their parents by the authorities over the years. Whilst on the subject of actions of past generations which are unthinkable today, I wonder what the government has planned for those South Sea islanders taken not only from their families and loved ones but also from their own country. They were taken in what was then acceptable conduct according to the laws and norms of those days but through actions which today we find totally repugnant and abhorrent, not to mention unlawful. I am desperately sorry for what former generations did to these people but, with the benefit of hindsight, I do so from a much more enlightened era. In fact, I am desperately sorry for what former generations of governments, churches and welfare agencies did to Indigenous and non-Indigenous people and to South Sea islanders, to name but a few of the peoples of Australia who have every right to feel distraught and resentful.

I apologise for any hurt that I myself may have ever brought to the people of Indigenous Australia in my lifetime. I hope there is nothing that fits that description apart from my reluctance to pillory state governments and former Australian governments who have ignored the problems of Indigenous

people. I am also sorry that we did not move with action like the Northern Territory intervention earlier than this. I am not in a position to apologise for the actions of other Australians in past generations who took actions which in most cases were well meaning. If symbolism and words do solve the hurt then, as I say, I will be very happy. If, however, they are just words of political expediency that mean little and have even less impact on the real solution, then I will not be happy.

I conclude, as we did in 1999, by again expressing the parliament's deep and sincere regret that Indigenous Australians suffered injustices under the practices of past generations, and also apologise for the hurt and trauma that many Indigenous people continue to feel as a consequence of those practices. I conclude with the final paragraph of that 1999 motion—that the parliament:

... believes that we, having achieved so much as a nation, can now move forward together for the benefit of all Australians.

**Senator STOTT DESPOJA** (South Australia) (1.07 pm)—It is with great pride that I speak to and support the motion before us today and of course acknowledge on this day of history the traditional owners of this land. My colleagues and I support this motion in its entirety. As you would be aware, Mr Acting Deputy President Barnett, we did not support amendments because today is not a day for quibbling; today is not a day for political point-scoring. Today is an occasion that must not be marred.

I am so proud to stand in this chamber today, I support the eloquence of the words chosen by the Prime Minister and I support the way he spoke those words. It is a very rare occasion indeed when I can say that he spoke for me today. I do not know that I have often been able to say that of a Prime Minister in this place and I am only sad that I feel that I am leaving this place just as the gov-

ernment seems to be getting it right on these matters of history and of such great importance.

That is not to say that neither the Democrats nor I feel strongly about the issue of compensation. Of course we do. I feel it is quite right that these issues of compensation and an apology be dealt with separately. But, as a matter of principle and fairness, I cannot reconcile how any government can acknowledge the error of the policies—that is, of the stolen generation and the pain and suffering that these policies have inflicted—yet rule out any form of reparation. So, yes, that debate will come, but today is an important day for an apology just as yesterday's welcome to country ceremony was a remarkable and historic event.

I found it a wonderfully moving ceremony yesterday. It felt like we were moving as a country in the right direction. The Prime Minister was talking about *carpe diem*. Today it is about *ex unitate vires*—a time to be united as a parliament and hopefully united as a people in moving ahead and healing wounds. It is an honour to speak as a South Australian representing, of course, the South Australian descendants of those who have walked this land for many thousands of generations before us, members of an ancient and proud culture, unique in its longevity and its character. Of course, many people would be aware of the many different Indigenous Australians who are represented in South Australia, my home state.

But it is one generation in particular to whom today I direct my thoughts, my sorrow, my empathy and my words. It is to a generation who suffered unspeakable wrong, a generation who were torn from that which they held most dear and thus were doomed to confront a life without the healing and guiding that a family love can provide.

As a senator for the state of South Australia, I echo and endorse the words of the motion without detraction: I am sorry. I am sorry that Aboriginal and Torres Strait Islander children were removed from their families, their cultures and their clans. I am sorry for the suffering and the hurt of those stolen generations, their descendants and their families left behind. I am sorry for the pain, sorrow and degradation that were inflicted on these generations and their families by successive government policies. I am sorry this pain was inflicted by policies determined by former members of governments that we now represent.

To those who have campaigned relentlessly for many years, for decades, to reach this moment I offer my congratulations, my solidarity and my admiration. I know many thought that this day would never come and may well it not have but for the tireless efforts of many individuals and organisations. Reconciliation Australia is one example. Then there is the Sorry Day Committee and, of course, so many individual Australians, Indigenous and non-Indigenous, who have worked so hard. I wear a scarf today given to me by Lowitja O'Donoghue many years ago as we debated this issue and worked together on it. I think there are many, many people who are enjoying this particular occasion and who feel that their efforts have not been totally in vain.

I offer my encouragement for, although the magnitude of this occasion cannot be understated, as is made clear by the words of this apology, it is but a first step towards a shared future built on mutual recognition and empowerment. Of course, there remains much work to be done, as has been acknowledged by all in this place. It is true that the divide between Indigenous and non-Indigenous Australians represents a blight on this nation still. Indigenous Australians live 17 years fewer, are 17.5 times more likely to

be in jail, and are three to four times more likely to fail basic numeracy and literacy tests than non-Indigenous Australians. But much has been made of the symbolism of this act in the face of such figures. And symbolism is important; it does matter. As Reconciliation Australia has said: 'The divide between so-called symbolic and practical aspects of reconciliation is a false and dangerous construction,' and one which fails to recognise that the apology is 'fundamentally about building mutually respectful relationships as the foundation for Indigenous and non-Indigenous Australians moving forward together—acknowledging our shared history and looking to a shared future'.

I do congratulate this government on the initiative it has shown and for imbuing this apology with the priority that it deserves by making it one of the foremost acts of the 42nd Parliament. This should not be, and I do not believe it has been, about blame. I think this has always been about healing and about moving forward—hence the Democrats' strong belief, as indeed the *Bringing them home* report acknowledges, that compensation and reparation are an important part of that. It is about ensuring that we acknowledge that pain and suffering. It does not do justice to the *Bringing them home* report and it does not bring an end to this unfinished business if we just have the apology. But, for today, it is a fundamental and important first step.

I urge the government and my opposition colleagues, those of us on the crossbench and all elected members in this place—especially the new ones, through whom I think some of us will live vicariously over the coming years—to seize this cooperative spirit and to use the spirit of this movement to move forward hopefully. Often in circumstances such as these the collective goodwill of the movement can be lost in semantics and cynicism. I hope not. Let us declare here and now

that such a fate will not befall this parliament and that the generations of the future will look back on this moment as the birth of a united and mature nation that has been big enough to recognise the mistakes of the past while simultaneously moving forward to a better future. I wholeheartedly support the motion and I commend my Senate colleagues to do likewise.

**Senator HURLEY** (South Australia) (1.14 pm)—It is a great pleasure to follow my fellow South Australian Senator Stott Despoja to support this National Apology to the Stolen Generations. In May 1997 I spoke to a motion in the South Australian parliament as a member of that parliament at the time. It was a motion of apology and reconciliation. I indicated then that I thought it would be appropriate for the federal parliament to make a similar apology. It has taken more than 10 years. I hope that this occasion means that Aboriginal people will finally have the sense of a complete and heartfelt apology from all of the governments of Australia, because all of the states and territories, I think, have now delivered an apology for their role in the administration of the forcible removal of Aboriginal children. It is very pleasing to see that the national parliament, the Prime Minister, the Leader of the Opposition and all of the minor parties here in this chamber have now joined the states and territories with one voice to speak that apology to those people who have suffered the pain and the devastating consequences of a policy which was aimed at the assimilation of Aboriginal people.

The time at which we gave the apology in the South Australian parliament marked the 30th anniversary of the 1967 referendum to give the Commonwealth special powers to be used for the benefit of the Aboriginal people. I would just like to reiterate a short part of the remarks that I made at the time. I said:

It is not enough to recognise and acknowledge the mistakes of the past: we must also make a commitment to avoid those mistakes in the future. In 1967 the Australian people voted overwhelmingly in favour of that referendum in a country where very few referendum questions get up. The Australian people did that, I believe, because they thought it was a fair thing and a recognition of the rights of people in this country. We take for granted that our Government is set up to make laws for our benefit, even if we do not agree with those laws, but Aborigines have no such confidence based on their past experiences. The rights of Aborigines as citizens were denied—rights such as life, liberty, property and dignity. They deserve an apology for those past mistakes and deserve to be told that we will ensure that it will not happen in the future.

I think that is still precisely what this apology is about now. In my view, it is about apologising for the past, making sure that these mistakes do not happen in the future and doing something about it.

Senator Macdonald earlier quoted a friend of mine, Warren Mundine, about another issue, but I will quote him as well. I saw him just now at lunchtime and he said that this apology is essential because it will raise itself again and again and get in the way of what we do in the future. That is another reason it is important. We must have this as the starting point before we can go forward and rectify those mistakes.

In rectifying those mistakes, we must first of all ask ourselves why we are doing it. This is about the dignity of and the respect in which we hold Indigenous people in Australia and the acknowledgement that we treat all Australians with justice and equity. We do not treat all Australians the same but we treat them all with justice and equity and respect their rights as individuals.

In moving onto the future, the Prime Minister in his speech today talked about targets in education and health. I want to support those targets but with the understanding that

they are set with the full cooperation of and consultation with Aboriginal people and that they are not decided for them. We must give Aboriginal people the dignity and respect that we give to all Australians—and the choice and the say in their lives and their lifestyles, and never deny that to them. It will not work if we do not do that.

I am no expert. I have spent some time working and living in outback areas of South Australia and the Northern Territory. I spent some years in Alice Springs working at a pathology lab in the hospital there and therefore had some experience of the Aboriginal communities around Alice Springs. I have a sister who has worked for 30 years in education in the Northern Territory, particularly with Aboriginal children. I do not claim any particular expertise, but this is my assessment of where the Aboriginal community is positioned: before we can move forward, we need to have the full cooperation of that community. They must make the choice about which direction they want to head in. The Prime Minister referred to that in his speech this morning. He said that there is no one-size-fits-all approach for the hundreds of Aboriginal communities around Australia. He said that what we are doing is setting a destination and we should be asking the Aboriginal people to come along with us.

Aboriginal people have been here on this land for many thousands of years. We came and we built our country and our wealth on their land. In doing that, we displaced and/or disrupted many Aboriginal people. That means, in my view, that we have an ongoing obligation to care and show consideration for those who continue to suffer the consequences of that trauma. The way we should be addressing the future is by providing ongoing compensation for that. This small proportion of our wealth should not be paid with any sense of paternalism or of someone with a better knowledge coming in to provide for

those communities. It should be paid as a just and right contribution for the displacement that those Aboriginal communities have suffered.

In conclusion, it has given me great pleasure to be here as a representative of South Australia in the federal parliament and to be part of this national apology. It is clear, from the many people I have seen around Parliament House today, that receiving that apology has given pleasure to many Aboriginal people. I think that is a wonderful start for the future relations between Aboriginal people and the parliament and people of Australia.

**Senator BOSWELL** (Queensland) (1.22 pm)—The Senate is debating the motion of a national apology to the stolen generation. Today is about honouring Indigenous Australians, reflecting on their past and apologising for the laws and policies which failed to honour the Indigenous Australians. We say sorry today. We do not know ourselves the grief and the pain of forced removal and separation from family and community. But we know of it, and we have listened.

Today I also want to acknowledge that there were a lot of dedicated people, from religions and non-religious organisations, who gave a great deal of their lives to man missions or work with Aboriginals in these distant communities—the Lutherans at Hopevale; the Brethren at Doomadgee; I know the Catholics were represented, and so were the Methodists—to look after the welfare, the education and the health of Aboriginal communities. In passing this motion, we must in no way denigrate their efforts and their lives' work.

We see by your reception of this apology how much it was needed. Today there will be celebrations aplenty. The sorry motion was telecast live by many media outlets. There was cheering from the crowds outside and in

Parliament House, and there were people watching from around Australia. I know that today is all these wonderful things. But there are many Australians who will be thinking that tomorrow, in some remote and isolated Indigenous communities, there will still be no work, lots of alcohol and violence, child abuse and neglect and intolerable levels of sickness and disease. Apologies for the past are meaningful if they lead to a renewed vigour to do more and to do better. The past cannot be undone, but the future can be remade. There is a genuine mood in the nation today that we can do better, that we must do better and that we will do better.

One step in this process to do more and to do better is to look again at how remote communities can be made sustainable so that they are not reliant on government handouts and welfare but are in control of their own choices and destiny. For example, Indigenous communities in Queensland have large amounts of land and water not being used to grow anything. They could grow—and in some instances have negotiated forestry agreements to grow—trees, creating employment and hope for their communities by establishing a forestry industry in those communities in North Queensland that have lots of land.

Queensland has other good examples of success, such as contracting businesses in the cotton industry at St George and Goondiwindi. Many of the Indigenous people there have their own businesses and contract out to the cotton growers. There are also the mining and transport industries at Mount Isa. Mining companies also offer employment in remote Australia. Some communities are developing their own tourist villages and caravan parks. These are but a few examples of how sustainability can create and ensure a better future for those Indigenous people and their communities.

With this apology, we now need to ensure that our efforts are renewed and refocused to ensure that the mistakes of the past are learnt from and never repeated. I hope this apology assists in the healing process of those who have suffered from past decisions. I also hope that the momentum for a better future for our Indigenous community is continued with examples like those I have described in Queensland and with the Northern Territory intervention.

What worries me is that, one day in a parliament of the future, senators may vote to apologise for what this generation has failed to do for our Indigenous people. We will fail if we do not focus on practical help to forge healthy, educated, law-abiding and sustainable communities. Today, maybe we feel good about ourselves because we apologised for the past mistakes. But tomorrow we must assume responsibility for our own mistakes and make action, not rhetoric, our weapon of choice.

I cannot let this debate go by without recognising the frustration felt by many decent Australians when it comes to Indigenous policy. Their sincere and generous desire to help Indigenous Australians has been backed by a huge amount of public funds. Yet it seems to many ordinary Australians that there is such a long way to go. The willingness to see Indigenous Australians succeed is wholeheartedly felt across the nation. But the disappointments have been many. Cross-cultural misunderstandings and internal politics, black and white, have contributed to the difficulties. Sometimes there was conflict despite everyone having the common underlying aim of improving life for Indigenous people.

It is right that there be joy and tears today. It is right that we say sorry. It is also right that we move forward as a nation. The present and the future demand our attention. The

world sees the huge abyss of despair in some Aboriginal communities. Australians want to help. They want to stop clouds gathering over the young children. So let there be jubilation today. Let the victims of injustice breathe easier. But, please God, let the leaders stand up and insist on a mutual responsibility as included in this motion.

**Senator NETTLE** (New South Wales) (1.30 pm)—It is a fantastic day today. I was riding my bike to parliament this morning and there were hoards of people walking towards Parliament House, wanting to be here at the front of Parliament House and watching on the big screen. In the Great Hall people were streaming out the back just to be present on such a historic and really important day. It is just fantastic to know that that was occurring, and not just here in Canberra. We have heard the reports today about people who filed into Federation Square in Melbourne and into Martin Place in the rain in Sydney. People gathered at Bourke High School to watch on the big screen there and to hear from local Indigenous leaders about what this apology means to them. Close to my house at the Block in Redfern, many people gathered as well and watched the apology that occurred here. So it is a fantastic day for all of us to be here and participate in.

Having an apology in the name of the parliament today feels really special to us, but it is really meant for the people who make up the stolen generation. I really hope that today is an opportunity for them to start the process of healing. We have all acknowledged that it is just the first step; it is the beginning of a long process of healing. I hope that the activities here in parliament today can contribute to and assist in the process of trying to start the healing process. Much damage has been done and it is really only when we acknowledge that damage and work together



that we can start to forge a better future for this country.

Three young schoolgirls were at the Block this morning in Redfern. They were on their way to school and they came because they really wanted to be there. I heard them on the radio just earlier today. They were asked about what the apology means to them and they said, 'Well, we know one thing: it has been a long time coming.' I thought that if those schoolgirls can understand that, perhaps that is some insight into the sense of frustration that many people have. It really has been a long time coming. It is over 200 years ago that this country was first invaded and occupied by colonisers. A lot of recognition needs to occur. It is not just about saying sorry to the stolen generation; it is about saying sorry for the colonisation of this country, for so many things that have happened, all the way up to the most recent Northern Territory intervention.

Yesterday we had the fantastic opening of parliament, with a long-overdue welcome to country ceremony. That was really pleasing to see. We also had a tremendous gathering of people at the front of Parliament House who were talking about the negative impact that the Northern Territory intervention is having. I think that the history of black and white relations in this country shows that, if you can learn one thing from it, it does not work to impose things on Aboriginal Australians. That is why we are here now, with the parliament saying sorry. It may have been well-intentioned government policy, but look at the heartache it has created.

On the day when the former Prime Minister made the announcement about the Northern Territory intervention, I was in Rachel Siewert's office—our Green senator from Western Australia—with a group of women from the Northern Territory. They were in Canberra because they own the land where

the former government wanted to put nuclear waste dump sites in the Northern Territory. The women were lobbying here about that issue and it happened to be the day when the former Prime Minister made the announcement about the Northern Territory intervention. As I was leaving Rachel's office, one of them turned to me and said, 'I'm from the stolen generation.' It was a real look of 'I've seen this before'. It just made me think: 'I don't want us to be here; I don't want us or political leaders, decision makers, to be here in 10, 15 or 20 years time saying sorry for well-meaning decisions made by the former government and supported by the Labor Party.' People were trying to do things and feeling that they were doing their best for the children, and yet that is what happened with the stolen generation—and more damage was done. If what is going on in the Northern Territory is not done in cooperation with Indigenous Australians, the same thing will occur. When you impose things, it does not work. When you give Indigenous people the opportunity to drive their own future and create their own opportunities, that is what works. There are so many positive examples of that.

In New South Wales, I visited schools in Aboriginal communities run entirely by Indigenous staff who do fantastic work in engendering in young people a sense of cultural importance, with dance and activities they can be involved in. There are so many success stories. There is the state condom program, for example, that is happening in parts of Victoria. Indigenous people are running their own programs about the importance of safe sex. These are the programs that work, and they are the programs we should be supporting. We cannot have an intervention which is exempt from the Race Discrimination Act so it can be racist—imposed on a group of people in the Northern Territory. It has to be a cooperative action, and that is

why I support so much the demands of the protest that happened out the front of Parliament House yesterday about the Northern Territory intervention. We have to work together in order to achieve things. That has been the history and the legacy of so much of the black-white relations in this country. If we are going to turn a new page, if we are going to start over, it is about working together.

People have done a whole lot of studies and research. People in here know the figures about the disadvantage—about the 17-year gap in life expectancy and the experiences that Indigenous Australians have had. We need to look at the work that has been done. There was the *Bringing them home* report. We need to implement all of the recommendations, not just an apology but fair and just compensation—reparation for Indigenous Australians. We need to go down the path of implementing all of those recommendations—reparation in not just a monetary sense but also a health, education and housing sense. We need to be holistic about the way in which we make reparation work so that as a country we can forge the new future that we all want to be a part of.

There are so many things that need to be done in this area: recognising sovereignty, putting in place negotiations around a treaty and the land rights movement that has been so important for this country. We need to look at these issues again and ensure that this is done in a way where Indigenous Australians are leading the way. So much needs to be done and this is just the first stage. We need to see, as I said, all of those recommendations of the *Bringing them home* report implemented. There are recommendations outstanding from the Royal Commission into Aboriginal Deaths in Custody which also need to be implemented.

There are far too many Indigenous Australians in prisons right across this country, and we need to look at working with Indigenous communities to ensure that those people are given the opportunities that mean they can have a really positive life that allows them to contribute to our society rather than find themselves in prison. We need to ensure not only that those recommendations from the black deaths in custody report are taken up but also that we do not have such a horrendous representation of Indigenous communities in our prisons as we currently have. So many things need to occur. These are issues that the Greens and people from other parties in this chamber have worked on for many years, but we need to continue all of this work.

I just want to take a couple of moments to share with the Senate the story of a young woman. I think she would be aged 41 this year. She is a woman by the name of Charmaine Clarke. She ran as a Green candidate for a Senate seat in the federal election of 1998. I met her a couple of years beforehand. As I said, Charmaine is quite young—a couple of years older than me. She was a member of the stolen generation. At the age of three she was taken into care—along with four of her brothers and sisters—by social workers when she was being looked after by an aunt while her mother and father were out looking for work. When she was 14, Charmaine ran away from that care to rejoin her mother. Much of her family history is still missing. It is many years ago that Charmaine told me about her experiences and the experiences of other members of her family. Charmaine is just one of many people who have had a hurtful experience because of the actions of the Australian government, and I hope that today's apology can be part of the healing and repair for them and for this country so that we can forge a bright future

together—and ‘together’ is the most important part.

**Senator FIERRAVANTI-WELLS** (New South Wales) (1.39 pm)—Today’s apology is an acknowledgement of guilt which will have far-reaching implications for current and future generations, both in Australia and internationally. It stems from the 1997 *Bringing them home* report, which found that nationally Indigenous children were forcibly removed from their families and communities between 1910 and 1970 to be placed in institutions, church missions and adopted or fostered where they were potentially at risk; ‘that welfare officials failed in their duty to protect Indigenous wards from abuse’; that under international law, from approximately 1946, the policies of forcible removal amounted to genocide; and that from 1950 the continuation of distinct laws for Indigenous children was racially discriminatory.

A key recommendation was that reparation include: an acknowledgement of responsibility and an apology from all Australian parliaments, police forces, churches and other non-government agencies which implemented the policies of forcible removal; guarantees against repetition; restitution and rehabilitation; and, most importantly, monetary compensation.

On 26 August 1999, then Prime Minister Howard moved a motion of reconciliation which reaffirmed commitment to the cause of reconciliation while acknowledging past mistreatment and expressing deep and sincere regret that Indigenous Australians suffered injustices under the practices of past generations. Given the divergence of views in Australia, that motion struck a fair balance. A motion in similar terms went before the Senate.

The primary justification for an apology is inextricably linked to the notion that a policy of genocide was deliberately instituted

against our Indigenous community. As coalition senators noted in their dissenting report at the inquiry into the stolen generation, many Australians would not agree that there are direct parallels between the separated children experience and the sort of gross violations of human rights found elsewhere in the world, such as torture, genocide, slavery and executions.

The apology follows an acknowledgement that children were removed forcibly. This critically satisfies those international conventions that a policy of genocide was enforced against our Indigenous population. Therefore, an apology will support a tide of claims for compensation reinforced by an acceptance that human rights were breached. A flurry of legal activity will be driven by the principle—stated in the report—that states breach their obligations when they fail to prevent human rights violations by others, as well as when human rights are violated by state action. In either event, the victims have a right to reparation under international conventions such as the Universal Declaration of Human Rights.

Let us understand the extent of potential claims. Recommendation 4 requires reparation be made not only to the individuals but also to others whose ties with them were affected by the removal, such as family members, descendants and their communities. The Senate inquiry into the implementation of the report also advocated a reparation tribunal—a powerful precursor of what is likely to materialise.

The advocacy for compensation remains strong and is driven by a diversity of stakeholders who say that a symbolic apology without compensation is meaningless. In recent memory our nation has sought to expunge our psyche with notions of political correctness and divisive policies designed to overwhelm us with symbolism but which fail

to deliver tangible and practical solutions to complicated challenges. Any objections to an apology in no way negate the tremendous need to support our Indigenous population. The disparity in their living standards and in their mortality rates is cause for great concern. Many remain destitute in a lifestyle surrounded by violence, addiction, poor health and low levels of education—a situation I saw when I was growing up one block away from an Aboriginal community in the Illawarra.

These challenges can only be addressed through practical responses such as the Northern Territory intervention. My concerns about the motion are: first, it exposes the taxpayer to potential ambit claims of compensation, including under international law; second, it solidifies an acknowledgement that a policy of genocide was deliberately instituted against our Indigenous population; third, it leaves an indelible mark on our history by supporting the notion that Aboriginal children were ‘stolen’, thus imputing some criminal intent on the actions of good men and women whose actions were motivated by rescuing or saving children from appalling conditions; fourth, it tarnishes our nation’s reputation and imputes guilt to the current generation for alleged transgressions over past policies and practices; and, fifth, it creates an environment whereby generations of students will be inculcated, through a curriculum, that Australia once adopted a practice of violation of human rights of Indigenous people.

Remember that some very good men and women from churches and other organisations acted legally and with the best of intentions to remove children from appalling conditions where they had been abandoned, abused or neglected. Many of those children went on to make important and varied contributions. What about the children and

grandchildren of these good men and women? How are we making them feel?

Whilst many Australians may regret any injustices suffered under past practices, they do not believe that this constituted ‘stealing’ for which this generation should say sorry. A vocal coterie of interests has effectively created a pressure-cooker environment designed to stymie debate over an emotive issue stoked against our collective national interest. As Professor Windschuttle recently said, one thing, though, that this coterie has kept to itself is that the major pieces of legislation underlying these past practices were all passed by Labor governments.

As a lawyer with the Australian Government Solicitor for 15 of my 20 years in public sector employment, I saw instances of collective activism egged on by unscrupulous lawyers who had no hesitation in encouraging plaintiffs to pursue spurious claims against the Commonwealth, knowing that, at the very least, go-away money, together with their costs, would be paid. Naturally, prospective plaintiffs may have legitimate common-law rights to sue—such as Mr Trevorrow, who was awarded \$525,000 for breach of duty of care by the South Australian government. Such legitimate legal rights of course continue to exist.

Should we go back into our history and consider reparation for other alleged injustices committed, however well intentioned or well founded? What about the many white children removed from appalling conditions for the same reasons of being abandoned, abused or neglected? Are they entitled to compensation for forced removal? What about those law-abiding migrants who suffered when interned during the war for no other reason than their nationality? Should they be compensated? Will we see emerging other groups who may legitimately argue that they too should be compensated for an al-

leged injustice? Should we now find these aggrieved people? Where do you draw the line?

More importantly, as Andrew Bolt recently stated in the *Herald Sun*, will the fear of liability for reparation mean that the welfare officials of today will be too scared to remove Indigenous children from dangers from which, ordinarily, children of any other race would be saved? On the other hand, will we see future claims for reparations because today, with the best of intentions, Indigenous children are being removed from circumstances of sexual abuse and neglect and other atrocious instances?

It is incumbent on us to remain true to our convictions and maintain the cohesiveness of our nation by enacting initiatives designed to benefit all Australians.

The motion omits compensation and reparation. It is illusory to think that an apology in itself will be sufficient. Many will want compensation, and, given the number of potential claimants, I believe reparations will run into billions of dollars. Rest assured that, in the future, we will be called upon to consider compensation legislation. Calls for compensation by key figures in the debate are only the beginning of a sustained campaign.

Some claim today's motion provides finality and closure, but many believe it is the beginning of the next phase, in which this generation and future generations will be made financially responsible for past and, potentially, current actions towards Indigenous Australians. There are very diverse views held by Indigenous and non-Indigenous Australians on an apology, ranging from strong support to outright opposition. I know that my concerns and reservations are shared by many Australians. For this reason, I left the chamber when the mo-

tion was carried on the voices, thereby abstaining from the vote.

**Senator MOORE** (Queensland) (1.49 pm)—I do not always begin speeches in this place by acknowledging the traditional owners of the land, though many people know that in most places I do. But I think today, in this discussion, is a time when we can because acknowledgement is the focus of today.

The word 'sorry' has been said—and it has been said a number of times here—and it has made a difference. That is the important element. But the word that I want to use most in my short contribution is 'thank you'. Thank you to the many Australians, Indigenous and non-Indigenous, who have kept this issue on the agenda. From the time that the Human Rights and Equal Opportunity Commission began their work on what later became the *Bringing them home* report, across our community there was a raising of awareness of what really happened to the Indigenous Australians who were caught up in a period of our history that we have tended not to acknowledge. The report also acknowledged what happened to people who were not Indigenous—people who were, as many speakers have acknowledged, doing things that were accepted.

Through the *Bringing them home* report—and I know many people in this chamber and in the other place have read that report in detail—individual people had the courage and support to tell their stories, and through that storytelling an amazing awareness came to a large sector of our community. Out of that report came individuals who then told their stories more widely. Through that process, through various reconciliation networks across our country, there was genuine engagement with these people. That engagement spread from school groups to pensioner groups, to community areas where there was

time and space provided for people to share their stories. That is the real value of the journey in which we are taking our own place today.

We have an awareness now that was not accepted in the past. We cannot hide from what occurred, but we have an opportunity to move this awareness forward by taking this step. Anyone who saw the candlelight display in front of Parliament House the other night with its statement, 'Sorry—the first step', knows it indicated that the debate was not over, that the discussions that were started over 11 years ago by the *Bringing them home* report, which worked across all areas of Australia encouraging people to come forward, will keep going. That is the strength that saying sorry today has given all of us. We have acknowledged that the journey must continue, but by publicly stating sorry, by that communication given today, we have taken one extra step towards that infrastructure on which we can build. That is why we are excited.

That is why today is not the day to talk about all the other things that have to happen. This is not the day to set up contrasting divisions, to be competing about who is more disadvantaged. Today is the day, as we should together agree, to make this statement—our Parliament House, our government, all Australians together, Indigenous and non-Indigenous, making this statement but acknowledging that the journey continues. No-one believes that there is going to be some magic effect today and everything is going to be better. Anyone who brings that argument into the debate is continuing to hide from the core issue. What we are doing together today is acknowledging the first step and acknowledging that there is so much more that has to be done. One of the key elements of that forward action is keeping all the stories that were told through the *Bringing them home* report and all the contribu-

tions that we have shared in this place and in the other place today together as a constant reminder of where we have come from, where we are today and where we must go in the future. That is the hope. But when you actually mingle with the people who really are the owners of today, those people who have told their stories and who now have the strength of and support from their parliament, you can see that they have the strength now to help us move forward with them. That must be where we go from today.

I urge people from across all parties to give the time and the space today for some celebration, for some acknowledgement, and then, maybe in different ways, we can continue the debate about what should and should not happen in the future and what the legal implications are into the future. That debate will continue—it must—but today is the day to acknowledge the 'sorry' statement. That recommendation from the *Bringing them home* report was not the only recommendation. It did not say that, by making an apology, that would be the end of the issue. What the *Bringing them home* report said was that one threshold element of our job was to make the apology, and we can do that. In fact it has been done today and we are in furious agreement that that was a good thing to happen.

What we can now do is join with the people from Indigenous communities across the country—and, most importantly, deal with the school kids who have had the opportunity today to watch what has been going on in this place—and to regather our energy. One of the things that often happens in this place is that something that is really important today is left on a bookshelf in a library or pushed aside. That cannot be the legacy of our 'sorry' statement. The legacy of the 'sorry' statement must be the joint commitment to future action. What we can ensure today is that future action will be able to be

done in a more positive way, in a way that engages all of us and does not have this element of unfinished business.

Through the process in the lower house and in the Senate today, through the agreed decision to make the statement—which has now become part of our government history, our parliament history and our community history—we have acknowledged what went wrong in the past, we have said that we think that was wrong and we as a parliament and as a government have said sorry. That is the challenge for all of us. I am sure there is going to be extreme discussion about what the next step should be to actually achieve those commitments and look at what must happen. When people have the opportunity to hear and read the contributions that have been made by various members of parliament and senators today, we will be able to develop a framework for moving into the future.

I am very, very glad that we have made this statement today. I think the joy that has been expressed by people who told their stories in the *Bringing them home* report must give us the courage to take the next step—and remember: there are next steps. We hope that today's activity will be commemorated in a permanent way in this building, in our history, so that the people who wander through Parliament House and see the way our government operates will be able to see this moment in time and so that they can learn about what has happened in the past and share in whatever our community chooses to do in the future.

The word 'sorry' is important—the statement 'sorry' is important—but I think that what we need to do is understand that from tomorrow we should be looking at the word 'action' and how we can work together. The reconciliation story circles that came out of the *Bringing them home* report had an engagement and education phase, but they also

had an action phase about what we should do next. That is for future debate. Today we can celebrate, we can acknowledge and we can share with the people to whom, as a community, we owe the apology: 'Sorry and thank you.'

Debate (on motion by **Senator Faulkner**) adjourned.

**Sitting suspended from 1.58 pm to 2 pm**

### QUESTIONS WITHOUT NOTICE

#### East Timor

**Senator MINCHIN** (2.00 pm)—My question is to Senator Evans, the Minister representing the Prime Minister. Australia has a very strong record of working to ensure stability and security in East Timor. As such, events this week have disturbed everyone in this chamber. Will the minister therefore update the Senate on the security situation in East Timor, given the assassination attempts on President Jose Ramos-Horta and Prime Minister Gusmao and the present condition of President Ramos-Horta? I note that, with bipartisan support, the government has responded by deploying an additional company of ADF personnel and additional AFP officers to East Timor. Will the minister further outline to the Senate the role of our ADF personnel and AFP officers in ensuring a return to order and security in East Timor?

**Senator CHRIS EVANS**—I thank Senator Minchin for the question. I think I speak on behalf of the whole Senate when I say that the events in East Timor over the last few days are very distressing. The attack on the democratic leadership of that country—the attempt to assassinate its two most senior leaders—makes it a very dark day for East Timor. Both Prime Minister Gusmao and President Ramos-Horta are good friends of Australia, and a lot of senators in this chamber will know them personally and will have worked with them over many years.

The Australia government is resolute in its support of both the people and the democratically elected government of East Timor at this time of challenge. The Prime Minister has indicated that he will visit East Timor later this week to discuss the situation with the East Timorese government and security forces. It is obviously important that calm prevail in East Timor. To that end, the arrival of Australian police and defence forces should help. I will come back to that.

I understand that President Ramos-Horta remains in a serious but stable condition, and senators would be aware that the Minister for Foreign Affairs, Stephen Smith, travelled to Darwin on 12 February to convey the Australian government's support directly to family members of the President.

On 12 February, the Australian Defence Force deployed a company to Timor-Leste as part of the government's response to the 11 February attacks on President Ramos-Horta and Prime Minister Gusmao. The Army continually maintains a company group ready to move at short notice for such contingencies. The status of this readily deployable company is rotated between different formations at different bases so that troops can be rested. The government is prepared to do what it can to support the East Timorese government. The various contingents of defence and police personnel will assist in restoring stability in that country. I hope that will help see a return to normality and the progress of the East Timorese democracy, which is obviously very important for the future of that country.

East Timor is a good friend of Australia and we have got to be a good friend to them. We are hopeful that by our support at this time we can ensure the continuation of peace and democracy in East Timor.

**Senator MINCHIN**—Mr President, I ask a supplementary question. I thank the minis-

ter for his answer. The opposition supports the government's actions to date. I note there are reports today that mention criticisms from East Timor about the actions of the UN force immediately following the shooting of President Ramos-Horta. Can the minister provide details on the actions of the UN force in the immediate aftermath of the assassination attempt?

**Senator CHRIS EVANS**—I do not have a detailed brief on what the actions of the UN force were immediately following the attack on the elected leaders of East Timor. I am happy to get that for you as soon as possible, so I will take that part of your question on notice and ensure that the details are provided to the Senate as soon as possible.

#### **Economy**

**Senator MARK BISHOP** (2.04 pm)—My question is to the Minister representing the Prime Minister in this chamber, the Leader of the Government in the Senate, Senator Evans. In light of the Reserve Bank's latest warning about inflationary pressures and the challenging conditions of the global economy, can the minister inform the Senate what action the government is taking to address the challenge of inflation?

**Senator CHRIS EVANS**—I thank Senator Bishop for his question and acknowledge his long interest in economic matters. While we face economic challenges, the government is optimistic about the future of the Australian economy. Unemployment is low and we are enjoying our 17th year of growth. The RBA's latest quarterly statement does, however, highlight that inflationary pressures are the main risk to the domestic economy. It is public enemy No. 1.

I encourage all senators to look at the RBA report. Its statement revises the inflation forecast upwards. Underlying inflation is forecast to remain above the target band until the end of 2009. While the Australian



economy is fundamentally in good shape, we are well aware that it faces two conflicting currents: increasing uncertainty about the global outlook and the challenge of domestic inflation.

The severe downturn in the US housing market and the associated financial market volatility pose significant challenges for global growth and the Australian economy. Recent movements in Australian financial markets show that we are not immune to turbulence in the United States. The RBA noted that the likely period of weak growth in the US economy will be accompanied by slowing in other major developed economies.

We are confident that Australia can withstand the fallout from international volatility arising principally from the fallout of the US subprime crisis, although we are not immune. However, all the advice the government is receiving is that Australia is well placed to withstand that. The growth of the Asian economies, combined with the fast growth of the emerging economies, is compensating for the fallout in other areas. Strong demand for our resources is expected to remain high and to sustain commodity prices.

But the complacency of the opposition while in government to building our capacity has left the economy ill equipped to deal with this inflationary problem. In fact, the Reserve Bank repeatedly warned the Howard-Costello government of the need to address skill shortages. Time and time again the Reserve Bank warned the then government about the skill shortages, the lack of capacity and the infrastructure constraints in our economy. What did they do about it? Nothing. They spent like drunken sailors. They ignored the warnings of the RBA—

*Opposition senators interjecting—*

**The PRESIDENT**—Order! The Senate will come to order and then we will continue.

**Senator CHRIS EVANS**—Each warning from the RBA was ignored and so the inflationary pressures have slowly increased to produce the highest rate of inflation in 16 years. That is the Howard-Costello legacy. Inflation is our most pressing domestic challenge. It hurts working families and businesses, eats away at savings and threatens our national prosperity, and puts pressure on interest rates. The December CPI data released in January showed underlying inflation at 3.6 per cent, the highest rate for 16 years. Figures like that steel the government's determination to win the war on inflation. This government will not sit back and watch inflationary pressures rise until they overflow. We did not create this problem, but we do take responsibility for it.

*Opposition senators interjecting—*

**Senator CHRIS EVANS**—If the opposition thinks that inflationary pressures started on 24 November, I would be very surprised. The Prime Minister is implementing a five-point plan to fight the inflation legacy. We will tackle it head-on. The opposition may want to deny it, but that is the greatest challenge facing our economy. It does have to be tackled. We have a plan to fight inflation. We will take it seriously, because unless it is tackled Australian families will suffer.

#### **Automotive Industry**

**Senator ABETZ** (2.09 pm)—My question is to the Minister for Innovation, Industry, Science and Research, Senator Carr. I refer to the minister's proposal to set up an inquiry into Australia's automotive industry. Can the minister rule out appointing former Labor Premier Steve Bracks to head the inquiry? Can he rule out paying Mr Bracks \$2,000 a day to conduct the inquiry?

**Senator CARR**—I thank the shadow minister for his question and I look forward to dealing with him on a number of these issues for some years to come. The point that

he has asked me about relates to a review of the automotive industry, which is something we are publicly committed to. I have stated on numerous occasions that we will establish a review into the whole industry and its sustainability. We indicated last year that a review would be established which would go beyond the statutory review required under the ACIS legislation, and it would look at all aspects affecting the competitiveness of the industry.

This is a review that is long overdue. The fact of the matter is this: there have been 7,000 jobs lost in this industry since 2002. This industry is facing acute challenges. But what we saw from the previous government was a government essentially on automatic pilot. Despite the fact that the fundamental premise that underpinned the structural assistance programs had changed dramatically, the previous government chose not to change the policy settings. We had a government that essentially thought that the manufacturing industry in this country should be put on palliative care. Despite the fact that it employed over 60,000 Australians and was strategically vital to a wide-ranging number of industries from the ICT sector right through to aluminium, to plastics, to textiles and to every component of the manufacturing sector, the previous government chose to sit on its hands as these challenges grew.

We are about to announce the details of the review. We are about to announce the personnel associated with that review. I would advise the shadow minister that, unlike the reviews that he undertook into the Bureau of Meteorology, where the sorts of figures that he has used were in fact paid to the reviewers, the figures he has quoted are wrong.

**Senator ABETZ**—Mr President, I ask a supplementary question. In that case, how much will Mr Bracks be paid per day, seeing

that it was not denied that he was going to be appointed? Will the minister share with the Australian people how much Mr Bracks will be paid? If Mr Bracks is to be appointed, is that not a breach of the Prime Minister's promise not to appoint Labor boys to jobs—jobs for the boys? More importantly, did his department not advise him that the inquiry should be undertaken by the Productivity Commission?

**Senator CARR**—I indicate to the shadow minister that perhaps he should go back to his sources and check his facts. One of the great joys of opposition is that you are often advised of things which are incorrect and, if you are stupid enough to repeat them in here, all the best to you.

#### **Broadband**

**Senator LUNDY** (2.14 pm)—My question is to the Minister for Broadband, Communications and the Digital Economy, Senator Conroy. Can the minister update the Senate on any recent improvements to broadband services in Australia? Can the minister outline why a national broadband network is still necessary?

**Senator CONROY**—Ensuring the Australian population has access to fast and affordable broadband is a key priority for the Rudd Labor government. We are keen to work with the telecommunications industry to ensure Australians have access to the best available broadband. When Telstra approached my office last year after the election seeking regulatory certainty in regard to fixed line broadband services, I was quick to act and overcome the stalemate that had arisen between the former government and Telstra. As regulatory certainty is rightly a matter for the ACCC, I sought their advice. The chairman of the ACCC, Mr Samuel, brought to my attention a number of very consistent public statements relating to the regulation of wholesale access to ADSL ser-

vices. I then wrote to Telstra and informed them of my position. In particular, I noted that, in agreement with the ACCC, I believe there is a high degree of regulatory certainty in relation to the ACCC's approach to wholesale ADSL2+ services—a high degree of certainty. The letter that I wrote to Telstra is publicly available. It is there for all to see on my department's website.

I was pleased that the government was able to provide assurance to Telstra in regard to regulation. As a result, Telstra announced on 6 February that they would switch on high-speed ADSL2+ broadband in 900—that is right: 900—telephone exchanges servicing almost 2½ million homes. Telstra have already made ADSL2+ available from 370 telephone exchanges in the past week, serving approximately 1.8 million households—that is right: 1.8 million households. Within the next two weeks, 132 exchanges, serving over 230,000 households, will start providing ADSL2+—that is right. Over the next 200 days Telstra will install ADSL2+ in a further 405 exchanges across Australia, covering another 330,000 households. As a result of the decision, download speeds of up to 20 megabits per second will now be available in more cities and towns across the country.

I noted with great interest that the former minister for communications, Senator Coonan, has claimed that she offered Telstra a letter of comfort. This is despite the fact that Telstra's general counsel, Will Irving, has denied this was the case, stating:

She never signed any letter, she never sent any letter ...

and:

She's again just living in a bit of a world of her own, to be honest.

As I said earlier, the Rudd Labor government will drag Australia out of the digital dark ages, reforming the telecommunications sector for the benefit of all Australians.

**Senator Birmingham**—Mr President, I rise on a point of order. I wonder if the minister could please be asked to table the laptop from which he was reading his ministerial statement.

**The PRESIDENT**—There is no point of order.

#### **Apology to Australia's Indigenous Peoples**

**Senator BRANDIS** (2.19 pm)—My question is to Senator Evans, the Minister representing the Prime Minister. Does the minister recall that, in his speech on the occasion of the opening of the parliament yesterday, the Governor-General made a commitment on behalf of the new government that laws relating to government information will be enhanced by promoting a culture of disclosure and transparency? Can the minister explain how the Prime Minister's refusal to release legal advice obtained by the government concerning the potential liability of the Commonwealth to compensate members of the stolen generation fits in with this new culture of disclosure and transparency? Will the government now release the suppressed legal advice? If not, why not?

**Senator CHRIS EVANS**—I thank Senator Brandis for the question. This government is committed to much more accountability in government. I think the Australian public will notice a marked difference in style to the previous government in terms of accountability. We are committed to improving accountability. Senator Brandis's question goes directly to the question of legal advice, and I am sure I have been lectured by Senator Brandis in the past in this chamber, along with a lot of other former ministers on that side of the chamber, on how impossible it is to release legal advice because it is confidential legal advice to the government. It is quite a different circumstance to be open and accountable in terms of government decisions.

The government have made it very clear that we think the apology does not require us to also offer compensation. The government will not be offering compensation to the stolen generation and we have committed, in addition to the apology, to redoubling efforts to provide practical measures to assist Indigenous people through health, education and other measures, and I hope we enjoy the support of the whole chamber in pursuing those. But the question of legal advice remains the same as it did under the previous government—that is, confidential legal advice to the government is not released publicly. Senator Brandis, who I understand is an SC, would know that far better than I, and I am quite surprised that he asked such a question.

**Senator BRANDIS**—Mr President, I ask a supplementary question. I am sure Senator Evans is also well aware that the confidentiality of legal advice can freely be waived by the client or the recipient. Given that the government has that right, how does the minister consider that suppressing advice on the rights of Indigenous people advances either the culture of transparency and disclosure or the process of reconciliation?

**Senator CHRIS EVANS**—There is no question of suppressing information. I am not sure whether Senator Brandis is now arguing for compensation for Indigenous people, given that he had to be dragged kicking and screaming merely to make the apology. I am sure I saw Mr Abbott on the television last night saying the coalition would not entertain the prospect of compensation. There has been no suppression of information. We have indicated that we have legal advice that compensation is not payable as a result of the apology. We have made that public and, consistent with the previous government's policy, we are not releasing that advice.

### Indigenous Communities

**Senator ALLISON** (2.23 pm)—My question is to the Minister representing the Minister for Education. I refer to the Prime Minister's promise today to ensure that every Indigenous four-year-old in remote Aboriginal communities attends preschool and I ask: will the government ensure that these preschools are bilingual? Will it also insist that secondary schooling is made available where currently only primary schools exist? What measures will the government put in place to ensure that teachers are better equipped for Indigenous education in remote areas and what will the government do to increase the number of Indigenous teachers?

**Senator CARR**—I thank the senator for her question. The commitment has been—

*Opposition senators interjecting—*

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

**Senator CARR**—I thank the senator for her question. As she can tell, we are having some difficulties locating the formal brief on this matter, so I will make sure that the Minister for Education, whom I am representing, has an opportunity to view the question and see whether or not there are other matters she wants to raise. In that context I will say that this is a government that is committed to ensuring that there is genuine equality of opportunity in our education system. This is a government that has set itself very stiff targets to meet and that understands the importance of education, particularly for Indigenous people. This is a government that has acknowledged its obligation to make not only an apology for the past wrongs that have been committed against Indigenous people but also a commitment to ensure that it bridges the gap in terms of educational opportunities that exist in this country.

This is a government, unlike our predecessor, that is actually serious about chang-

ing life's opportunities for Indigenous people in this country. What this government has also done is to make sure that these targets are realistic and will be met. I note that in all the reports over the last five or six years in terms of educational attainment we saw a decline in the key indicators in socioeconomic equity and Indigenous education. The members of the previous government ought to hang their heads in shame at what happened to equality of opportunity in this country across the full range of socioeconomic indicators of educational attainment.

**Senator ALLISON**—Mr President, I ask a supplementary question—in fact I have a number of them. Does the minister also consider that state governments responsible for some of this mess should hang their heads in shame? But, before getting to that, I ask the minister to request information from the Minister for Education on the presence of local Indigenous preschool workers: is the government aware that they significantly increase attendance? Is the government aware that preschools serving 70 per cent of Indigenous children do not have a local Indigenous preschool worker, and will the government promise to fix this problem as well?

**Senator CARR**—I can indicate to the senator that this government understands how complex the issues of early childhood education are. We understand that in terms of the Commonwealth's interface with state governments on this issue there are fundamental difficulties even in getting to talk to the one department across this country. This is a government that also appreciates the need to attend to these questions. There is no doubt that the performance in early childhood education is one of the areas of great weakness in our education system across this country. I have been on delegations with Senator Allison when we have visited various communities and seen how deplorable conditions are, particularly in terms of early

childhood provision. I have seen circumstances personally where very young students, around four years of age, are clearly indicating all the health deficits that undermine the capacity to achieve good educational outcomes.

### **Indigenous Communities**

**Senator SCULLION** (2.28 pm)—My question is to Minister representing the Minister for Families, Housing, Community Services and Indigenous Affairs. The government has stated that it is committed to consulting widely over the initiatives in place as part of the intervention in the Northern Territory. Can the minister please advise the Senate why the government has chosen to ignore the advice of the first-ever Indigenous Labor Party President, Warren Mundine, by reintroducing the permit system in the Northern Territory?

**Senator CHRIS EVANS**—I thank Senator Scullion for his question. In doing so, I apologise for not recognising his election to the position of Leader of the Nationals in the Senate when we dealt with such matters. I congratulate him on his appointment. I never quite understand how one can be a leader of a party one does not belong to, but there you go. It might say something about the rest of the party, but I will not go there.

When the former government introduced its legislation on the intervention in the Northern Territory, the former government received the support of the Labor Party. We gave bipartisan support to the emergency intervention in the Northern Territory because we accepted that there was a crisis and that there was widespread child abuse and that those issues needed to be tackled. But, during the debate on the bills, the Labor Party raised a number of issues on which we diverged from the government and on which we urged the then government to take a different stance. One of those issues was the

question of the permits. Senator Scullion will recall that he and I were involved in that debate. The Labor Party has taken the view that the permit system is an important part of protecting those communities from exploitation by outside forces. At the time, there was support from a very senior Northern Territory police spokesman for this. They wanted to be able to control who went into those very vulnerable communities.

The Rudd Labor government has accepted the argument that the permits play a useful part of an overall protection system and ensure greater law and order for, stability in and protection of those communities. I know that there is a divergence across the chamber about that. We have had that debate a number of times. The Labor Party and the Labor government are committed to reinstituting a permit system which has the capacity to allow those communities to have some say over who comes into those communities. As Senator Scullion would be well aware, there have been a large number of instances over the years where people of disrepute have sought to access and exploit those communities and take advantage of the people in them.

**Senator Ian Macdonald**—Not according to Anthony Mundine.

**Senator CHRIS EVANS**—Mr Mundine and I worked very closely together when I had the Indigenous affairs portfolio. I have a lot of respect for Mr Mundine. He understands the complexities of the issues and makes a very good contribution to the Indigenous affairs debate in this country. But when we were in opposition the Labor Party's policy was to support the permit system and it will remain so in government.

**Senator SCULLION**—Mr President, I ask a supplementary question. I thank the minister for confirming that they are taking the word of a police officer heading up the

Police Federation in the Northern Territory over a senior Indigenous leader. Can the minister confirm whether in fact this is the very first step in the systematic dismantling of the intervention in the Northern Territory?

**Senator CHRIS EVANS**—I think the import of Senator Scullion's supplementary question was that he urges everyone to take the advice of a former President of the Labor Party over police figures in the Northern Territory, which I find an unusual stance for a member of the coalition to take. Nevertheless, we maintain the view that the permit system serves a useful purpose and that it will be a contributor to the overall objectives of the Northern Territory intervention, which we supported immediately. We gave bipartisan support to it at the time the then Prime Minister Howard announced that intervention. Prime Minister Rudd's government remains committed to that intervention. But we do some things slightly differently, Senator Scullion. The government has changed. We have a different approach to yours. The majority of the measures will be maintained. But on permits, the CDEP and a number of other issues, we have a different approach.

#### Smartcard

**Senator POLLEY** (2.33 pm)—My question is to the Minister for Human Services, Senator Ludwig. Can the minister confirm that the government is implementing its savings for Labor's better priorities policy as it affects the proposed access card? Will the minister inform the Senate how cost savings achieved by not proceeding with the access card will ease the pressure on interest rates?

**Senator LUDWIG**—I thank Senator Polley for that excellent question. I can confirm that the government has terminated the Liberal's much flawed access card. Labor has long had concerns about the access card; in particular, concerns about the protection of privacy. The Liberals claimed that it was not

a national identity card, yet it bore all the hallmarks of one. It was to have a photo. It was even to have a signature and it was vaunted to even include biometrics. They said that it would not be compulsory to have the access card, yet one would have to have had the access card to access services such as those provided by Medicare and Centrelink. It was an ID card by stealth and the opposition knows that and should fess up to it. It was one of those products of a government that was focused only on the card and not on the outcome.

In opposition, we were also concerned that the Liberals had underestimated the cost and overestimated the potential savings of the project. The KPMG report estimated potential savings of \$1.6 billion to \$3 billion over 10 years, compared with a cost of at least \$1.3 billion. The legislation governing the access card regime had already been delayed twice, once by the previous minister, Senator Ellison, demonstrating the likelihood of further blow-outs in both time and money. If you look at Senator Ellison's history with things like this, it is not surprising that he put the brakes on an IT project of this size and started to back pedal quickly. His last IT project, the Customs debacle, blew out from \$30 million to in excess of \$400 million and almost brought our wharves to a standstill. This government will ensure that that money is returned as savings for Labor's better priorities policy rather than squandered—as it was going to be by the opposition. That is why I will return almost \$1.2 billion to the budget for the Australian taxpayers.

I might note that the savings under the Charter of Budget Honesty were estimated at \$1.49 million. I am proud to be able to say that my department has identified an additional \$29 million in savings for 2007-08, bringing the total to \$1.78 million. These savings amount to a significant reduction in public demand which will help put down-

ward pressure on inflation and then downward pressure on interest rates. It is the financially responsible thing to do. It is the fiscally conservative thing to undertake. Some of the money will also go to ensuring the Rudd Labor government's policies on the education revolution, and to improve services in public hospitals—what the opposition when they were in government did not do. The Rudd Labor government will ensure those priorities are met, that the education revolution will proceed. We are focused on the practical things that will make a real difference, like online services, the coordination between agencies and datamatching and data sharing. That is what the Rudd Labor government will focus on, rather than a card. (*Time expired*)

#### **Tasmania: Centrelink**

**Senator BARNETT** (2.38 pm)—My question is also to the Minister for Human Services, Senator Ludwig. I refer to the failure of the Rudd Labor government and in particular the federal member for Bass, Jodie Campbell, to honour their pre-election support for the coalition's promise to expand Launceston's Centrelink call centre, thereby leaving 150 northern Tasmanians without jobs. Does the minister agree with the assessment of the Labor Premier of Tasmania, who said in a media release yesterday, which I have with me today, that this is 'a bitter pill' and that the Rudd Labor government 'is taking northern Tasmanians for granted'? Or does the minister agree with the assessment of the former federal Labor member for Bass, now state member for Bass and Tasmanian Minister for the Environment and the Arts, Michelle O'Byrne, who also backs the coalition promise and who said that these decisions are not about money but people's lives and the ability to live, work and raise families?

**Senator LUDWIG**—I thank the senator for the question. It is well worth the opportunity to put the record straight on the position that has been put around by the opposition in respect of the call centre. The expansions of call centres in Coffs Harbour, Hobart and Launceston were promises made by the Liberal Party during the 2007 election year. They were made by the Prime Minister at the time, but the Prime Minister made that commitment without any funds tied to it. The Liberals know that. The promises made to these communities were not worth the paper they were written on. When Mr John Howard announced these promises he did not provide any funding—the Liberals' promises were expected to be absorbed at the time by Centrelink as an operational cost. But the Liberal Party knows that Centrelink's funding goes up and down depending on the total number of clients, because that was the model that it used in government.

What that meant was that the promise at the time by the Prime Minister was reckless and unsustainable; it was unfunded at the time. The people of Launceston went to vote in the federal election with an unsustainable and unfunded promise, and now the Liberals have leapt upon the disappointment of the families in Launceston and tried to turn it to their political advantage. That is shameful. You are playing politics with people's lives and you should cease and desist. Centrelink said in its press release yesterday:

General Manager, Hank Jongen today announced Centrelink's decision regarding the proposed expansion of its Launceston, Hobart and Coffs Harbour call centres.

"Like any business, Centrelink needs to respond to changes in its environment to provide a good return on taxpayers' investment," Mr Jongen said.

"Our primary source of Government funding comes from—  
as the Liberals know—

delivering Newstart and other workforce age payments to customers, as this group requires more intensive one-on-one support from staff.

"However, this also means that while the economy is strong and unemployment levels are low, Centrelink receives a commensurately lower level of funding to deliver its services.

"As a result, we've unfortunately had to withdraw our plans to recruit additional staff at our Launceston call centre.

That is what the Centrelink press release yesterday said. It went on:

"Our budgetary situation also means that we can't proceed with our planned expansion of our Coffs Harbour and Hobart call centres, although existing staff will relocate to new offices as planned later this year.

"I want to stress that this is a business decision based on a number of factors. It's not something Centrelink has done lightly—we've only come to this conclusion after exploring every available option ...

"As a recruitment process for Launceston Call was already underway, we understand that the decision may be disappointing or upsetting to applicants.

We do understand that. We also understand that it may be upsetting to the Tasmanian government, but they should also be clear where the blame lies in respect of this. Of course, it is not the case that we would blame anybody. You need to then provide the facts of the circumstances, and the facts are very clear on this. The funding model used by the opposition when they sat around their cabinet table and agreed to this meant that Centrelink's funding would be adjusted according to the unemployment rate. What that meant was that the Centrelink funding would, with employment growth strong, go down. (*Time expired*)

**Senator BARNETT**—Mr President, I ask a supplementary question. Is the minister aware that the town of Launceston is pro-



nounced 'Lonceston'? Secondly, if this decision by the former Prime Minister—

**Senator Ludwig**—Mr President, I raise a point of order: there is no question there.

**The PRESIDENT**—There is no point of order either because Senator Barnett was just commencing his supplementary question.

**Senator BARNETT**—Thank you, Mr President. If the decision by the former Prime Minister, Mr Howard, on 13 July last year was reckless and unsustainable, why was it supported by the federal Labor senators and state Labor members of parliament at the time? Is the minister aware of the statement yesterday by Mr Lennon, the Premier of Tasmania, when he said that the decision was especially harsh given that federal Labor gave every appearance of supporting the Centrelink jobs when announced by John Howard in July, well before caretaker conventions were triggered? Further, is the minister aware of a media release of his own colleague the Minister for Finance and Deregulation, Lindsay Tanner, which refers to the savings that would be made and a reversal of— *(Time expired)*

**Senator LUDWIG**—It seems as though he has packed more into the supplementary question than into the question itself. But in respect of the three matters, firstly, he needs to check his facts, because that will expose the misinformation he is putting about. On the third matter he raised about the MYEFO of October 2007, I draw the attention of the opposition to Appendix A: Policy Decisions Taken Since the 2007-08 Budget where the \$5 million was provided for. What it said—which is not what your media release said, Senator Barnett—was that the government will provide an additional \$5 million in 2007-08 to ensure Centrelink is able to better meet peaks in demand arising from clients making increased use of call centres and a trend towards longer and more complex

calls. Funding under this measure will be provided through policy departments for call centre services to be delivered by Centrelink. *(Time expired)*

**Senator Barnett**—Mr President, I rise on a point of order. The minister referred to my media release; I referred to Lindsay Tanner's media release. I seek leave to table the media release of 6 February to clarify any concerns.

Leave granted.

### Climate Change

**Senator BOB BROWN** (2.47 pm)—My question is to the Minister for Climate Change and Water, Senator Wong. Given that the European Union policy responses to climate change are underpinned by their agreement that a global temperature rise of more than two degrees Celsius above the 1750 pre-industrial level will cause dangerous climate change and pose an unacceptable risk to this and future generations, has the Rudd government decided what degree of global warming poses an unacceptable risk to this nation and to the planet? If so, what is it? If not, has it asked Professor Garnaut to provide a specific answer to that question?

Following on from that, will the government move immediately to reduce emissions by ending the Howard government's tariff arrangements that favour imported four-wheel drive vehicles and hummers by giving them half the tax rate for imports that applies to climate sensitive and energy-saving hybrid cars?

**Senator WONG**—I thank Senator Brown for the question and for the interest that he shows on the issue of climate change. It is an interest that unfortunately those opposite whilst in government seemed not to have shown for far too long. We will look back on the history of the Howard government as a time when we as a nation could have dealt with the issue of climate change but failed to do so.

In relation to the specific issues raised by the honourable senator, firstly there was the issue of what degree of global warming is unacceptable. I will indicate our position on this very clearly. Unlike those opposite, we do not quibble with the science in this area. We recognise that scientists around the world have been warning governments of various political persuasions about the need to put in place policies and measures to tackle climate change. That is why we went to the election with a policy to tackle climate change. But we will do so, Senator Brown, methodically and responsibly. We went to the election with a commitment to put in place an emissions trading scheme, and I have already outlined on another occasion the parameters that we propose for the design of that scheme.

On the issue of medium-term targets, which is really at the heart of the first part of Senator Brown's question, as I indicated in Bali and have subsequently indicated on a number of occasions, this government will not set a medium-term target until we have fully and carefully considered—

**Senator Bob Brown**—Mr President, I rise on a point of order. My question was not about medium-term targets; it was about a temperature level rise for the planet which would pose a danger to this and future generations. It is a question specifically on temperature rise. Two degrees is what the European Union and scientists say is unacceptable. Does the government accept that or has it got in train—

**The PRESIDENT**—What is your point of order, Senator Brown?

**Senator Bob Brown**—I am just helping the minister to ensure she answers the question.

**The PRESIDENT**—She does not need any help. There is no point of order. The minister may answer the original question in the manner she chooses, provided she is be-

ing relevant—and I believe she was being relevant.

**Senator WONG**—I am happy to respond directly to that point of order. As I hope Senator Brown would be aware, the European Union discussion is in fact the justification for their mid-term target proposal. That is the basis upon which they arrived at the mid-term target proposal. Clearly, there are a range of projections on how our current climate change parameters could affect future temperature rise. The IPCC report, which I assume Senator Brown is aware of, sets out a range of projections, and they are the result of the best efforts of scientists around the world to estimate the possible impact of current emissions levels and different trajectories of emissions on future temperature rise.

Let us be clear: this government absolutely recognises the need to tackle dangerous climate change. All in this chamber know that this was a significant issue at the last election. I would hope, notwithstanding the differences between the government and Senator Brown on a range of issues, he would at least acknowledge that the very first act of the Rudd Labor government was the ratification of the Kyoto protocol, something those opposite failed to do despite being party to the agreement and quibbling for years and years about whether they should ratify.

So our commitment to tackling this global challenge is clear. We recognise that it is a global challenge; it must be tackled globally. Domestically we will implement our policy agenda, but I will make it very clear to Senator Brown that we will do so responsibly, carefully and methodically and on the basis of inputs such as Treasury modelling and Professor Garnaut's report.

**Senator BOB BROWN**—Mr President, I ask a supplementary question. Mr President, you will have heard that the minister totally

failed to answer my question about two degrees being the unacceptable level of climate change and then about the tax impost put onto hybrid cars as against humvees and four-wheel drives. Today the City of London has imposed a \$53 tax on all heavily polluting vehicles in central London in a bid to halt the slide to catastrophic climate change. I ask: will the Australian government set a lead here by reviewing the list of cars available to members of parliament so that gas guzzlers are taken off that list and by reformulating the priorities so that new government fleet cars include only hybrids and fuel-efficient vehicles?

**Senator WONG**—Three issues were raised there. Firstly, on the two-degree temperature rise issue, I would have thought that Senator Brown would understand that the usual way in which these issues are discussed, certainly in the context of international agreements, is in terms of the emissions reductions targets which nations agree to. This government have already committed to a 60 per cent reduction on 2000 levels by 2050 and, as I have repeatedly said, we will set a mid-term target; but we will do so after receiving the appropriate evidence. On the taxation issue to do with cars, I should refer Senator Brown to the responsible minister, which I assume might be Senator Carr or possibly the Treasurer. On the third issue, I refer Senator Brown to the policy with which we went to the election—which was to leverage investment in a green car industry here in Australia.

#### Economy

**Senator IAN MACDONALD** (2.54 pm)—My question is also to the Minister for Climate Change and Water. Did the minister have any input into the so-called razor gang cuts announced by Mr Tanner last week?

**Senator WONG**—As the chamber will be aware, there were a range of savings meas-

ures which the government announced recently. We did so because we are a government that are conscious of the need for fiscal restraint. As the Leader of the Government in the Senate outlined in answer to an earlier question and as the Australian people know, what we have been bequeathed, and what we have been bequeathed by those opposite, is the inflation genie. One of the ways in which we have to respond is to ensure that we exercise appropriate fiscal restraint.

**Senator Ian Macdonald**—Mr President, on a point of order: my question was very, very simple: did the minister have any input into the razor gang cuts?

**The PRESIDENT**—The minister is only 40 seconds into her answer. She may be developing an answer, and I will give her a chance to elaborate.

**Senator WONG**—In relation to the specific measures—and I assume that Senator Macdonald got his information from an article in the newspaper; I do not assume it was from any other research—I want to make this point: firstly, in relation to the Asia-Pacific Network for Energy Technology, I want to make it clear that that is in Minister Ferguson's portfolio. The indication is there that the Department of Resources, Energy and Tourism will be funding those measures from its existing budget measures. In other words, DRET will continue to source funds internally to work on the implementation of the Asia-Pacific Network for Energy Technology.

I also refer to the FutureGen Alliance membership, which was another one of the savings measures alluded to by Senator Macdonald in the context of his question. I want to advise Senator Macdonald that the United States—

**Senator Ian Macdonald**—Mr President, on a point of order: I will not be verbally; I did not allude to anything. I simply asked the

minister whether she had any input into the actions by Mr Tanner in announcing the cuts by the so-called razor gang. I have not alluded to anything, and I ask the minister not to verbal me.

**The PRESIDENT**—Senator Macdonald, that is not a point of order.

**Senator WONG**—I apologise to Senator Macdonald for the fact that I am referring to savings, which he actually talks about in his question, as something I should not be responding to, but I propose to respond to that because these are important issues. Clearly he wants me to deal with the savings measures to which he has referred.

In relation to the FutureGen Alliance, which is another measure which was the subject of this savings decision, I should advise the chamber that that will now be funded from the government's \$500 million clean coal fund. In relation to the Asia-Pacific Forestry Skills and Capacity Building program, which is in Minister Burke's portfolio, we will now fund that from \$200 million in relation to the international forest carbon initiative.

So there are ways in which we are seeking to ensure that the government continue to deliver important climate change programs, but they do occur in the context of a government that is determined to exercise responsible economic management and appropriate fiscal constraint, particularly given the legacy which we and the Australian people were bequeathed by those opposite.

**Senator IAN MACDONALD**—Mr President, I ask a supplementary question. I ask the minister: did Mr Tanner lie then in suggesting that they were cuts to the budget and would save the government money? As the minister has very perceptively thought through—

**Senator Chris Evans**—Mr President, on a point of order: I thought you would have

dealt with this yourself, but I think that, by implication, the senator made a slur against Mr Tanner that he lied. I do not think that is in order. I ask you to rule it out of order and to have him rephrase his question.

**The PRESIDENT**—Senator Evans, I had intended to raise it at the end of the question and not interrupt the question. Senator Macdonald, I think you should withdraw the imputation that a minister is lying.

**Senator IAN MACDONALD**—Mr President, I will rephrase the question then: did the minister, Mr Tanner, and the government deliberately mislead the Australian public—

**Senator Ludwig**—Mr President, I rise on a point of order. Senator Evans has asked that you rule on—and you have ruled on it—the withdrawal of that imputation. I have not heard that imputation withdrawn. He has now commenced rephrasing the question, which is an entirely different matter altogether from the withdrawal of the imputation. The senator should withdraw the imputation as you have ruled accordingly.

**The PRESIDENT**—I will uphold that point of order and ask Senator Ian Macdonald to withdraw the imputation on Minister Wong.

**Senator IAN MACDONALD**—I withdraw it. I ask the minister then: did her government deliberately mislead the Australian public in suggesting that there would be savings from reductions announced to the Asia-Pacific Network for Energy Technology and the Low Emissions Technology and Abatement program; the reduction in the Renewable Remote Power Generation Program; the slashed funding for the CSIRO research vessel, the *Southern Surveyor*; and the cutting of funding to the Asia-Pacific forestry skills and capacity building Global Initiative on Forests and Climate Change? Further, how do the cuts to those areas, if they happened—or if

they did not, I will go back to my first question—help address climate change?

**Senator WONG**—I would first just indicate that Senator Sherry actually represents the minister for finance in this chamber—if Senator Macdonald was not aware of that. The second point I make is that I have outlined, in relation to the savings measures, the ways in which those measures will be funded from alternative programs. Clearly they are savings measures. In relation to the issue of climate change, it is quite extraordinary to those of us on this side of the chamber, who have listened to the sceptics on that side—from the Leader of the Opposition in this chamber down—quibbling about whether or not climate change was occurring and seen them dragged kicking and screaming to addressing this issue prior to the election, that now you come into this place and talk to us about the implementation of climate change programs.

**Senator Ian Macdonald**—Mr President, I rise on a point of order. My question had nothing to do with climate change sceptics. It was simply: did the Labor government mislead the Australian public by suggesting there were cuts when the minister said in her first answer that there were no cuts and in answer to the supplementary question said that there are cuts? Which is it, Minister?

**The PRESIDENT**—Order, Senator Macdonald. You are starting to debate the issue. The minister has the right to answer the question in the manner she sees fit, as long as there is some relevance. In the past we have allowed a reasonably broad interpretation of that. I do believe that the minister was relevant. Senator Wong, have you concluded your answer?

**Senator WONG**—Yes.

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

#### QUESTIONS WITHOUT NOTICE: ADDITIONAL ANSWERS

##### Smartcard

##### Tasmania: Centrelink

**Senator LUDWIG** (Queensland—Manager of Government Business in the Senate) (3.02 pm)—During question time I indicated that the ICT project blew out by \$400 million. It was actually a blow-out of \$200 million. I also said that the savings for the access card project had increased by \$29 million to \$1.78 billion when I meant to say \$1.178 billion. I might also add to my response regarding the \$5 million in call centre funding. The MYEFO statement concerning that funding made no mention whatsoever of Launceston.

##### East Timor

**Senator CHRIS EVANS** (Western Australia—Leader of the Government in the Senate) (3.03 pm)—I want to add to my response to the question asked by Senator Minchin, which I undertook to do. We are aware of the media reports referred to by Senator Minchin in relation to the situation in East Timor. The East Timorese government, the UN mission in East Timor and the international stabilisation force are currently in the process of ascertaining the full facts and details of the tragic events in Dili on the morning of 11 February—

**The DEPUTY PRESIDENT**—Order! Senator Evans, resume your seat. Senator Evans is addressing the chair and, Senator Ian Macdonald, there is too much conversation around the chamber. I ask that the people who are leaving leave quietly.

**Senator CHRIS EVANS**—As I was saying, we are in the process of ascertaining the full facts and details surrounding those tragic events. The Australian government will be very careful not to rush to judgement about

the details of those events that morning until the full and final facts have been determined.

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

**Answers to Questions**

**Senator ABETZ** (Tasmania—Deputy Leader of the Opposition in the Senate) (3.04 pm)—I move:

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

It is very hard to believe that Prime Minister Rudd promised the Australian people that his ministry would be appointed solely on the basis of merit. The performance we witnessed today shows that, clearly, many other factors were at play other than just merit. In particular, I want to focus on Senator Carr's performance today which was both pitiful and arrogant but, more importantly, obfuscating. His Prime Minister's own Standards of Ministerial Ethics say in part, at paragraph 4.4:

Ministers are required to provide an honest and comprehensive account of their exercise of public office ... in response to any ... enquiry by a member of the Parliament ...

The first question asked of Minister Carr saw him breach this much-vaunted new standard. It was a simple question: would he rule out the appointment of former Labor Premier Bracks—and he was unwilling to do so. He will make the announcement tomorrow. He knows who is going to comprise the commission of inquiry—whether it is going to be the Productivity Commission or his mate Steve Bracks. He was unwilling to rule it out. All that he was willing to rule out was that Steve Bracks would be paid \$2,000 a day. But then, when asked how much he would be paid, Minister Carr arrogantly refused to answer the question. He is unable to deny that his department suggested a Productivity Commission inquiry instead of the Bracks

gravy train. So, confronted with that difficulty, he resorted to the old Labor tactic of raising the decibels to avoid the answer. He resorted to the blame game as well, which Prime Minister Rudd said would not be part of this government's approach. He resorted to the blame game and he foolishly resorted to his old opposition tactic of trying to blame the difficulties in the automotive industry on the previous government.

Can I remind him that, when he was confronted with the Mitsubishi closure, he very sensibly said: 'I am not going to pretend that you can wave a magic wand and have this problem go away.' I agree with him and that is why I make no criticism of him. But yet, when confronted with some hard issues, he reverted to his silly opposition tactic. Of course, what he did that for was to try to obfuscate the fact that undoubtedly Mr Bracks has been lined up for this inquiry.

I hope that as a result of today's exposure Mr Bracks will no longer be appointed and that the Productivity Commission will deal with the issue, because those that are involved in the automotive industry deserve nothing less. They need a highly professional Productivity Commission inquiry, not something led by a defunct Labor premier, union hacks and a few other mates from the automotive industry.

By Mr Rudd's own standards we have seen the appointment, in a jobs-for-the-boys situation, of Mr Bracks; we have seen indecent fees; and we have seen the rejection of departmental advice—all in the first decision of this minister, and all enunciated in answer to the very first question that this minister was asked. The Prime Minister would have us believe that Senator Carr was appointed on the basis of merit. If you look through the ministerial list you will see that there is a doctor of economics, Dr Craig Emerson, as Senator Carr's junior minister. Are we really

saying that the hapless Senator Carr is more skilled and competent than Dr Craig Emerson? I think we know the explanation for what occurred: Senator Carr is the spear carrier for the Left in Western Australia. By that virtue alone he had to be appointed to cabinet and people like Dr Craig Emerson had to be avoided.

Coming back to the issue here, we have had on this very first day a refusal to deny a jobs-for-the-boys appointment with an indecent fee and a refusal to acknowledge that departmental advice was rejected. All those factors suggest that something is at play. I hope the government changes its mind.

**Senator FORSHAW** (New South Wales) (3.09 pm)—The Australian people made their judgement about merit on 24 November. The reduced number of representatives that sit on the opposition side of the House of Representatives and the reduced representation that will sit on the other side of the Senate after July demonstrates that, on the issues of merit and performance, the coalition failed. They failed dismally. The Australian people looked to Kevin Rudd and the Labor team to fix up the mistakes and take this country forward. They voted for us overwhelmingly.

Today we had Senator Abetz get up and ask a question about jobs for the boys. Why would any coalition senator ever want to go to that issue? It would take me a lot longer than the five minutes or so that I have to go through the list of all the appointments made by the then coalition government while they were in office—all the mates that they put on inquiries. I will just mention one—Mr Estens and the communications inquiry—but I could go on and on.

But what about the really important issues that you would think they would want to raise in the first taking note of answers debate? One is the issue of climate change. As

Minister Penny Wong said, the Labor government's first action was to ratify the Kyoto protocol. Our standing in the international community went up enormously in Bali at the climate change conference because finally Australia joined the rest of the world to tackle the issue of climate change by signing Kyoto and then going on to establish the Garnaut inquiry.

On the issue of the economy, we were lectured so often by the former Treasurer, the former Prime Minister, and other representatives in this chamber and in the other one about them being the great economic managers. It was the coalition government that delivered us 16 interest rate rises during their entire time in office—seven of them in the last term. We now have to deal with runaway inflation as a result of the unrestrained spending by that government during the last couple of elections when they were endeavouring to buy their way back into office.

Finally the Australian people said: 'Enough is enough. We aren't going to cop any more of these bribes in election campaigns or these ad hoc decisions made on funding commitments.' Despite that temptation—that carrot—they said: 'Enough is enough. We've had enough of this coalition government. We are going to give a Labor government—so brilliantly led by Kevin Rudd and Julia Gillard—with a meritorious team of ministers, the opportunity to right the wrongs.'

**Senator Marshall**—And backbenchers!

**Senator FORSHAW**—Yes, and backbenchers, as Senator Marshall has said. With the amount of talent and merit that is on the backbench and keen to get onto the front bench, we should enlarge the ministry; but unfortunately we cannot. I digress. The real issues are interest rates, inflation and doing something about the skills crisis in this country. The skills crisis affects so much of our

manufacturing industry, including the vehicle industry.

There has been a pathetic attack today by Senator Abetz on Senator Carr, who has undertaken to look properly at the motor vehicle industry in this country. We have just had an announcement by Mitsubishi about closure. That is a problem that has been lumped on our desk at the very outset of our getting into government, after those opposite had been in office for 11 years. Minister Carr has taken the issue on board, and we are going to deal with it. So senators opposite should not come in here and lecture us. They have been sitting around for two months since the last election trying to figure out what issues they can attack us on. Well, they have none.

The cost of living is another important issue, and then there is the housing crisis and education. We have made announcements on what we are going to do to give the young kids in this country greater education opportunities. I could go on and on. My time has expired today but I look forward to further opportunities to get up here and remind those opposite of what a pathetic bunch they really are.

**The DEPUTY PRESIDENT**—I remind honourable senators that during the debate on the motion to take note of answers I expect to hear the speaker in reasonable silence. I can understand that, with human nature being what it is, from time to time there will be some interjections, but normally people are entitled to silence.

**Senator BERNARDI** (South Australia) (3.14 pm)—I would like to raise some points in relation to an answer given by Senator Evans in his capacity as Minister representing the Minister for Families, Housing, Community Services and Indigenous Affairs—specifically about the rollback of the permit system in Indigenous communities, which the Labor Party has already an-

nounced as policy. This is a very important day for Indigenous Australians. The debate and the discussion that have taken place and the motions that were presented to this chamber and to the other place have demonstrated that. The attendance of hundreds if not thousands of people outside and in Parliament House relayed the significance of this day for many Indigenous Australians. Yet Senator Evans has suggested that the rollback of the permit system will somehow preserve and protect Indigenous Australians from those that seek to prey upon their vulnerabilities. I take issue with this because it is simply absurd logic. To suggest that the instigation of a permit system will prevent from entering people—who are already prepared to break the law in so many other ways is just absurd. These people are paedophiles; these people are sly groggers; they are porn peddlers; they are the undesirable filth of Australian communities. They do not care two hoots for the law. They will go in there and they will pursue their nefarious aims irrespective of whether a permit system is in place. This is a very serious issue.

What we do not need in this country is a return to a separation, where one part of our land is only for Indigenous people and law-breakers and the rest of Australia is prevented from being there. What we need is an open system, where people within these communities can be held to account, where the people that seek to prey on their vulnerabilities will be held to account. We need a system where police can go in and where health workers can go in and check on the welfare of people. We need a system where journalists can go in and continue to hold those within these communities to account. The importance of this is not simply in my mind. This is shared, as Senator Scullion pointed out, by the first Indigenous president of the Australian Labor Party. Whilst I normally do not quote Labor organisational fig-



ures, I think that Mr Warren Mundine, a former national president, sums it up pretty well. He told the *Weekend Australian* that the move to reinstate the permit system could 'kill any chance the communities had of economic development'. He said it could kill any chance that Aboriginal communities had of economic development. He went on:

The permit system didn't stop crime. In fact ... crime has flourished under the permit system so it's a fallacy to say that it helps law-and-order problems.

I will acknowledge that Senator Evans has a deep and meaningful interest in the plight of Indigenous people in this country, but who is better qualified to talk about it and to make an objective assessment of it? Is it an Indigenous leader who led Senator Evans's party or Senator Evans himself? I would suggest it is the former. This is a very serious issue because the very future of Indigenous people in our country is at stake.

Minister Macklin has simply decided to roll back the clock on Indigenous affairs, pursuing some determination that has existed within the Labor Party for the last 20 years and not acknowledging for a moment that we need a new approach. Today is a very symbolic day. It is a day about moving on. It is a day about moving forward. It is not a day on which we should be forced to talk about rolling back a system that is starting to provide meaningful benefits for Indigenous people in this country. It is appalling that on such a day Minister Evans, representing Minister Macklin, is prepared to undo a lot of the symbolic gestures that have gone forward. I would encourage the Labor Party to revisit this policy because it is an appalling one that is playing politics with people's lives. It is simply an ideological quest being pursued by the Labor Party.

**Senator O'BRIEN** (Tasmania) (3.19 pm)—Isn't it marvellous? I thank Senator

Abetz for moving the motion to take note of answers in the way that he did, because it allows me to deal with the range of questions asked by the opposition in question time today. The elephant in the room—the question of the economy; the issue that the coalition claimed was their issue—was absent from their questions list today. Indeed, they were offended by the truths that were put by Senator Evans in answer to a question which was put to him today. We actually expected that the opposition would try and defend their record from when they were in government. But they were not game to do that today. They avoided the question of the economy because they knew that everything that Senator Evans said in answer to his question today was correct. Inflation is our most pressing domestic challenge. It is an inescapable fact that, under the coalition, our rate of underlying inflation grew and grew to the point where for the first time in an election campaign we saw the Reserve Bank increase interest rates, such was the pressure on the economy from growing inflation—inflation which was, in effect, caused by the inaction of the coalition when in government in relation to capacity constraints on the economy. There were 20 occasions on which the Reserve Bank warned their government that those pressures were leading to problems in the economy.

We saw the December CPI data released in January, showing underlying inflation at 3.6 per cent—well over the danger threshold so far as the Reserve Bank was concerned. That is the highest underlying inflation in 16 years. Right through the coalition's time in government and for a substantial part of the time of the previous government, that rate of underlying inflation had not been reached. But the pressures in the economy under the stewardship of the coalition had grown to a point where it is now clear that we have seen not only an increase in interest rates and

pressures from outside our economy increasing interest rates but also the probability of an additional interest rate rise predicted at 70 per cent. They are the challenges that the Labor government now faces in taking the reins of this economy. The fact that the coalition were not prepared to ask one question on the economy today—their first opportunity in this chamber—indicates that they realise they made a shambles of the economic management of this country. Under their stewardship they ignored the warnings from the Reserve Bank—20 warnings about capacity constraints—and we are now paying the price. Unfortunately, home owners and those with credit cards and other debts are likely to pay the price for some time to come. It will take some time for this government to manage the economy and to get it back under control after this opposition, when in government, allowed it to escape their control to the point where the Reserve Bank, as I said, for the first time in history increased interest rates during an election campaign—such was the nature of the pressure that the Reserve Bank felt was coming on this economy.

Let there be no doubt that Labor, in government, has a steely determination to win the war on inflation. We will take responsibility for fixing the problem, a problem that Labor did not create. That is why Prime Minister Rudd has outlined the decisive action we will take by implementing his plan to fight the inflation legacy that we have inherited. We have noted that the opposition now deny that the highest underlying inflation in 16 years is a problem. Frankly, if they cannot see it is a problem, it is no surprise that they allowed the problem to get out of control when in government. As I said, the fact is that home owners, credit card holders and anyone with a debt in this country, except those who were fortunately enough or wily enough to lock in interest rates in the past,

will now pay a price in the immediate future and perhaps for some time to come on the mortgages and the credit card debts that they have. They will have the coalition government, the Howard government, to thank for the pressures that they are facing. (*Time expired*)

**Senator BIRMINGHAM** (South Australia) (3.24 pm)—I am pleased to support the motion that the Senate take note of the answers given by ministers to questions without notice asked today. I do so particularly wishing to focus on Senator Evans's answer in relation to Indigenous communities, but before I get to that I would like to dwell for a moment on Senator O'Brien's remarks about the economy.

No amount of hyperbole from Senator O'Brien, Mr Rudd, Mr Swan, Senator Ludwig or anybody else in this chamber or elsewhere can change the reality of the great economy that the Labor Party has inherited, with 35-year lows in unemployment, strong growth in GDP and strong and stable inflation within the Reserve Bank's target range. No amount of hype can change the reality of a strong economy inherited by those opposite, who are indeed a very lucky and fortunate government to have inherited that economy. What people like Senator O'Brien and Mr Swan need to be very mindful of is that their commentary now can change and influence the economy we get for the future. Mr Swan, in particular, needs to stop urging the Reserve Bank to increase rates. He needs to stop this inflationary crisis of his own making, and he needs to be very careful, mindful and judicious in the comments he makes as the Treasurer of this country.

As I said, in particular I wish to address Senator Evans's response to the issue of our Indigenous communities. Both yesterday and today have been very symbolic, and I welcome and embrace the changes made in the

opening of the parliament yesterday and also the very sincere apology given by both houses of the parliament today. I hope that these symbolic acts will ensure that we take a very positive step forward as a nation towards reconciliation, healing and forgiveness between Indigenous peoples who feel they have been wronged over the years and the rest of the Australian community.

But that symbolism must be matched by the practical. We have seen the Rudd government already place high importance on symbolism across a range of areas, starting with the signing of Kyoto and now in the Indigenous affairs portfolio. While I embrace that symbolism, I expect to see real action that backs it up, action in Indigenous communities that addresses the fact that we have real and great disadvantage—which the previous government recognised and acted on very sincerely. This disadvantage sees low educational standards, low life expectancy, poor health standards, low social capital and poor housing. These are the challenges that need to be met and confronted head on.

Instead, we have a government that appears as though it is going to take us backwards in Indigenous policy. The previous government took some great steps last year in trying to tackle endemic disadvantage in our Indigenous communities, particularly in Indigenous communities in the Northern Territory. We now see a government that is committed to rolling that back by reintroducing a permit system, which was discredited and which was a reason behind the harm caused in many of these communities. We now see a government that is going to reintroduce CDEP, a program that provided sit-down money and that did not encourage the economic development of the communities.

We heard before from my colleague and friend Senator Bernardi about some of the comments of the Labor Party's former fed-

eral president, Warren Mundine, in regard to this—the fact that the permit system did not stop crime and that it is a fallacy to say it helped law and order. Indeed, it is a fallacy. Senator Evans claims that reintroducing permits can help protect these communities. That was not the case for decade after decade when these permits existed. Senator Evans needs to reconsider the logic of his arguments there because, as the *Australian* reported on 18 January this year:

History shows pedophiles, sly groggers, porn peddlers and other undesirables either ignore permits or collude with the gatekeeper.

The permit system did not work. Labor claims that permits will help the development of communities. That also is shown to be a fallacy. Galarrwuy Yunupingu, former Australian of the Year and land rights campaigner, when speaking last year in relation to the Howard government reforms, said that he believed this new model would empower traditional owners to control the development of towns and living areas. (*Time expired*)

**Senator ALLISON** (Victoria—Leader of the Australian Democrats) (3.30 pm)—I wish to take note of the answer provided by the Minister representing the Minister for Education. Firstly, we are pleased that the Labor government is moving on preschool, but I was disappointed in the minister's ability to answer the question concerning the many other issues that plague Indigenous education.

Even if you just focus on preschool, there are some huge problems to be addressed here. It is not enough to say that all four-year-olds need to be in preschool in remote areas. What we know is that there are measures that need to be put in place to see that they thrive in these circumstances—one of which is that bilingual education be made available to them. That certainly needs In-

Indigenous education workers who are locally based, because the evidence shows that they will attract attendance and they will be much more successful in the transformation from childhood through preschool into school.

There are huge problems both within preschool education and beyond. The 2004 inquiry of the Senate Standing Committee on Employment, Workplace Relations and Education had an enormous number of very serious and worrying findings and made 34 recommendations for action. I think none of those recommendations was taken up by the last government, and I would hope that this new government would make an announcement as soon as possible that it will do so.

Some of the health problems associated with Indigenous education—and we have had many inquiries on this subject—include diseases like otitis media, which, if untreated, can cause deafness and even complete deafness. This is a major problem for children attending school. If they cannot hear anything, then they are not likely to turn up day after day. We also know that there are very, very high levels of trachoma. A study recently conducted showed that in north-west Australia up to 50 per cent, or more, of children have active trachoma, which can lead to blindness.

As with so many other issues for Indigenous people, it is not wise and it is not possible to solve problems by simply taking them one at a time. In the case of education, it is to do with the availability of teachers who are properly skilled in Indigenous education in these remote areas. It is to do with the necessity of providing a learning environment which is both culturally suitable and which includes the use of the language spoken by that child. We need to fix some of those health problems which, frankly, can only be fixed if we fix the housing problems. The extent of problems in Indigenous communi-

ties is such that cherry-picking bits and pieces and coming up with bright ideas, as Labor has done—and again I welcome it—is not enough. What we want to see from Labor is a much more comprehensive approach and one which will solve some of the educational problems across the board.

Let me just mention a couple of the other problems we discovered. In the Northern Territory there are Aboriginal communities where there are substantial sized primary schools but no availability whatsoever of secondary schools. Why the Commonwealth has allowed the Northern Territory to get away with this for so long, I cannot imagine. There are schools that are poorly equipped—frankly, you would not put your dog in some of the ones that I have been into—and yet we have seen no substantial increase in funding for infrastructure. The Northern Territory is still, as I understand it, funding schools on the basis of average attendance. In other words, at the beginning of the semester or when the weather is right—when it is not the wet season—there may be too many students to fit even in the classroom, because they are funded for the average. There will be huge class sizes. As a result, students drift off, they become uninterested in education—if they ever were interested in the first place—and they disappear. That has to be fixed.

With regard to housing, as I said, it is not uncommon in Indigenous communities for 20 people to be in one house. This means there are very few books for children. There is no time for quiet study or advancement of their education. (*Time expired*)

Question agreed to.

### PETITIONS

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

#### **Mary River: Proposed Dams**

To the Honourable the President and Members of the Senate in Parliament assembled. The Petition of the undersigned draws to the attention of the Senate that the dams proposed to be built by the Queensland State Government at Traveston crossing on the Mary River and Wyaralong in the Logan River catchment, will have a significant impact on matters of national environmental significance and as a result will trigger the Commonwealth Environment Protection and Biodiversity Conservation (EPBC) Act 1999.

The petitioners note that according to section 87 of the EPBC Act 1999 the Environment Minister decides which assessment approach to assess the relevant impacts of the action. Because of the significant impact the proposed dams will have on matters of national and environmental significance, we call on the Federal Environment Minister to undertake an assessment by inquiry (section 87(1)(e) of the EPBC Act 1999).

by **Senator Bartlett** (from 24 citizens)

#### **Migration**

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

This petition of the undersigned citizens of Australia draws the following to the attention of the Senate:

The unfair legal treatment and public vilification of Dr Mohammed Haneef by the Howard Government has demonstrated that Australia's Migration Act has totally inadequate protections against abuse of process and violation of basic rights. It is a fundamental principle in any democracy that a person should only be imprisoned following the use of a fair and transparent process, free of political interference.

We the undersigned therefore call upon the Senate to urgently implement necessary reforms to the Migration Act 1958 to ensure proper independent oversight of the use of ministerial powers and to provide adequate protections against politically motivated decisions, violations of natural justice, due process and the presumption of innocence.

by **Senator Bartlett** (from 335 citizens)

#### **Indigenous Affairs**

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

This petition of the undersigned citizens of Australia draws the following to the attention of the Senate:

That it has been a decade since the *Bringing them home* report into the stolen generations was tabled. This set out the gross human rights violations that many Indigenous people endured because of official government policies and laws which enabled and often encouraged children to be removed from the parents and separated from their community and culture on the basis of the colour of their skin.

As a result of this inquiry, some important and effective actions have been taken to facilitate family reunion and to improve counselling and family support services for victims. However, many recommendations from the report were rejected or have been inadequately implemented.

We the undersigned therefore call upon the Senate to:

- support actions and enact laws to give effect to all recommendations from the *Bringing them home* report which have yet to be implemented; and
- in particular, to support legislation implementing a mechanism to provide monetary compensation for all those who suffered as a result of past forcible removal policies, in accordance with recommendations 3, 4 and 14-20 of the *Bringing them home* report.

by **Senator Bartlett** (from 211 citizens)

#### **Indigenous Communities**

To the honourable Prime Minister and Members of the Senate in Parliament assembled:

We, the undersigned Australian residents draw to the attention of the Senate the issue of all forms of sexual violence in our communities.

Your petitioners therefore request the Senate to hold this issue as paramount importance in building a nation with a strong community ethic that clearly opposes all forms of sexual violence, by:

- (1) Addressing Indigenous sexual violence and abuse through consultation with the Indigenous Community and State Governments, and, realistically funding Indigenous Housing, 'Health, and Education.
- (2) Working with the community sector to develop, implement, and maintain sexual violence awareness—raising and preventative education in primary and secondary schools.
- (3) Providing further adequate funding for free, accessible, diverse, and appropriate Sexual Violence counseling and support services.

by **Senator Bartlett** (from 220 citizens)

Petitions received.

### NOTICES

#### Presentation

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

That the following bill be introduced: A Bill for an Act to provide for ex gratia payments to be made to the stolen generation of Aboriginal children, and for related purposes. *Stolen Generation Compensation Bill 2008*.

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

That the Senate—

(a) notes that:

- (i) among Indigenous Australians, blindness and visual impairment is significantly higher than in other populations,
- (ii) most blindness and vision loss is preventable or correctable and for each \$1 spent on eye care there is a \$5 return,
- (iii) trachoma is the most common cause of infectious blindness and Australia is the only developed country that still has blinding endemic trachoma:
  - (A) the study *Surveillance report for active trachoma, 2006* for which Aboriginal children from most regions of the Northern Territory, Western Australia and South Australia

were screened, showed prevalence rates of active trachoma of 16 per cent in rural Darwin, 30 per cent in Katherine, 21 per cent in Barkly, 18 per cent in Alice Springs Remote, 18 per cent in Nganampa, 18 per cent in Tullawon, 12 per cent in Pika Wiya, 18 per cent in Kimberley, 53 per cent in Pilbara, and 19 per cent in Western Australia's midwest and goldfields,

- (B) rates of active trachoma are highest in young children and for children aged 0-5 who were for the most part not included in the survey and therefore rates could be expected to be higher,
- (C) concerted trachoma control activities over the past 10 years have eliminated active trachoma in Morocco, Oman and Iran, and
- (D) even in Niger, the poorest country in Africa, trachoma is being controlled by an active intervention program,
- (iv) cataracts occur more commonly in Aboriginal people, and Indigenous Australians report vision loss from cataracts 50 per cent more commonly than mainstream Australia, and
- (v) few Aboriginal people have access to refractive services, although 20 per cent of all children need glasses and there is an almost universal need for reading glasses over the age of 40;
- (b) according to the Centre for Eye Research Australia, trachoma can be eliminated in Australia, vision loss substantially reduced and equality in eye health for all Australians achieved within 5 years; and
- (c) urges the Government to provide \$25 million over 5 years for:
  - (i) antibiotics for active trachoma, screening and programs promoting facial cleanliness, environmental improvement and trichiasis surgery for later stage trachoma to prevent irreversible blindness,

- (ii) sustainable programs for screening for diabetic retinopathy and timely laser treatment,
- (iii) regular eye examinations, and
- (iv) current eye health data.

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

That the Senate—

(a) notes:

- (i) the contempt in which the Australian Labor Party (ALP) has historically held upper houses around the country, including a platform to abolish all upper houses until 1979, the abolition of the upper house in Queensland and a current policy to abolish the South Australian Legislative Council,
  - (ii) that the Prime Minister (Mr Rudd) has reduced the number of sitting weeks in the Senate in 2008, and
  - (iii) that the Deputy Prime Minister (Ms Gillard) has already demanded legislation be passed without adequate scrutiny in the Senate; and
- (b) given the above, condemns the Rudd Labor Government for continuing the ALP's legacy of inherent contempt for the Senate.

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

- (1) That so much of standing orders be suspended as would prevent this resolution having effect.
- (2) That the following bills be restored to the *Notice Paper* and that consideration of each bill resume at the stage reached in the 41st Parliament:

Cluster Munitions (Prohibition) Bill 2006

Constitution Alteration (Appropriations for the Ordinary Annual Services of the Government) 2001 [2004]

Constitution Alteration (Electors' Initiative, Fixed Term Parliaments and Qualification of Members) 2000 [2004]

Electoral (Greater Fairness of Electoral Processes) Amendment Bill 2007

Electoral Amendment (Political Honesty) Bill 2003 [2004]

Euthanasia Laws (Repeal) Bill 2004

Genetic Privacy and Non-discrimination Bill 1998 [2004]

Ministers of State (Post-Retirement Employment Restrictions) Bill 2002 [2004]

National Market Driven Energy Efficiency Target Bill 2007

Parliamentary Charter of Rights and Freedoms Bill 2001 [2005]

Patents Amendment Bill 1996 [2004]

Peace and Non-Violence Commission Bill 2007

Privacy (Data Security Breach Notification) Bill 2007

Privacy (Extension to Political Acts and Practices) Amendment Bill 2006

Protecting Children from Junk Food Advertising Bill 2006

Public Interest Disclosures Bill 2007

Repatriation of Citizens Bill 2007

Republic (Consultation of the People) Bill 2001 [2004]

Same-Sex Marriages Bill 2006

Same-Sex: Same Entitlements Bill 2007

State Elections (One Vote, One Value) Bill 2001 [2004]

Taxation Laws Amendment (Scholarships) Bill 2005

Textbook Subsidy Bill 2003 [2004]

Uranium Mining in or near Australian World Heritage Properties (Prohibition) Bill 1998 [2004]

Workplace Relations (Guaranteeing Paid Maternity Leave) Amendment Bill 2007.

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

That the Senate—

- (a) notes that:
  - (i) in December 2007 Ausra Inc. announced that it will build a manufacturing plant in Nevada for solar thermal power systems,
  - (ii) Ausra's innovations in mirror systems have brought the price of solar power down to the level of gas-fired power and is expected soon to be price competitive with coal-fired power, and
  - (iii) the plant will produce 700 MW a year in solar thermal power systems for the American Southwest;
- (b) congratulates the founder of Ausra, world-renowned, Dr David Mills, for this development and for his longstanding solar technology innovation at the University of Sydney, including:
  - (i) the evacuated tube solar water heater technology that is now in use in 60 per cent of these units worldwide,
  - (ii) the Compact Linear Fresnel Reflector for use in solar thermal energy,
  - (iii) photovoltaic systems, and
  - (iv) a solar steriliser design which won a World Health Organization award in 2002;
- (c) regrets that the economic benefits of this important innovation in renewable, clean, base load power have been lost to Australia; and
- (d) urges the Government to:
  - (i) recognise that Australia, like Nevada and California, has excellent sources of solar energy from which to generate solar thermal base load power, and
  - (ii) provide the necessary incentives for the technology to also be established in Australia.

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

- (1) That a select committee, to be known as the Select Committee on State Government Financial Management be established to inquire into and report upon:
 

Commonwealth and state and territory fiscal relations and state and territory government financial management, including:

  - (a) Commonwealth funding to the states and territories – historic, current and projected;
  - (b) the cash and fiscal budgetary positions of state and territory governments – historic, current and projected;
  - (c) the level of debt of state/territory government businesses and utilities – historic, current and projected;
  - (d) the level of borrowing by state/territory governments – historic, current and projected;
  - (e) an examination of state/territory net government debt and its projected level – historic, current and projected;
  - (f) the reasons for any government debt including an analysis of the level and efficiency of revenue and spending;
  - (g) the level of investment in infrastructure and state-owned utilities by state and territory governments;
  - (h) the effect of dividends paid by state-owned utilities on their ability to invest;
  - (i) present and future ownership structures of current and former state-owned utilities and the impact of ownership on investment capacity; and
  - (j) the effect of investment by state-owned utilities on Australia's capacity constraints.
- (2) That the committee present its final report on or before 16 June 2008.
- (3) That the committee consist of 6 senators, as follows:
  - (a) 2 to be nominated by the Leader of the Government in the Senate;



- (b) 3 to be nominated by the Leader of the Opposition in the Senate; and
- (c) 1 to be nominated by minority groups or independents.
- (4) That the committee may proceed to the dispatch of business notwithstanding that all members have not been duly nominated and appointed and notwithstanding any vacancy.
- (5) That the committee elect as chair one of the members nominated by the Leader of the Opposition in the Senate.
- (6) That the quorum of the committee be 3 members.
- (7) That the chair of the committee may, from time to time, appoint another member of the committee to be the deputy chair of the committee, and that the member so appointed act as chair of the committee at any time when there is no chair or the chair is not present, at a meeting of the committee.
- (8) That, in the event of an equality of voting, the chair, or the deputy chair when acting as chair, have a casting vote.
- (9) That the committee have power to appoint subcommittees consisting of 3 or more of its members, and to refer to any such subcommittee any of the matters which the committee is empowered to consider, and that the quorum of a subcommittee be 2 members.
- (10) That the committee and any subcommittee have power to send for and examine persons and documents, to move from place to place, to sit in public or in private, notwithstanding any prorogation of the Parliament or dissolution of the House of Representatives, and have leave to report from time to time its proceedings and the evidence taken and such interim recommendations as it may deem fit.
- (11) That the committee be provided with all necessary staff, facilities and resources and be empowered to appoint persons with specialist knowledge for the purposes of the committee with the approval of the President.
- (12) That the committee be empowered to print from day to day such papers and evidence as may be ordered by it, and a daily Hansard be published of such proceedings as take place in public.
- Senator Ellison** to move on the next day of sitting:
- (1) That a select committee, to be known as the Select Committee on Housing Affordability in Australia be established to inquire into and report upon:
- The barriers to home ownership in Australia, including:
- (a) the taxes and levies imposed by state and territory governments;
- (b) the rate of release of new land by state and territory governments;
- (c) proposed assistance for first home owners by state, territory and the Commonwealth governments and their effectiveness in the absence of increased supply;
- (d) the role of all levels of government in facilitating affordable home ownership;
- (e) the effect on the market of government intervention in the housing sector including planning and industrial relations laws;
- (f) the role of financial institutions in home lending; and
- (g) the contribution of home ownership to retirement incomes.
- (2) That the committee present its final report on or before 16 June 2008.
- (3) That the committee consist of 6 senators, as follows:
- (a) 2 to be nominated by the Leader of the Government in the Senate;
- (b) 3 to be nominated by the Leader of the Opposition in the Senate; and
- (c) 1 to be nominated by minority groups or independents.

- (4) That the committee may proceed to the dispatch of business notwithstanding that all members have not been duly nominated and appointed and notwithstanding any vacancy.
- (5) That the committee elect as chair one of the members nominated by the Leader of the Opposition in the Senate.
- (6) That the quorum of the committee be 3 members.
- (7) That the chair of the committee may, from time to time, appoint another member of the committee to be the deputy chair of the committee, and that the member so appointed act as chair of the committee at any time when there is no chair or the chair is not present, at a meeting of the committee.
- (8) That, in the event of an equality of voting, the chair, or the deputy chair when acting as chair, have a casting vote.
- (9) That the committee have power to appoint subcommittees consisting of 3 or more of its members, and to refer to any such subcommittee any of the matters which the committee is empowered to consider, and that the quorum of a subcommittee be 2 members.
- (10) That the committee and any subcommittee have power to send for and examine persons and documents, to move from place to place, to sit in public or in private, notwithstanding any prorogation of the Parliament or dissolution of the House of Representatives, and have leave to report from time to time its proceedings and the evidence taken and such interim recommendations as it may deem fit.
- (11) That the committee be provided with all necessary staff, facilities and resources and be empowered to appoint persons with specialist knowledge for the purposes of the committee with the approval of the President.
- (12) That the committee be empowered to print from day to day such papers and evidence as may be ordered by it, and a daily Hansard be published of such proceedings as take place in public.
- Senator Milne** to move on 11 March 2008:
- (1) That the Senate notes:
- the housing affordability crisis in Australia and the need for a national affordable housing agreement;
  - the need to upgrade Australia's building stock and strengthen building regulations to increase the energy efficiency of existing and new buildings, both residential and commercial;
  - the central role played by the Housing Industry Association in developing government policy;
  - the relationship between housing affordability and mandatory privatised last resort builders warranty insurance particularly, the increasing number of complaints from builders and consumers concerning the failure of the last resort warranty insurance regime to provide consumer or builder protection; and
  - the decision in March 2002 to remove all Commonwealth and state regulatory controls over last resort warranty insurance.
- (2) That the following matter be referred to the Economics Committee for inquiry and report by May 2008:
- Australia's mandatory Last Resort Home Warranty Insurance scheme, including:
- the appropriateness and effectiveness of the current mandatory privatised Last Resort Builders Warranty Insurance scheme in providing appropriate consumer protection and industry management;
  - the reasons for and consequences of the ministerial decisions relating to the removal of consumer protection provisions in respect of Corporations Regulation 7.1.12(2);

- (c) the ramifications for the future supply of this insurance product following the draft recommendations from the Productivity Commission report released in December 2007;
- (d) the full investigation of the market failure of this insurance product in Tasmania which has resulted in the Tasmanian Government announcing in January 2008 that the product is to be scrapped over the next 12 months;
- (e) any potential reforms and their costs and benefits which may lead to appropriate consumer and builder protection and improved housing affordability; and
- (d) any related matters.

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

That the following bill be introduced: A Bill for an Act to amend the *Marriage Act 1961* to create marriage equality for all relationships regardless of sexual orientation or gender identity, and for related purposes. ***Marriage (Relationships Equality) Amendment Bill 2008***.

**Senator LUDWIG** (Queensland—Minister for Human Services) (3.36 pm)—I give notice that, on the next day of sitting, I shall move:

That the provision of standing order 111(6) which prevents the continuation or resumption of the second reading debate on a bill within 14 days of its first introduction in either House not apply to the following bills:

Aged Care Amendment (2008 Measures No. 1) Bill 2008

Appropriation (Drought and Equine Influenza Assistance) Bill (No. 1) 2007-2008

Appropriation (Drought and Equine Influenza Assistance) Bill (No. 2) 2007-2008

Cross-Border Insolvency Bill 2008

Financial Sector Legislation Amendment (Review of Prudential Decisions) Bill 2008

I table statements of reasons justifying the need for these bills to be considered during

these sittings and seek leave to have the statements incorporated in *Hansard*.

Leave granted.

*The statements read as follows—*

AGED CARE AMENDMENT (2008 MEASURES No. 1) BILL

#### **Purpose of the Bill**

The purpose of the bill is to amend the aged care legislation to:

implement a range of measures for financing aged care including:

changing the arrangements for residential care subsidies, accommodation charges and residential fees;

limiting the retrospective adjustment of subsidies; changing the criteria and value of certain grants relating to residential aged care services and community care, and introducing grants for flexible care;

extend the provisions of the Aged Care Act 1997, the Aged Care (Bond Security) Act 2006 and the Aged Care (Bond Security) Levy Act 2006 to the Territory of Christmas Island and the Territory of Cocos (Keeling) Islands; and

make minor technical amendments to improve consistency and clarity and address unintended consequences of the operation of the legislation.

#### **Reasons for Urgency**

These measures dovetail with reforms to subsidies and supplements contained in the Aged Care Amendment (Residential Care) Act 2007, which take effect on 20 March 2008. It is critical that the bill be passed early in the 2008 Autumn sittings to enable all delegated legislation to be finalised and to ensure sufficient advance notice of the changes for approved providers and care recipients.

If the reforms do not take effect as soon as possible, this will have significant cost implications (noting that the bill will be giving effect to increased government funding of \$575.87 million as well as increasing revenue for approved providers from new residents) and will cause significant disruption to care recipients and approved providers (all of whom will be implementing

significant systems changes based on the proposed changes to subsidies, fees and charges).

(Circulated by authority of the Minister for Ageing)

APPROPRIATION (DROUGHT AND EQUINE INFLUENZA ASSISTANCE) BILL (No. 1)  
2007-2008

APPROPRIATION (DROUGHT AND EQUINE INFLUENZA ASSISTANCE) BILL (No. 2)  
2007-2008

#### **Purpose of the Bill**

These are supplementary appropriation Bills which request legislative authority for further expenses to be incurred in 2007-2008 in relation to drought relief and equine influenza assistance. Passage of the Bills by 14 February 2008 will allow funds to be made available to the Department of Agriculture, Fisheries and Forestry (DAFF), thereby ensuring the continuity of government programs relating to drought relief and equine influenza assistance.

#### **Reasons for Urgency**

Additional funding is required to fund further drought relief and equine influenza assistance measures announced since the last Budget. The additional funding required exceeds what is currently available to DAFF and from the Advance to the Finance Minister. At the current rate of expenditure all of the relevant appropriations and the Advance to the Finance Minister are expected to be exhausted before end of February 2008. The Additional Estimates Bills are not expected to be agreed to by Parliament until the end of the Autumn Sittings. Consequently, a set of supplementary Bills are required to ensure continuity of drought and equine influenza assistance as well as other DAFF programs.

If timely passage is not granted to the supplementary Bills, all DAFF programs will be delayed for some period until mid-April 2008.

(Circulated by authority of the Minister for Finance and Deregulation)

CROSS-BORDER INSOLVENCY BILL

#### **Purpose of the Bill**

The Cross-Border Insolvency Bill 2008 (the Bill) gives effect to the Model Law on Cross-Border Insolvency (the Model Law) adopted by the

United Nations Commission on International Trade Law (UNCITRAL). The purpose of the Model Law is to provide effective and efficient mechanisms for dealing with cases of cross-border insolvency, The Model Law:

sets out the conditions under which persons administering a foreign insolvency proceeding have access to Australian courts;

sets out the conditions for recognition of a foreign insolvency proceeding and for granting relief to the representatives of such a proceeding;

permits foreign creditors to participate in Australian insolvency proceedings;

permits courts and insolvency practitioners from different countries to cooperate more effectively; and

makes provision for coordination of insolvency proceedings that are taking place concurrently in different states.

#### **Reasons for Urgency**

Introduction and passage of this bill in the Autumn sittings would provide for streamlining of cross-border insolvency proceedings in relation to companies with international operations that become insolvent before the winter sittings of Parliament. Passage in the Autumn sittings would benefit creditors and employees of such insolvent entities by providing for more efficient administration of such proceedings.

(Circulated by authority of the Minister for Superannuation and Corporate Law)

FINANCIAL SECTOR LEGISLATION  
AMENDMENT (REVIEW OF PRUDENTIAL DECISIONS) BILL 2008

#### **Purpose of the Bill**

The Bill introduces measures to improve the accountability, transparency and consistency of decisions made by the Australian Prudential Regulation Authority (APRA) and streamline prudential legislation. The Bill includes measures to:

- introduce a court based process for the disqualification of an individual under prudential legislation administered by APRA, similar to the process followed by the Australian Securities and Investments Commission (ASIC) under the Corporation Act 2001;

- streamline APRA's directions powers;
- remove the need for ministerial consent from APRA administrative decisions not involving broader policy considerations; and
- expand the availability of merits review for certain APRA decisions.

#### Reasons for Urgency

The measures generally commence on Royal Assent. Passage in the Autumn sittings would ensure that industry stakeholders and APRA would derive benefits from the measures, including improving APRA's decision making processes and removing

unnecessary complexity in the prudential Acts, as soon as possible.

The measures in the Bill implement various recommendations from the Taskforce on Reducing Regulatory Burdens on Business and the HIH Royal Commission.

(Circulated by authority of the Minister for Superannuation and Corporate Law)

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

That the Senate—

- notes the evidence provided to the Government by its ship, the *Oceanic Viking*, of whales being slaughtered in Australia's Antarctic Territorial waters;
- expresses deep concern at the continued killing of these whales in Australian waters; and
- urges the Government to take immediate action to ensure an end to the slaughter of the whale population, including through the commencement of legal action.

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

That the Senate—

- notes the comments of the Commissioner-General of the United Nations Relief and Works Agency for Palestine Refugees in the Near East on 29 January 2008 that the blockade of Gaza has incarcerated 1.5 million Palestinians, reduced to barely subsistence levels their supplies of food, medi-

cine, fuel and other necessities and has generated fear, fury and distress amongst the Palestinians, through air strikes, incursions, assassinations and other military action that regularly takes civilian lives; and

- calls on the Australian Government to make representations to the Israeli Government to immediately lift the blockade of Gaza.

#### Postponement

The following items of business were postponed:

General business notice of motion no. 5 standing in the name of the Leader of the Family First Party (Senator Fielding) for today, proposing the introduction of the Australian Securities and Investments Commission (Fair Bank and Credit Card Fees) Amendment Bill 2008, postponed till 14 February 2008.

General business notice of motion no. 7 standing in the name of Senator Stott Despoja for today, relating to Myanmar, postponed till 14 February 2008.

General business notice of motion no. 10 standing in the name of the Leader of the Family First Party (Senator Fielding) for today, proposing the introduction of the Poker Machine Harm Reduction Tax (Administration) Bill 2008, postponed till 14 February 2008.

#### BUSINESS

##### Rearrangement

**Senator LUDWIG** (Queensland—Manager of Government Business in the Senate) (3.39 pm)—I move:

That, on Thursday, 14 February 2008:

- the hours of meeting shall be 9.30 am to adjournment;
- consideration of general business shall not be proceeded with;
- the routine of business from not later than 4.30 pm shall be further consideration of the motion to take note of the National Apology to the Stolen Generations; and

- (d) if that debate has not concluded by 6 pm, then:
- (i) consideration of committee reports, government responses and Auditor-General's reports under standing order 62(1) and (2) not be proceeded with, and
- (ii) at the conclusion of the debate, the question for the adjournment of the Senate shall be proposed.

Question agreed to.

**CROSS-BORDER INSOLVENCY  
BILL 2008**

**FINANCIAL SECTOR LEGISLATION  
AMENDMENT (REVIEW OF  
PRUDENTIAL DECISIONS) BILL 2008**

**First Reading**

**Senator LUDWIG** (Queensland—Minister for Human Services) (3.40 pm)—I move:

That the following bills be introduced:

A Bill for an Act to give effect to the Model Law on Cross-Border Insolvency of the United Nations Commission on International Trade Law, and for related purposes.

A Bill for an Act to amend the law relating to the financial sector, and for related purposes.

Question agreed to.

**Senator LUDWIG** (Queensland—Minister for Human Services) (3.40 pm)—I present the bills and move:

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

Question agreed to.

Bills read a first time.

**Second Reading**

**Senator LUDWIG** (Queensland—Minister for Human Services) (3.40 pm)—I table the explanatory memoranda relating to the bills and move:

That these bills be now read a second time.

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

Leave granted.

*The speeches read as follows—*

**CROSS-BORDER INSOLVENCY BILL 2008**

Insolvency laws underpin property rights and reduce uncertainty for participants in the economy. They do this by specifying, in advance, the arrangements that apply when an individual or a company cannot pay their debts. Australia has a well functioning system of laws that deal with domestic insolvencies. The Cross-Border Insolvency Bill 2008 will augment that system. It will apply to insolvencies that have an international dimension.

Over the years international borders have become less significant for economic activity. With the advent of technologies such as the world-wide-web and the lowering of tariff barriers around the world, trade and capital flows more readily between countries. By contrast, legal systems continue to be organised on a nation-by-nation basis.

The bill will build a bridge between Australia's legal system and those of other jurisdictions. It will do so by providing for an internationally harmonised and streamlined approach to cross-border insolvencies.

The bill will adopt the Model Law on Cross-Border Insolvency developed by the United Nations Commission on International Trade Law. Australia had a significant involvement in the development of the Model Law, with work commencing in the early 1990's under the then Labor Attorney-General Michael Lavarch. The previous Government published a proposals paper dealing with adoption of the Model Law in 2002. Today I will complete the work that Labor started.

The bill includes four key reforms.

First, the model law permits courts and insolvency practitioners from different countries to cooperate more effectively.

Second, it makes provision for the coordination of insolvency proceedings that are taking place concurrently in more than one country.

Third, it sets out the conditions under which persons administering a foreign insolvency proceeding have access to Australian courts.

Fourth, it ensures that foreign creditors are not discriminated against merely due to the fact that they are foreign.

The Cross-Border Insolvency Bill will also form a starting point for additional initiatives to streamline insolvency processes involving both Australia and New Zealand. New Zealand has already enacted the Model Law, but has been waiting for Australia to enact the law before providing for commencement. That can now occur. Adoption of the Model Law in both Australia and New Zealand will further the agenda of establishing closer economic relations between the two countries.

#### FINANCIAL SECTOR LEGISLATION AMENDMENT (REVIEW OF PRUDENTIAL DECISIONS) BILL 2008

The Financial Sector Legislation Amendment (Review of Prudential Decisions) Bill 2008 introduces measures to improve the accountability, transparency and consistency of decisions made by the Australian Prudential Regulation Authority (APRA). The measures respond to recommendations of the HIH Royal Commission, the Taskforce on Reducing Regulatory Burdens on Business and the IMF's 2006 Financial Sector Assessment of Australia.

This Government is committed to ensuring that the financial system in Australia has a prudential regulator that has the appropriate regulatory tools to manage the entities under its supervision whilst balancing the need for entities to seek a review of the regulator's decisions where appropriate.

By ensuring that this package of measures is passed by Parliament, the Government acknowledges the importance of a strong, robust and independent APRA operating within a prudential framework that allows it to take proper and timely action to ensure the stability of the financial system. This Bill contains measures which will further align aspects of prudential legislation with the Corporations Act 2001 so that the regulatory burden on entities is reduced and a more consistent approach adopted.

#### Court power of disqualification

The amendments in Schedule 1 of the Bill repeal the existing process by which APRA disqualifies individuals from roles of responsibility within an entity under the Banking Act 1959, Insurance Act 1973, Life Insurance Act 1995, Retirement Savings Account Act 1997 and Superannuation Industry (Supervision) Act 1993 and puts in place a court-based disqualification process which is broadly consistent with the court disqualification regime under the Corporations Act 2001.

Currently, under the prudential Acts, the power to disqualify an individual from being or acting as a responsible person, such as a director, senior manager, auditor or actuary, for an APRA-regulated entity on 'fit and proper' grounds rests with APRA. While APRA has the power to disqualify an individual under most prudential Acts, this power is not consistent across the prudentially regulated industries and across responsible positions.

This measure will ensure that the Federal Court will be able to disqualify an individual from being or acting as a responsible person for an APRA-regulated entity on 'fit and proper' grounds on application by APRA. The disqualification regime will apply to all responsible persons across APRA-regulated industries. The new disqualification regime will not apply to responsible persons relating to self managed superannuation funds (SMSFs), regulated by the Australian Taxation Office (ATO), due to the different regulatory environment for SMSFs.

This measure will introduce a more consistent and flexible court-based disqualification regime into the prudential Acts by enabling the Court to disqualify an individual from a position or positions in a specific entity, a class of entities or all entities for a period that the Court considers appropriate across APRA-regulated industries. This measure responds to recommendation 5.4 of Rethinking Regulation and will enhance the flexibility in the application of the enforcement tools to accommodate differing circumstances.

#### Directions powers

The amendments in Schedule 2 of the Bill will replace APRA's specific powers for issuing directions concerning entity-level activities under the

Banking Act, Insurance Act and Life Insurance Act with harmonised general directions powers.

While APRA currently has a wide range of direction powers under the Banking Act, Insurance Act and Life Insurance Act, these powers are spread throughout each Act and, in some cases, are fragmented and inconsistent, making the directions powers under these Acts unnecessarily complex and creating uncertainty as to their scope and application.

Effective directions powers ensure that rapid and decisive action can be taken to deal with emerging prudential concerns, protect beneficiaries, promote confidence in the effectiveness of prudential supervision and increase the safety of financial sector entities.

However, directions powers are strong intervention tools, which could have a significant impact on affected entities or individuals. Accordingly, directions should be subject to appropriate review. Currently, the majority of APRA's directions powers are not subject to merits review.

The measure will harmonise APRA's directions powers under each of the Acts, reduce complexity and provide greater certainty in respect of APRA's powers. The amendments will also make it clear which of APRA's directions are subject to review while ensuring that APRA is able to take proper and timely action to address risks in the financial system.

#### **Removal of Ministerial Consent**

Schedule 3 to this Bill removes from the prudential Acts the requirement for the Treasurer's prior agreement for administrative decisions made by APRA or the ATO that do not involve broader policy considerations. These include decisions in relation to licensing and authorisation, exemption, compliance with minimum standards and certain directions. Certain ministerial powers are to be retained, including those that relate to national interest matters and where broader policy considerations are involved.

These measures respond to recommendation 22 of the HIH Royal Commission report.

The removal of the Treasurer's agreement from operational decisions will enhance the regulators' operational independence and improve the timeliness and effectiveness of the supervisory process.

It ensures accountabilities are clearly allocated to the responsible decision maker, allowing the regulators to perform their duties and functions without giving rise to the perception that they are subject to external interference.

#### **Merits Review**

Schedule 4 to this Bill amends the prudential Acts to expand the availability of merits review by the Administrative Appeals Tribunal for appropriate administrative decisions made by APRA or the ATO, consistent with the guidelines regarding merits review developed by the Administrative Review Council (ARC).

These measures respond to recommendation 5.7 of Rethinking Regulation and recommendation 23 of the HIH Royal Commission report with regard to ensuring that APRA administrative decisions are subject to merits review. The measures also ensure that merits review does not unintentionally constrain the Regulator from taking prompt and decisive action to deal with prudential concerns. This is consistent with a recommendation by the IMF in its 2006 Financial System Stability Assessment of Australia.

Merits review by the Administrative Appeals Tribunal (AAT) is currently available for most decisions made by APRA or the ATO under the prudential Acts which affect individuals. However, there is inconsistent application of merits review for decisions which may impact substantially on entities. Such inconsistency may reduce the regulators' accountability for administrative decisions.

These measures will ensure that merits review is available for all decisions which affect natural persons and for administrative decisions which affect a particular person. The effect of these measures is to improve the consistency, transparency and accountability of APRA and the ATO in respect of their decision-making.

#### **Conclusion**

The Government is bringing these measures forward because they improve APRA's decision making processes and remove unnecessary complexity in the prudential Acts.

The measures respond to recommendations of the HIH Royal Commission, the Taskforce on Reducing Regulatory Burdens on Business and the IMF's 2006 Financial Sector Assessment Pro-



gram. They are strongly supported by industry stakeholders, APRA and the ARC.

The effect of the amendments would be to ensure that APRA is able to take proper and timely action to address risks in the financial system, while ensuring that individuals and entities are able to have those decisions reviewed.

Full details of the amendments are contained in the explanatory memorandum.

Ordered that further consideration of these bills be adjourned to the next day of sitting which is more than 14 days after today, in accordance with standing order 111(6).

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

#### **TROOPER DAVID PEARCE**

**Senator MINCHIN** (South Australia—Leader of the Opposition in the Senate) (3.41 pm)—I move:

That the Senate—

- (a) records its deep regret and sadness at the death of Trooper David Pearce, who died as part of a roadside bomb attack in Afghanistan on 8 October 2007;
- (b) commends his loyal and dedicated service to Australia since enlisting in the Army Reserve in 2002, including his deployment to the Solomon Islands in 2005-06; and
- (c) expresses its sincere condolences to Trooper Pearce's wife and two children, and all loved ones for their tragic loss.

Question agreed to.

#### **SERGEANT MATTHEW LOCKE**

**Senator MINCHIN** (South Australia—Leader of the Opposition in the Senate) (3.42 pm)—I move:

That the Senate—

- (a) records its sadness and regret at the death of Sergeant Matthew Locke, who died while on operations in Afghanistan on 25 October 2007;
- (b) notes and commends his dedicated commitment to the Australian Defence Force,

particularly his courageous service in East Timor, Iraq and Afghanistan, including 10 years with the Special Air Service Regiment; and

- (c) expresses its sincere condolences to Sergeant Locke's wife, son, family and friends for their tragic loss.

Question agreed to.

#### **PRIVATE LUKE WORSLEY**

**Senator MINCHIN** (South Australia—Leader of the Opposition in the Senate) (3.42 pm)—I move:

That the Senate—

- (a) records its deep regret at the tragic death of Private Luke Worsley, who was killed while serving with the Special Operations Task Group in Afghanistan on 23 November 2007;
- (b) notes and commends his loyal and dedicated service to the Australian Defence Force since 2001; and
- (c) expresses its sincere condolences to Private Worsley's family and loved ones for their sad and tragic loss.

Question agreed to.

#### **RESTORATION OF BILLS TO NOTICE PAPER**

**Senator FIELDING** (Victoria—Leader of the Family First Party) (3.42 pm)—I move:

- (1) That so much of standing orders be suspended as would prevent this resolution having effect.
- (2) That the following bills be restored to the *Notice Paper* and that consideration of each bill resume at the stage reached in the 41st Parliament:

Alcohol Toll Reduction Bill 2007

Qantas Sale (Keep Jetstar Australian) Amendment Bill 2007

Trade Practices (Creeping Acquisitions) Amendment Bill 2007.

Question agreed to.

**DEFENCE AMENDMENT  
(PARLIAMENTARY APPROVAL OF  
OVERSEAS SERVICE) BILL 2008**

**First Reading**

**Senator BARTLETT** (Queensland) (3.43 pm)—I move:

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

Question agreed to.

**Senator BARTLETT** (Queensland) (3.44 pm)—I present the bill and move:

That this bill may proceed without formalities and be now read a first time.

Question agreed to.

Bill read a first time.

**Second Reading**

**Senator BARTLETT** (Queensland) (3.44 pm)—I move:

That this bill be now read a second time.

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

Leave granted.

*The speech read as follows—*

The Defence Amendment (Parliamentary Approval of Overseas Service) Bill seeks to amend section 50C of the Defence Act 1903. The purpose of this Bill is to ensure that Australia's Defence Force personnel are not sent overseas to engage in war-like actions without the approval of both Houses of Parliament.

The Explanatory Memorandum accompanying this Bill clearly outlines improvements to the Defence Act 1903 that I am seeking to make in order to make the decision to deploy our Defence Force personnel more transparent and open to scrutiny.

This Bill does not seek to interfere with normal, non-warlike overseas service nor with the expeditious deployment of our Defence Force personnel in cases warranting emergency action.

In 1981, the Australian Democrats first proposed the need for parliamentary consent to commit our troops to overseas conflict and sought change through proposing amendments to the Defence Act 1903. Since 1985 regular attempts to achieve the same result have been made through Private Senators' Bills - the earliest ones initiated by Senator Colin Mason and party founder Senator Don Chipp.

While these Bills have changed in substance over the decades, the core aim remains the same; that Parliament and, through this, the people should and must give consent for our troops to be committed to overseas conflicts.

Australia's rapid deployment of troops to Iraq in 2003 brought into stark relief the lack of accountability and process in committing the Australian Defence Force (ADF) to war-like service.

I will always remember the shock felt by the Australian public at the rapid deployment of our troops, the lack of due process and the lack of honesty in the information and justification provided to the public. The Howard Government was the first government in our history to go to war without the support of both houses of parliament.

Many people were stunned at discovering that the Prime Minister can commit the ADF to conflict zones without the support of the United Nations, the Australian Parliament or the people. Under the Defence Act 1903 the Prime Minister can exercise this power under the guise of a Cabinet decision as part of the Government's prerogative powers.

Prerogative powers include such things as the ability to declare war, negotiate treaties or make peace. The Defence Act 1903 now regulates the exercise of many prerogative powers relating to defence, including the ability to go to war, effectively removing the role of command in chief from the constitutional head of state, the Governor-General.

In the past, the Opposition and the Government have provided ample but feeble excuses as to why Australia cannot accept a Bill enshrining parliamentary approval for overseas service in law. Excuses have ranged from it being 'impractical', restrictive, or a threat to security. None of these criticisms could be further from the truth.

The Parliamentary Library kindly provided me with a briefing note on countries and their approaches to approving overseas military operations. In conjunction with the 2006 Geneva Centre for the Democratic Control of Armed Force Occasional Paper, Parliamentary Control of Military Missions: Accounting for Pluralism by Wolfgang Wagner, wider parliamentary approval for military missions from peace-keeping to war is far from uncommon and certainly not impractical.

Countries with 'high' levels of parliamentary control include Denmark, Finland, Germany, Ireland, Slovakia, Spain, Sweden, Switzerland, Turkey and South Korea. In these countries troop deployment is set down in constitutional or legislative provisions.

Countries falling under the 'medium' level of parliamentary control, having the need to have some form of parliamentary approval or consultation, except in certain circumstances include, Austria, the Czech Republic, Italy, Japan, Luxembourg, the Netherlands and Norway.

Australia falls into countries with a 'low' level of parliamentary control. We are stable mates with the US, the UK, Canada, New Zealand, Belgium and Poland to name a few. 'Low' level countries require no parliamentary involvement in the decision making process. While it has been a convention in Australia to consult parliament on troop deployment, we saw in this convention being flouted in the most cynical way possible in 2003.

I do not seek to make the process for parliamentary consultation obstructionist, cumbersome, unwieldy or potentially threatening to the security of our troops or our nation. The Defence Amendment (Parliamentary Approval for Overseas Service) Bill) 2008 does, however, aim to improve accountability and transparency and shift Australia from a nation of 'low' level of parliamentary control.

It is also instructive for those Senators who have previously dismissed the concept of parliamentary oversight and debate on deployment issues out of hand, that in 2007 Britain's then newly appointed Prime Minister, Mr Gordon Brown, saw fit to open up debate on the question of the Government's unchecked powers to go to war.

As part of a review of The Governance of Britain, the Brown Labour government opened up the war powers prerogative for public discussion via the War Powers and Treaties: Limiting Executive powers consultation paper. Public consultation closed in mid-January, and a response to the process is pending.

British Labour has not shut its mind to reviewing or limiting government powers in relation to the Executive war powers prerogative. It has outlined a range of possible options for doing so; from detailed resolutions of the House of Commons to legislation. I look forward to the British Labour Government's response to the paper and subsequent action democratising the war powers prerogative in the United Kingdom. I sincerely hope that this will be a catalyst for Australia to follow suit.

This revised war powers Bill offers an opportunity to do this. It will ensure that future decisions made by Australian governments committing out troops to war-like action will be able to be considered as thoroughly as possible by the people's representatives, and the information surrounding any such deployment will be open to scrutiny. This does not mean that information that may threaten an operation or the security of troops on the ground will be presented for discussion, but the reasons why we are entering an action and the legal authority on which this is based will be debated.

Federal Labor is very keen on having greater involvement on bodies with which Australia is working, such as NATO which co-ordinates and directs activities in Afghanistan. It is a logical step, therefore, to entrust the Parliament with some degree of input into the decision making process when sending our troops into war-like action. Parliament will finally have the definitive right, if this Bill becomes law, to find out if we are sending our troops into conflict zones in which Australia has no control or say in what our troops are doing. Having trust in one's allies is essential but that trust must not be blind.

The decision to deploy the ADF overseas to engage in war-like action definitely is not one that is taken lightly, nor should it be. Such decisions impact on our society for years and in some cases generations after the event - war and its after ef-

fects do not occur in a vacuum. As such, this is a decision that should not be taken without, whenever practicable, consultation with the people's representatives.

I conclude as I did when commending the Democrats' 2003 Defence Amendment (Parliamentary Approval for Australian Involvement in Overseas Conflicts) Bill to the Senate by restating the following:

There should be no doubt of the high human and economic costs of war. It is arguably the most serious decision that is made on behalf of a nation. That decision should be made only with the support of the Parliament.

I commend the Bill to the Senate.

I seek leave to continue my remarks later.

Leave granted; debate adjourned.

**UNITED NATIONS MINE ACTION  
COORDINATION CENTRE,  
SOUTHERN LEBANON**

**Senator ALLISON** (Victoria—Leader of the Australian Democrats) (3.44 pm)—I move:

That the Senate—

- (a) notes that:
- (i) Israel has not yet provided the United Nations Mine Action Coordination Centre, Southern Lebanon (MACC SL) with maps indicating the locations in Lebanon where cluster munitions were dropped or fired during 2006,
  - (ii) according to MACC SL, Israel's failure to provide these maps has severely hampered and continues to hamper efforts aimed at rendering the land safe for agricultural and other use by removing unexploded sub-munitions,
  - (iii) removal of the estimated one million unexploded cluster munitions was expected to be completed by the end of 2007 but, to date, only 14 per cent have been cleared, and
  - (iv) the media in Lebanon continue to report injuries and deaths brought about as a result of unexploded sub-

munitions that remain from the 2006 war; and

- (b) calls on the Australian Government:
- (i) to urge the Israeli Government to immediately provide MACC SL with maps to assist it in its efforts to remove all unexploded sub-munitions, and
  - (ii) to increase Australia's funding of sub-munition clearance activities being undertaken by MACC SL.

Question negatived.

**BUDGET**

**Consideration by Estimates Committees**

**Additional Information**

**Senator O'BRIEN** (Tasmania) (3.45 pm)—I present additional information received by the Finance and Public Administration Committee relating to additional and budget estimates.

**Proposed Expenditure**

**Consideration by Estimates Committees**

**Senator FAULKNER** (New South Wales—Special Minister of State and Cabinet Secretary) (3.46 pm)—I table particulars of proposed expenditure, as circulated in the chamber, *Issues from the advance to the Finance Minister as a final charge* for the year ended 30 June 2007, and the final budget outcome 2006-07.

*The list read as follows—*

Particulars of proposed additional expenditure in respect of the year ending on 30 June 2008 [Appropriation Bill (No. 3) 2007-2008].

Particulars of certain proposed additional expenditure in respect of the year ending on 30 June 2008 [Appropriation Bill (No. 4) 2007-2008].

Issues from the Advance to the Finance Minister as a final charge for the year ended 30 June 2007.

Final budget outcome 2006-07—Report by the Treasurer (Mr Costello) and the Minister for Finance and Administration (Senator Minchin), September 2007.

I seek leave to move a motion to refer the documents to legislative and general purpose standing committees.

Leave granted.

**Senator FAULKNER**—I move:

That—

- (a) the documents be referred to committees for examination and report; and
- (b) consideration of the Issues from the Advance to the Finance Minister as a final charge for the year ended 30 June 2007 in committee of the whole be made an order of the day for the day on which committees report on their examination of the additional estimates.

Question agreed to.

#### **Portfolio Additional Estimates Statements**

**Senator FAULKNER** (New South Wales—Special Minister of State and Cabinet Secretary) (3.47 pm)—I table portfolio additional estimates statements and a portfolio supplementary additional estimates statement for 2007-08 for the portfolios and executive departments, in accordance with the list circulated in the chamber.

*The list read as follows:*

Agriculture, Fisheries and Forestry portfolio.  
 Attorney-General's portfolio.  
 Broadband, Communications and the Digital Economy portfolio.  
 Climate Change.  
 Defence portfolio.  
 Education, Employment and Workplace Relations portfolio.  
 Environment, Water, Heritage and the Arts portfolio.  
 Families, Housing, Community Services and Indigenous Affairs portfolio.

Finance and Deregulation portfolio.

Foreign Affairs and Trade portfolio.

Health and Ageing portfolio.

Human Services portfolio.

Immigration and Citizenship portfolio.

Infrastructure, Transport, Regional Development and Local Government portfolio.

Innovation, Industry, Science and Research portfolio.

Prime Minister and Cabinet portfolio.

Resources, Energy and Tourism portfolio.

Treasury portfolio.

Veterans' Affairs.

Estimates of proposed supplementary additional expenditure for 2007-08—Portfolio supplementary additional estimates statements—Portfolio and executive departments—Agriculture, Fisheries and Forestry portfolio.

#### **DOCUMENTS**

##### **Commonwealth Ombudsman: Monitoring of Controlled Operations Report**

**The DEPUTY PRESIDENT** (3.48 pm)—I present the report of the Commonwealth Ombudsman for 2006-07 on activities in monitoring controlled operations conducted by the Australian Crime Commission, the Australian Federal Police and the Australian Commission for Law Enforcement Integrity.

#### **COMMITTEES**

##### **Joint Committees**

###### **Establishment**

**The DEPUTY PRESIDENT**—Messages have been received from the House of Representatives transmitting for concurrence resolutions relating to the formation of joint committees.

*The House of Representatives messages read as follows—*

Message no. 1, dated 13 February 2008—Parliamentary Joint Committee on the Australian Crime Commission.

Message no. 2, dated 13 February 2008—Parliamentary Joint Committee on the Australian Commission for Law Enforcement Integrity.

Message no. 3, dated 13 February 2008—Parliamentary Joint Committee on Corporations and Financial Services.

Message no. 4, dated 13 February 2008—Joint Standing Committee on Electoral Matters.

Message no. 5, dated 13 February 2008—Joint Standing Committee on Foreign Affairs, Defence and Trade.

Message no. 6, dated 13 February 2008—Joint Standing Committee on Migration.

Message no. 7, dated 13 February 2008—Joint Standing Committee on the Parliamentary Library.

Message no. 8, dated 13 February 2008—Joint Standing Committee on the National Capital and External Territories.

Message no. 9, dated 13 February 2008—Joint Standing Committee on Treaties.

and transmitting for the concurrence of the Senate the following resolutions:

**Parliamentary Joint Committee on the Australian Crime Commission**

- (1) That, in accordance with section 54 of the *Australian Crime Commission Act 2002*, matters relating to the powers and proceedings of the Parliamentary Joint Committee on the Australian Crime Commission shall be as follows:
- (a) That the committee consist of 10 members, 3 Members of the House of Representatives to be nominated by the Government Whip or Whips, 2 Members of the House of Representatives to be nominated by the Opposition Whip or Whips or by any independent Member, 2 Senators to be

nominated by the Leader of the Government in the Senate, 2 Senators to be nominated by the Leader of the Opposition in the Senate and 1 Senator to be nominated by any minority group or groups or independent Senator or independent Senators.

- (b) That every nomination of a member of the committee be notified in writing to the President of the Senate and the Speaker of the House of Representatives.
- (c) That the committee elect a Government member as its chair.
- (d) That the committee elect a non-Government member as its deputy chair who shall act as chair of the committee at any time when the chair is not present at a meeting of the committee, and at any time when the chair and deputy chair are not present at a meeting of the committee the members present shall elect another member to act as chair at that meeting.
- (e) That, in the event of an equally divided vote, the chair, or the deputy chair when acting as chair, have a casting vote.
- (f) That 3 members of the committee constitute a quorum of the committee, provided that in a deliberative meeting the quorum shall include 1 Government member of either House and 1 non-Government member of either House.
- (g) That the committee have power to appoint subcommittees consisting of 3 or more of its members and to refer to any subcommittee any matter which the committee is empowered to examine.
- (h) That the committee appoint the chair of each subcommittee who shall have a casting vote only and at any time when the chair of a subcommittee is not present at a meeting of the subcommittee the members of the subcommittee present shall elect another member of that subcommittee to act as chair at that meeting.

- (i) That 2 members of a subcommittee include a quorum of that subcommittee, provided that in a deliberative meeting the quorum shall include 1 Government member of either House and 1 non-Government member of either House.
- (j) That members of the committee who are not members of a subcommittee may participate in the proceedings of that subcommittee but shall not vote, move any motion or be counted for the purpose of a quorum.
- (k) That the committee or any subcommittee have power to call for witnesses to attend and for documents to be produced.
- (l) That the committee or any subcommittee may conduct proceedings in any place it sees fit.
- (m) That a subcommittee have power to adjourn from time to time and to sit during any adjournment of the Senate and the House of Representatives.
- (n) That the committee may report from time to time.
- (o) That the committee or any subcommittee have power to consider and make use of the evidence and records of the Joint Committees on the National Crime Authority and the Australian Crime Commission appointed during previous Parliaments.
- (p) That, in carrying out its duties, the committee or any subcommittee, ensure that the operational methods and results of investigations of law enforcement agencies, as far as possible, be protected from disclosure where that would be against the public interest.
- (q) That the provisions of this resolution, so far as they are inconsistent with the standing orders, have effect notwithstanding anything contained in the standing orders.
- (2) That a message be sent to the Senate acquainting it of this resolution and requesting that it concur and take action accordingly.
- Parliamentary Joint Committee on the Australian Commission for Law Enforcement Integrity**
- (1) That, in accordance with sections 213 and 214 of the *Law Enforcement Integrity Commissioner Act 2006*, matters relating to the powers and proceedings of the Parliamentary Joint Committee on the Australian Commission for Law Enforcement Integrity shall be as follows:
- (a) That the committee consist of 10 members, 3 Members of the House of Representatives to be nominated by the Government Whip or Whips, 2 Members of the House of Representatives to be nominated by the Opposition Whip or Whips or by any independent Member, 2 Senators to be nominated by the Leader of the Government in the Senate, 2 Senators to be nominated by the Leader of the Opposition in the Senate and 1 Senator to be nominated by any minority group or groups or independent Senator or independent Senators.
- (b) That every nomination of a member of the committee be notified in writing to the President of the Senate and the Speaker of the House of Representatives.
- (c) That the committee elect a Government member as its chair.
- (d) That the committee elect a non-Government member as its deputy chair who shall act as chair of the committee at any time when the chair is not present at a meeting of the committee, and at any time when the chair and deputy chair are not present at a meeting of the committee the members present shall elect another member to act as chair at that meeting.
- (e) That, in the event of an equally divided vote, the chair, or the deputy chair when acting as chair, have a casting vote.

- (f) That 3 members of the committee constitute a quorum of the committee, provided that in a deliberative meeting the quorum shall include 1 Government member of either House and 1 non-Government member of either House.
  - (g) That the committee have power to appoint subcommittees consisting of 3 or more of its members and to refer to any subcommittee any matter which the committee is empowered to examine.
  - (h) That the committee appoint the chair of each subcommittee who shall have a casting vote only and at any time when the chair of a subcommittee is not present at a meeting of the subcommittee the members of the subcommittee present shall elect another member of that subcommittee to act as chair at that meeting.
  - (i) That 2 members of a subcommittee constitute a quorum of that subcommittee, provided that in a deliberative meeting the quorum shall include 1 Government member of either House and 1 non-Government member of either House.
  - (j) That members of the committee who are not members of a subcommittee may participate in the proceedings of that subcommittee but shall not vote, move any motion or be counted for the purpose of a quorum.
  - (k) That the committee or any subcommittee have power to call for witnesses to attend and for documents to be produced.
  - (l) That the committee or any subcommittee may conduct proceedings at any place it sees fit.
  - (m) That a subcommittee have power to adjourn from time to time and to sit during any adjournment of the Senate and the House of Representatives.
  - (n) That the committee may report from time to time.
  - (o) That the committee or any subcommittee have power to consider and make use of the evidence and records of the Joint Committees on the Australian Law Enforcement Integrity Commission appointed during previous Parliaments.
  - (p) That, in carrying out its duties, the committee or any subcommittee ensure that the operational methods and results of investigations of law enforcement agencies, as far as possible, be protected from disclosure where that would be against the public interest.
  - (q) That the provisions of this resolution, so far as they are inconsistent with the standing orders, have effect notwithstanding anything contained in the standing orders.
- (2) That a message be sent to the Senate acquainting it of this resolution and requesting that it concur and take action accordingly.

**Parliamentary Joint Committee on Corporations and Financial Services**

- (1) That, in accordance with section 242 of the *Australian Securities and Investments Commission Act 2001*, matters relating to the powers and proceedings of the Parliamentary Joint Committee on Corporations and Financial Services shall be as follows:
- (a) That the committee consist of 10 members, 3 Members of the House of Representatives to be nominated by the Government Whip or Whips, 2 Members of the House of Representatives to be nominated by the Opposition Whip or Whips or by any independent Member, 2 Senators to be nominated by the Leader of the Government in the Senate, 2 Senators to be nominated by the Leader of the Opposition in the Senate and 1 Senator to be nominated by any minority group or groups or independent Senator or independent Senators.
  - (b) That every nomination of a member of the committee be notified in writing to



- the President of the Senate and the Speaker of the House of Representatives.
- (c) That the committee elect a Government member as its chair.
- (d) That the committee elect a non-Government member as its deputy chair who shall act as chair of the committee at any time when the chair is not present at a meeting of the committee, and at any time when the chair and deputy chair are not present at a meeting of the committee the members present shall elect another member to act as chair at that meeting.
- (e) That, in the event of an equally divided vote, the chair, or the deputy chair when acting as chair, have a casting vote.
- (f) That 3 members of the committee constitute a quorum of the committee, provided that in a deliberative meeting the quorum shall include 1 Government member of either House and 1 non-Government member of either House.
- (g) That the committee have power to appoint subcommittees consisting of 3 or more of its members and to refer to any subcommittee any matter which the committee is empowered to examine.
- (h) That the committee appoint the chair of each subcommittee who shall have a casting vote only, and at any time when the chair of a subcommittee is not present at a meeting of the subcommittee the members of the subcommittee present shall elect another member of that subcommittee to act as chair at that meeting.
- (i) That 2 members of a subcommittee constitute a quorum of that subcommittee, provided that in a deliberative meeting the quorum shall include 1 Government member of either House and 1 non-Government member of either House.
- (j) That members of the committee who are not members of a subcommittee may participate in the proceedings of that subcommittee but shall not vote, move any motion or be counted for the purpose of a quorum.
- (k) That the committee or any subcommittee have power to call for witnesses to attend and for documents to be produced.
- (l) That the committee or any subcommittee may conduct proceedings at any place it sees fit.
- (m) That a subcommittee have power to adjourn from time to time and to sit during any adjournment of the Senate and the House of Representatives.
- (n) That the committee may report from time to time.
- (o) That the committee or any subcommittee have power to consider and make use of the evidence and records of the Joint Committees on Corporations and Financial Services and Corporations and Securities appointed during previous Parliaments.
- (p) That the provisions of this resolution, so far as they are inconsistent with the standing orders, have effect notwithstanding anything contained in the standing orders.
- (2) That a message be sent to the Senate acquainting it of this resolution and requesting that it concur and take action accordingly.
- Joint Standing Committee on Electoral Matters**
- (1) That a Joint Standing Committee on Electoral Matters be appointed to inquire into and report on such matters relating to electoral laws and practices and their administration as may be referred to it by either House of the Parliament or a Minister.
- (2) Annual reports of government departments and authorities tabled in the House shall stand referred to the committee for any inquiry the committee may wish to make. Reports shall stand referred to the committee in accordance with a schedule

- tabled by the Speaker to record the areas of responsibility of each committee, provided that:
- (a) any question concerning responsibility for a report or a part of a report shall be determined by the Speaker; and
  - (b) the period during which an inquiry concerning an annual report may be commenced by a committee shall end on the day on which the next annual report of that Department or authority is presented to the House.
- (3) That the committee consist of 10 members, 3 Members of the House of Representatives to be nominated by the Government Whip or Whips, 2 Members of the House of Representatives to be nominated by the Opposition Whip or Whips or by any independent Member, 2 Senators to be nominated by the Leader of the Government in the Senate, 2 Senators to be nominated by the Leader of the Opposition in the Senate and 1 Senator to be nominated by any minority group or groups or independent Senator or independent Senators.
  - (4) That every nomination of a member of the committee be notified in writing to the President of the Senate and the Speaker of the House of Representatives.
  - (5) That the members of the committee hold office as a joint standing committee until the House of Representatives is dissolved or expires by effluxion of time.
  - (6) That the committee elect a Government member as its chair.
  - (7) That the committee elect a non-Government member as its deputy chair who shall act as chair of the committee at any time when the chair is not present at a meeting of the committee, and at any time when the chair and deputy chair are not present at a meeting of the committee the members present shall elect another member to act as chair at that meeting.
  - (8) That, in the event of an equally divided vote, the chair, or the deputy chair when acting as chair, have a casting vote.
  - (9) That 3 members of the committee constitute a quorum of the committee, provided that in a deliberative meeting the quorum shall include 1 Government member of either House and 1 non-Government member of either House.
  - (10) That the committee have power to appoint subcommittees consisting of 3 or more of its members and to refer to any subcommittee any matter which the committee is empowered to examine.
  - (11) That the committee appoint the chair of each subcommittee who shall have a casting vote only and at any time when the chair of a subcommittee is not present at a meeting of the subcommittee the members of the subcommittee present shall elect another member of that subcommittee to act as chair at that meeting.
  - (12) That 2 members of a subcommittee constitute a quorum of that subcommittee, provided that in a deliberative meeting the quorum shall include 1 Government member of either House and 1 non-Government member of either House.
  - (13) That members of the committee who are not members of a subcommittee may participate in the proceedings of that subcommittee but shall not vote, move any motion or be counted for the purpose of a quorum.
  - (14) That the committee or any subcommittee have power to call for witnesses to attend and for documents to be produced.
  - (15) That the committee or any subcommittee may conduct proceedings at any place it sees fit.
  - (16) That a subcommittee have power to adjourn from time to time and to sit during any adjournment of the Senate and the House of Representatives.
  - (17) That the committee may report from time to time.
  - (18) That the committee or any subcommittee have power to consider and make use of:
    - (a) submissions lodged with the Clerk of the Senate in response to public adver-

tisements placed in accordance with the resolution of the Senate of 26 November 1981 relating to a proposed Joint Select Committee on the Electoral System, and

- (b) the evidence and records of the Joint Committees on Electoral Reform and Electoral Matters appointed during previous Parliaments.
- (19) That the provisions of this resolution, so far as they are inconsistent with the standing orders, have effect notwithstanding anything contained in the standing orders.
- (20) That a message be sent to the Senate acquainting it of this resolution and requesting that it concur and take action accordingly.

**Joint Standing Committee on Foreign Affairs, Defence and Trade**

- (1)(a) That a Joint Standing Committee on Foreign Affairs, Defence and Trade be appointed to inquire into and report on such matters relating to foreign affairs, defence and trade as may be referred to it by:
  - (i) either House of the Parliament;
  - (ii) the Minister for Foreign Affairs;
  - (iii) the Minister for Defence; or
  - (iv) the Minister for Trade.
- (b) Annual reports of government departments and authorities tabled in the House shall stand referred to the committee for any inquiry the committee may wish to make. Reports shall stand referred to the committee in accordance with a schedule tabled by the Speaker to record the areas of responsibility of each committee, provided that:
  - (i) any question concerning responsibility for a report or a part of a report shall be determined by the Speaker; and
  - (ii) the period during which an inquiry concerning an annual report may be commenced by a committee shall end on the day on which the next

annual report of that Department or authority is presented to the House.

- (2) That the committee consist of 32 members, 12 Members of the House of Representatives to be nominated by the Government Whip or Whips, 8 Members of the House of Representatives to be nominated by the Opposition Whip or Whips or by any independent Member, 5 Senators to be nominated by the Leader of the Government in the Senate, 5 Senators to be nominated by the Leader of the Opposition in the Senate and 2 Senators to be nominated by any minority group or groups or independent Senator or independent Senators.
- (3) That every nomination of a member of the committee be notified in writing to the President of the Senate and the Speaker of the House of Representatives.
- (4) That the members of the committee hold office as a joint standing committee until the House of Representatives is dissolved or expires by effluxion of time.
- (5) That the committee elect a Government member as its chair.
- (6) That the committee elect a non-Government member as its deputy chair who shall act as chair of the committee at any time when the chair is not present at a meeting of the committee and at any time when the chair and deputy chair are not present at a meeting of the committee the members present shall elect another member to act as chair at that meeting.
- (7) That in the event of an equally divided vote, the chair, or the deputy chair when acting as chair, have a casting vote.
- (8) That 6 members of the committee constitute a quorum of the committee, provided that in a deliberative meeting the quorum shall include 1 Government member of either House and 1 non-Government member of either House.
- (9) That the committee have power to appoint subcommittees consisting of 3 or more of its members and to refer to any subcom-

- mittee any matter which the committee is empowered to examine.
- (10) That, in addition to the members appointed pursuant to paragraph (9), the chair and deputy chair of the committee be ex officio members of each subcommittee appointed.
- (11) That the committee appoint the chair of each subcommittee who shall have a casting vote only, and at any time when the chair of a subcommittee is not present at a meeting of the subcommittee the members of the subcommittee present shall elect another member of that subcommittee to act as chair at that meeting.
- (12) That 2 members of a subcommittee constitute the quorum of that subcommittee, provided that in a deliberative meeting the quorum shall include 1 Government member of either House and 1 non-Government member of either House.
- (13) That members of the committee who are not members of a subcommittee may participate in the proceedings of that subcommittee but shall not vote, move any motion or be counted for the purpose of a quorum.
- (14) That the committee or any subcommittee have power to call for witnesses to attend and for documents to be produced.
- (15) That the committee or any subcommittee may conduct proceedings at any place it sees fit.
- (16) That a subcommittee have power to adjourn from time to time and to sit during any adjournment of the Senate and the House of Representatives.
- (17) That the committee may report from time to time.
- (18) That the committee or any subcommittee have power to consider and make use of the evidence and records of the Joint Committees on Foreign Affairs and Defence and Foreign Affairs, Defence and Trade appointed during previous Parliaments.
- (19) That the provisions of this resolution, so far as they are inconsistent with the standing orders, have effect notwithstanding anything contained in the standing orders.
- (20) That a message be sent to the Senate acquainting it of this resolution and requesting that it concur and take action accordingly.
- Joint Standing Committee on Migration**
- (1)(a) That a Joint Standing Committee on Migration be appointed to inquire into and report on:
- (i) regulations made or proposed to be made under the *Migration Act 1958*;
  - (ii) proposed changes to the *Migration Act 1958* and any related acts; and
  - (iii) such other matters relating to migration as may be referred to it by the Minister responsible for the administration of the *Migration Act 1958*.
- (b) Annual reports of government departments and authorities tabled in the House shall stand referred to the committee for any inquiry the committee may wish to make. Reports shall stand referred to the committee in accordance with a schedule tabled by the Speaker to record the areas of responsibility of each committee, provided that:
- (i) any question concerning responsibility for a report or a part of a report shall be determined by the Speaker; and
  - (ii) the period during which an inquiry concerning an annual report may be commenced by a committee shall end on the day on which the next annual report of that Department or authority is presented to the House.
- (2) That the committee consist of 10 members, 3 Members of the House of Representatives to be nominated by the Government Whip or Whips, 3 Members of the House of Representatives to be nominated by the Opposition Whip or Whips or by any independent Member, 2 Senators to be nominated by the Leader of the

- Government in the Senate, 1 Senator to be nominated by the Leader of the Opposition in the Senate and 1 Senator to be nominated by any minority group or groups or independent Senator or independent Senators.
- (3) That every nomination of a member of the committee be notified in writing to the President of the Senate and the Speaker of the House of Representatives.
  - (4) That the members of the committee hold office as a joint standing committee until the House of Representatives is dissolved or expires by effluxion of time.
  - (5) That the committee elect a Government member as its chair.
  - (6) That the committee elect a non-Government member as its deputy chair who shall act as chair of the committee at any time when the chair is not present at a meeting of the committee, and at any time when the chair and deputy chair are not present at a meeting of the committee the members present shall elect another member to act as chair at that meeting.
  - (7) That, in the event of an equally divided vote, the chair, or the deputy chair when acting as chair, have a casting vote.
  - (8) That 3 members of the committee constitute a quorum of the committee, provided that in a deliberative meeting the quorum shall include 1 Government member of either House and 1 non-Government member of either House.
  - (9) That the committee have power to appoint subcommittees consisting of 3 or more of its members and to refer to any subcommittee any matter which the committee is empowered to examine.
  - (10) That the committee appoint the chair of each subcommittee who shall have a casting vote only and at any time when the chair of a subcommittee is not present at a meeting of the subcommittee the members of the subcommittee present shall elect another member of that subcommittee to act as chair at that meeting.
  - (11) That 2 members of a subcommittee constitute the quorum of that subcommittee, provided that in a deliberative meeting the quorum shall include 1 Government member of either House and 1 non-Government member of either House.
  - (12) That members of the committee who are not members of a subcommittee may participate in the proceedings of that subcommittee but shall not vote, move any motion or be counted for the purpose of a quorum.
  - (13) That the committee or any subcommittee have power to call for witnesses to attend and for documents to be produced.
  - (14) That the committee or any subcommittee may conduct proceedings at any place it sees fit.
  - (15) That a subcommittee have power to adjourn from time to time and to sit during any adjournment of the Senate and the House of Representatives.
  - (16) That the committee may report from time to time.
  - (17) That the committee or any subcommittee have power to consider and make use of the evidence and records of the Joint Committees on Migration Regulations and the Joint Standing Committees on Migration appointed during previous Parliaments.
  - (18) That the provisions of this resolution, so far as they are inconsistent with the standing orders, have effect notwithstanding anything contained in the standing orders.
  - (19) That a message be sent to the Senate acquainting it of this resolution and requesting that it concur and take action accordingly.
- Joint Standing Committee on the Parliamentary Library**
- (1) That a Joint Standing Committee on the Parliamentary Library be appointed to:
    - (a) consider and report to the President of the Senate and the Speaker of the House of Representatives on any matters relating to the Parliamentary Li-

- brary referred to it by the President or the Speaker;
- (b) provide advice to the President and the Speaker on matters relating to the Parliamentary Library;
  - (c) provide advice to the President and the Speaker on an annual resource agreement between the Parliamentary Librarian and the Secretary of the Department of Parliamentary Services; and
  - (d) receive advice and reports, including an annual report, directly from the Parliamentary Librarian on matters relating to the Parliamentary Library.
- (2) That the Committee consist of 13 members, 4 Members of the House of Representatives nominated by the Government whip or whips, 3 Members of the House of Representatives nominated by the Opposition whip or whips or by any independent Member, 3 Senators nominated by the Leader of the Government in the Senate, 2 Senators nominated by the Leader of the Opposition in the Senate and 1 Senator nominated by minority groups or independent Senators.
  - (3) That every nomination of a member of the committee be notified in writing to the President and the Speaker.
  - (4) That the nomination by the minority groups and independent Senators shall be determined by agreement between them, and, in the absence of agreement duly notified to the President, any question of the representation on the committee shall be determined by the Senate.
  - (5) That the members of the committee hold office as a joint standing committee until the House of Representatives is dissolved or expires by effluxion of time.
  - (6) That the committee shall elect 2 of its members to be joint chairs, 1 being a Senator or Member, on an alternating basis each Parliament, who is a member of the government parties and 1 being a Senator or Member, on an alternating basis each Parliament, who is a member of the non-government parties, provided that the joint chairs may not be members of the same House. The joint chair nominated by the government parties shall chair meetings of the committee, and the joint chair nominated by the non-government parties shall take the chair whenever the other joint chair is not present.
  - (7) That each of the joint chairs shall have a deliberative vote only, regardless of who is chairing the meeting.
  - (8) That when votes on a question before the committee are equally divided, the question shall be resolved in the negative.
  - (9) That three members of the committee shall constitute a quorum of the committee, but in a deliberative meeting a quorum shall include 1 member of each House of the government parties and 1 member of either House of the non-government parties.
  - (10) That the committee may appoint subcommittees, consisting of 3 or more of its members, and refer to any such subcommittee any of the matters which the committee is empowered to consider.
  - (11) That the quorum of a subcommittee shall be 2 members.
  - (12) That the committee shall appoint the chair of each subcommittee, who shall have a deliberative vote only, and at any time when the chair of a subcommittee is not present at a meeting of the subcommittee the members of the subcommittee present shall elect another member of that subcommittee to act as chair at that meeting.
  - (13) That members of the committee who are not members of a subcommittee may participate in the public proceedings of that subcommittee, but shall not vote, move any motion or be counted for the purpose of a quorum.
  - (14) That the committee and any subcommittee shall have power to meet in private or public session and to report from time to time.

- (15) That the President and the Speaker may attend any meeting of the committee or a subcommittee as they see fit, but shall not be members of the committee or subcommittee and may not vote, move any motion or be counted for the purpose of a quorum.
- (16) That the committee or any subcommittee have power to consider and make use of the evidence and records of the Joint Committee on the Parliamentary Library appointed during previous Parliaments.
- (17) That the provisions of this resolution, so far as they are inconsistent with the standing orders, have effect notwithstanding anything contained in the standing orders.
- (18) That a message be sent to the Senate acquainting it of this resolution and requesting that it concur and take action accordingly.

**Joint Standing Committee on the National Capital and External Territories**

- (1) That a Joint Standing Committee on the National Capital and External Territories be appointed to inquire into and report on:
- (a) matters coming within the terms of section 5 of the *Parliament Act 1974* as may be referred to it by:
- (i) either House of the Parliament; or
- (ii) the Minister responsible for administering the *Parliament Act 1974*; or
- (iii) the President of the Senate and the Speaker of the House of Representatives;
- (b) such other matters relating to the parliamentary zone as may be referred to it by the President of the Senate and the Speaker of the House of Representatives;
- (c) such amendments to the National Capital Plan as are referred to it by a Minister responsible for administering the *Australian Capital Territory (Planning and Land Management) Act 1988*;
- (d) such other matters relating to the National Capital as may be referred to it by:
- (i) either House of the Parliament; or
- (ii) the Minister responsible for administering the *Australian Capital Territory (Self-Government) Act 1988*; and
- (e) such matters relating to Australia's territories as may be referred to it by:
- (i) either House of the Parliament; or
- (ii) the Minister responsible for the administration of the Territory of Cocos (Keeling) Islands; the Territory of Christmas Island; the Coral Sea Islands Territory; the Territory of Ashmore and Cartier Islands; the Australian Antarctic Territory, and the Territory of Heard Island and McDonald Islands, and of Commonwealth responsibilities on Norfolk Island.
- (2) Annual reports of government departments and authorities tabled in the House shall stand referred to the committee for any inquiry the committee may wish to make. Reports shall stand referred to the committee in accordance with a schedule tabled by the Speaker to record the areas of responsibility of each committee, provided that:
- (a) any question concerning responsibility for a report or a part of a report shall be determined by the Speaker; and
- (b) the period during which an inquiry concerning an annual report may be commenced by a committee shall end on the day on which the next annual report of that Department or authority is presented to the House.
- (3) That the committee consist of 12 members, the Deputy Speaker, 3 Members of the House of Representatives to be nominated by the Government Whip or Whips, 2 Members of the House of Representatives to be nominated by the Opposition Whip or Whips or by any independent Member, the Deputy President and Chairman of Committees, 2 Senators to be nominated by the Leader of the Government in the Senate, 2 Senators to be nomi-

- nated by the Leader of the Opposition in the Senate and 1 Senator to be nominated by any minority group or groups or independent Senator or independent Senators.
- (4) That every nomination of a member of the committee be notified in writing to the President of the Senate and the Speaker of the House of Representatives.
  - (5) That the members of the committee hold office as a joint standing committee until the House of Representatives is dissolved or expires by effluxion of time.
  - (6) That the committee elect a Government member as its chair.
  - (7) That the committee elect a non-Government member as its deputy chair who shall act as chair of the committee at any time when the chair is not present at a meeting of the committee, and at any time when the chair and deputy chair are not present at a meeting of the committee the members present shall elect another member to act as chair at that meeting.
  - (8) That, in the event of an equally divided vote, the chair or the deputy chair when acting as chair, have a casting vote.
  - (9) That 3 members of the committee (of whom one is the Deputy President or the Deputy Speaker when matters affecting the parliamentary zone are under consideration) constitute a quorum of the committee, provided that in a deliberative meeting the quorum shall include 1 Government member of either House and 1 non-Government member of either House.
  - (10) That the committee have power to appoint subcommittees consisting of 3 or more of its members and to refer to any subcommittee any matter which the committee is empowered to examine.
  - (11) That the committee appoint the chair of each subcommittee who shall have a casting vote only and at any time when the chair of a subcommittee is not present at a meeting of the subcommittee the members of the subcommittee present shall elect another member of that subcommittee to act as chair at that meeting.
  - (12) That 2 members of a subcommittee constitute the quorum of that subcommittee, provided that in a deliberative meeting the quorum shall include 1 Government member of either House and 1 non-Government member of either House.
  - (13) That members of the committee who are not members of a subcommittee may participate in the proceedings of that subcommittee but shall not vote, move any motion or be counted for the purpose of a quorum.
  - (14) That the committee or any subcommittee have power to call for witnesses to attend and for documents to be produced.
  - (15) That the committee or any subcommittee may conduct proceedings at any place it sees fit.
  - (16) That a subcommittee have power to adjourn from time to time and to sit during any adjournment of the Senate and the House of Representatives.
  - (17) That the committee may report from time to time.
  - (18) That the committee or any subcommittee have power to consider and make use of the evidence and records of the Joint Standing Committees on the National Capital and External Territories, the Joint Committees on the Australian Capital Territory, the Joint Standing Committees on the New Parliament House, the Joint Standing Committee on the Parliamentary Zone and the Joint Committee on the National Capital appointed during previous Parliaments and of the House of Representatives and Senate Standing Committees on Transport, Communications and Infrastructure when sitting as a joint committee on matters relating to the Australian Capital Territory.
  - (19) That the provisions of this resolution, so far as they are inconsistent with the standing orders, have effect notwithstanding anything contained in the standing orders.
  - (20) That a message be sent to the Senate acquainting it of this resolution and request-



ing that it concur and take action accordingly.

**Joint Standing Committee on Treaties**

- (1) That a Joint Standing Committee on Treaties be appointed to inquire into and report on:
  - (a) matters arising from treaties and related National Interest Analyses and proposed treaty actions and related Explanatory Statements presented or deemed to be presented to the Parliament;
  - (b) any question relating to a treaty or other international instrument, whether or not negotiated to completion, referred to the committee by:
    - (i) either House of the Parliament, or
    - (ii) a Minister; and
  - (c) such other matters as may be referred to the committee by the Minister for Foreign Affairs and on such conditions as the Minister may prescribe.
- (2) That the committee consist of 16 members, 6 Members of the House of Representatives to be nominated by the Government Whip or Whips, 3 Members of the House of Representatives to be nominated by the Opposition Whip or Whips or by any independent Member, 3 Senators to be nominated by the Leader of the Government in the Senate, 3 Senators to be nominated by the Leader of the Opposition in the Senate and 1 Senator to be nominated by any minority group or groups or independent Senator or independent Senators.
- (3) That every nomination of a member of the committee be notified in writing to the President of the Senate and the Speaker of the House of Representatives.
- (4) That the members of the committee hold office as a joint standing committee until the House of Representatives is dissolved or expires by effluxion of time.
- (5) That the committee elect a Government member as its chair.
- (6) That the committee elect a non-Government member as its deputy chair to act as chair of the committee at any time when the chair is not present at a meeting of the committee and at any time when the chair and deputy chair are not present at a meeting of the committee the members present shall elect another member to act as chair at that meeting.
- (7) That in the event of an equally divided vote, the chair, or the deputy chair when acting as chair, have a casting vote.
- (8) That 3 members of the committee constitute a quorum of the committee, provided that in a deliberative meeting the quorum shall include 1 Government member of either House and 1 non-Government member of either House.
- (9) That the committee have power to appoint not more than 3 subcommittees each consisting of 3 or more of its members, and to refer to any subcommittee any matter which the committee is empowered to examine.
- (10) That, in addition to the members appointed pursuant to paragraph (9), the chair and deputy chair of the committee be ex officio members of each subcommittee appointed.
- (11) That the committee appoint the chair of each subcommittee who shall have a casting vote only, and at any time when the chair of a subcommittee is not present at a meeting of the subcommittee the members of the subcommittee present shall elect another member of that subcommittee to act as chair at that meeting.
- (12) That 2 members of a subcommittee constitute the quorum of that subcommittee, provided that in a deliberative meeting the quorum shall include 1 Government member of either House and 1 non-Government member of either House.
- (13) That members of the committee who are not members of a subcommittee may participate in the proceedings of that subcommittee but shall not vote, move any

motion or be counted for the purpose of a quorum.

- (14) That the committee or any subcommittee have power to call for witnesses to attend and for documents to be produced.
- (15) That the committee or any subcommittee may conduct proceedings at any place it sees fit.
- (16) That a subcommittee have power to adjourn from time to time and to sit during any adjournment of the Senate and the House of Representatives.
- (17) That the committee may report from time to time.
- (18) That the committee or any subcommittee have power to consider and make use of the evidence and records of the Joint Standing Committees on Treaties appointed during previous Parliaments.
- (19) That the provisions of this resolution, so far as they are inconsistent with the standing orders, have effect notwithstanding anything contained in the standing orders.
- (20) That a message be sent to the Senate acquainting it of this resolution and requesting that it concur and take action accordingly.

Ordered that consideration of the messages be made an order of the day for the next day of sitting.

#### **APOLOGY TO AUSTRALIA'S INDIGENOUS PEOPLES**

Debate resumed.

**Senator BARTLETT** (Queensland) (3.49 pm)—I am pleased to be the final speaker from the Democrats on this motion. All Democrat senators have spoken to it in noting the very significant motion of apology that was passed by this Senate chamber without dissent—as well as, of course, in the House of Representatives—earlier today. It is a very welcome motion. Like all motions that are drafted by others, you could always pick a word or two where you think, ‘I would have expressed it differently,’ but, as the Prime

Minister himself has said, this motion is not about politicians; it is about the stolen generations themselves. This motion has clearly been drafted with a lot of consultation with Indigenous people—who all, of course, have their own individual views about this, as with every other issue—and was put forward in a way that seeks to receive unanimity to give it maximum strength and maximum significance. I think it has clearly been put forward in the right spirit. It is a very strong and powerful motion, and it is one that I am very pleased to give support to.

It has often been said that words are not sufficient. Of course, that is true, but words are very important. We would be in a bit of trouble here in this chamber if words did not have importance, because that is about all we do here—speak. We speak of important things, we put important things on the record, we pass laws that are made of words and we, as with all human beings, conduct a large part of our communication using words in various forms. These words are very powerful and they are very important. I know that the words of the motion that the Senate has passed will provide real meaning, real comfort and a real and positive sense of relief and thankfulness about the clear recognition that is provided in them. I would also suggest that, whilst of course passing a motion, any motion, does not in itself provide health care, resources, better education, or the concrete assistance that is needed by so many Aboriginal and Torres Strait Islander people, I do think it is misleading to say that a motion in itself does not have any practical effect or positive benefit, because it clearly does.

There is no doubt that a significant part of the difficulties faced by so many Indigenous Australians today results in part—not all, but in part—from the unresolved emotional and spiritual trauma which they and so many of their families, of their peoples, have suffered

over so many years. There is a real problem with mental health issues and with spiritual health for many Indigenous Australians, in part because that trauma is not acknowledged, has not been fully recognised, has been continually downplayed or dismissed. So it does have a direct positive effect for some people—not for everybody—to adopt resolutions like this if the resolutions are made in the right spirit and with genuine intent. I believe that has happened today.

There is no doubt that for some people this will be a significant part of healing. Healing is not imaginary. Just because it is in the heart, in the soul or in the mind does not mean it is imaginary. This does provide direct positive benefit for some individuals and that should not be dismissed. Of course, more needs to be done, as the resolution itself says when it says the time has come for righting the wrongs of the past. This motion, at least as I read it, does not say, 'Okay, we've passed it; all the wrongs are now righted.' This is part of turning that page. This resolution goes not just to the stolen generations but to the laws and policies of successive parliaments and governments and, I would say also, the views of so many in the general community.

Actions across the board—not just stolen generations practice—have inflicted profound grief, suffering and loss on Indigenous Australians. That is also acknowledged in general, if not specifically, in this resolution, but it is not sufficient. That is why I also welcome the fact that the Prime Minister took the opportunity in speaking to this resolution not just to support the words in it but also to set goals of commitments for his government and for this parliament, and I would hope for the wider Australian community, to seek to bridge or remove those gaps and those inequalities. This provides a platform for that. It is up to all of us to make sure we take advantage of that platform. It does not

matter which words you put in here; the task is still before us to make sure that we take advantage of the opportunity provided.

I would have to say that one of those tasks is the need to address the significant level of antagonism towards Indigenous Australians which clearly still exists among a significant proportion of the Australian community. You only have to look at letters to the editor and at comments on websites, or listen to talk-back radio—quite clearly a significant number of Australians are still very antagonistic towards any sort of recognition of the unique role of Aboriginal and Torres Strait Islander people. I am not saying that everybody who has a problem with a formal apology is antagonistic to Indigenous people—I am not saying that at all—but I am saying that it is quite clear from specific comments, from the bigoted and prejudiced comments made by a number of Australians since this issue has been raised, that there is still a serious problem. It is not un-Australian and it is not unpatriotic to raise that. I think it is actually unpatriotic to continue to ignore it. That means there is a job for all of us as community leaders, not just in the parliament but across the board, to address that antagonism, not just by saying that everybody who does not agree is a bigot or a racist. You need to acknowledge that bigotry exists and to tackle head-on the clear falsehoods put forward by some people to justify that bigotry and to address some of the ignorance that still lies out there in the general community, and the ignorance that still exists in so many of us.

One of the statements of the former Prime Minister which I often agreed with was his comment that we needed to learn more about Australian history. One area where so many of us are woefully ignorant is the reality of the history of Indigenous Australians before British arrival. Before British arrival, other Europeans arrived here and before that others from Asia arrived here. There is history

even prior to that. And even more so there is the history since colonisation. There is still a lot of ignorance about that. Of course there are a lot of positives but there are some absolutely appalling atrocities, which we simply refuse to acknowledge. I wish to take the opportunity to repeat my longstanding view, and the Democrats' longstanding view, that there is still a need to revisit the other recommendations of the *Bringing them home* report, particularly with regard to compensation. This resolution of an apology is a stand-alone thing, as it should be. I do not believe it should have addressed the issue of compensation. It does not, in itself, open up compensation. There is no doubt about that, despite some of the furrphies put around. I believe there is still a linked need to address the issue of compensation. If you go back to the rationale for the apology in recommendation 3 on page 282 of the *Bringing them home* report, you see that it makes clear, in coming to the rationale of that recommendation, that it is a package. An acknowledgement—an apology—goes hand in hand with guarantees against repetition, measures of restitution, measures of rehabilitation and monetary compensation. That is based upon longstanding, international principles regarding reparation and acknowledgement, known as the van Boven principles, which are detailed in the report. They are intertwined and we should not seek to just slice them apart.

I repeat my call that that issue be re-examined by the Senate, as a Senate committee did after this report came down in the late 1990s. It is unacceptable that the federal government has dismissed that out of hand without even re-examining it. That is what I call for. I will reintroduce my legislation, which seeks to provide one example of how compensation could be provided. That is another issue we can go on with. We should all celebrate this resolution, which was passed here today.

**Senator JOYCE** (Queensland) (3.59 pm)—It is an interesting day today. When walking around, you meet some very decent Indigenous people, so everything you say you have to temper with the fact that there is no point insulting people and there is no point making a statement of belligerence. But the concern today—and you could see it even with the way question time went—is that the issues move on. The biggest concern is that this issue will move on and will in fact be left behind. A year's time from now is when we will truly be able to judge whether this was just a rhetorical day on which there was a greater sense of presence and possibly a sense of theatre but which never actually delivered anything. A year's time is when we will have the ability to look back and say: 'Did anything really get better for Indigenous people? Were their lives improved? Did we make concrete statements to go out to where these people live and improve the economies of those areas so as to pick up the health, the education and everything that goes with it?'

I know there are Australians out there who have serious doubts about this issue. I know that. I know everyone is drawing their affinities to the Indigenous issue, but, coming from Danglemah, having gone to primary school in Woolbrook and having lived in Moree and Charleville and currently living in St George—I think I am the furthest senator from the coast—and having a house in Werri Creek, I suppose I have spent most of my life around Indigenous people, and I am probably enriched because of it. But there is always a sense that these things can turn into junkets. If this thing turns into compensation or a junket where money gets poured in all sorts of directions, but generally in the direction of solicitors in Sydney and Melbourne, who does it profit at the end except them? Who is the actual benefactor of it at the end except them? We saw that in so many of the

land rights issues, and that is an eternal frustration for so many people in regional Australia who see that statements are made down here with all the right atmosphere and all the right intentions, but where it all ends up is nowhere. That is one of the frustrations that I hope does not become evident after this process has finished.

There are certainly things in our history that we need to be concerned about. I can recollect stories that people have told me. One person told me how his father went out and shot Aboriginals and then grabbed the children by the legs and smashed their heads across a rock to kill them. That is a story that I heard. The person who was telling me had no reason to lie and I was extremely disgusted and disturbed by what he had said. Obviously, we all know the story of the Myall Creek massacre, of the putting of arsenic into flour. We also know the stories of retribution where Aboriginals were driven over cliffs, basically just to kill them. I am truly offended by any association between that and the government. It was never an action of the government. It was an action of individuals who were criminals, not the government. I do not believe that the government put forward policies with malice aforethought, that the government put forward policies that were distinctly designed to be some sort of final solution, because in some of the scripting that is the way these things are seen. I do not think that is right. They may have been misguided, they may have been wrong and they may need to be corrected, but were they policies with malice aforethought? I do not know whether that is a blemish that we want on our nation. We have every right to say, in a greater light, with our better knowledge, that we should not have done it. But I do not suggest that that is the case.

In the process of this debate, it has to be said that a very dangerous precedent was

created. I am discussing the issue now, but the vote has gone. The vote is over. We know it is a very important issue, but we have created a very dangerous precedent. Once you have created it, it becomes the excuse for others. I think that needs to see the full light of day. After this day has cooled down and after the media have had their time with it, I think we should reflect on what we did today—that is, to carry a vote without acknowledging that the debate can influence people. If you respect this chamber, you must respect the belief that people can say things that influence you. Today I have had the capacity to walk around and talk to Indigenous people, and they have influenced me, because I am a human being and I am affected by what people say to me. But to circumvent the process of the Senate and say there is a reason for that is really opening yourself up wide for things that may happen in the future. I think that should be acknowledged and I do not think we should ever do it again. I think people should question whether we could have conducted this in a better way so as not to circumvent and disrespect the process of the Senate.

Another flaw, I think, is that we see the world in 2008 but forget that the world of 2008 is not the world of the time when the initial acts were written, in 1869. It was built on the premise of an 1864 act. It is a different world even to that of the 1970s, and we have to be very careful that we do not start judging the views of people then by our views and values now. There are people who did the wrong thing, but I do not think that we should target certain nuns—who honestly believed that they were trying to advance the condition of fellow Australians who were Indigenous—with the word ‘stolen’, because I do not think they believed that they were stealing anybody. I do not believe that they thought they were doing a criminal act, and the pejorative term ‘stolen’ sends the mes-

sage that the people who did it were criminals—and they were not. So this is an issue that I also think needs to be reflected on in the cold light of day.

We have had a lot of symbolism here today, but we all know that symbolism neither feeds nor clothes nor cures anybody. The issue that will be judged, whether at Wooragee, Cunnamulla, Burketown, Doomadgee, Walgett, Tibooburra or White Cliffs, is whether the lives of the people actually get better. That will be the real judgement of what happens here today. If it becomes a lawyers' feast—and I would have liked to have seen the legal advice tabled, not because of political point-scoring—that will completely disavow the clarity of what we were trying to do. It also opens up an avenue for other people to become financial benefactors of the Indigenous issue, and that has happened so many times. So many people—to be quite honest, white solicitors with harbour views—become the financial benefactors of these issues by turning them into a legal morass. If that happens because of this, then that I think is not good.

In summary and to close, there is an immense sentiment in the nation—I acknowledge it and I have changed my view—of a sense of true reconciliation where people are talking to one another and acknowledging the humanity of one another, and putting aside their conceits and maybe some of the views that they had prior to this. Maybe that inception has happened today. If it happened today, that is a good thing. If that is a true inception of reconciliation—my understanding others better than I did before and possibly them understanding my and others' views—then that is a great step. Unfortunately, that view of reconciliation has already had, in some instances today, the winds of animosity blowing through it and blowing out the candles of reconciliation. I hope that does not happen. I hope that, if there is one

thing that happens from today, it is that we all go on a path together where, as a nation, we make lives better not just for Indigenous people but for Australians in general.

**Senator MILNE** (Tasmania) (4.08 pm)—Australia changed this week. I think it is really a very emotional and exciting week for this country. When I was first elected to this parliament in 2004, I gave my inaugural speech the following year and I said then:

What gives me hope is the increasingly loud and urgent cry from the hearts of Australians everywhere for a return to what we know in our heart of hearts is 'country'—a return to the spirit of the land and the expansive values of goodness, honesty, justice, fairness, equality, generosity, freedom and ecological stewardship that are for Australians inherent in the concept of 'country'.

I went on to say that what I was talking about in the concept of 'country':

... is a precious insight we have learned from our Indigenous people. It incorporates the land and their stories. It is not jingoistic. In talking about country

... ..

we must as a nation progress reconciliation with Indigenous people, we must also progress our own reconciliation with 'country'—our own sense of place and identity.

Driving here this morning I could not help but be quite overwhelmed and very emotional as I came around the front of the parliament at half past seven in the morning. People were streaming to the parliament at that hour. I have no recollection of any other time in my experience where people were coming from all over the city to the parliament to join Indigenous people from all over the country, who had already arrived here for the convergence yesterday.

They were lining up in dignified silence but with quiet yearning and excitement about the fact that at last this parliament seemed to be in touch with the feeling of the nation. As I witnessed that, I thought this is actually a

nation-changing event. It is something that I had hoped would have that impact, but I felt that as I saw all of those people coming towards the parliament.

In the coffee shop in the parliament, after the official apology given by the Prime Minister this morning, I had the good fortune to meet an Indigenous woman called Lois, who said, 'I am proud to be an Aboriginal woman in Australia today, and it is the first time I have been able to say that in my life.' So things have already changed.

Yesterday at the convergence I spoke to Lowitja O'Donoghue. She said of the rain yesterday as the welcome to country ceremony was taking place, 'It is the tears of joy of our ancestors.' She was referring to the fact that we the elected representatives of the people of Australia were seeking permission from the Indigenous owners of the land, the Ngunawal people, for permission to meet and walk on their land. That is what changed. It is extraordinary. Not only is it a really deep yearning inside Indigenous people for recognition and for an expression of sorrow and regret for what has been done to them but it is also a breaking down of the dam wall for all the people across Australia who have marched for reconciliation, who have moved, right across the country, for recompense and restitution for the wrongs that have been done to Indigenous people, and have not seen it happen.

Now there is a sense that it might happen. I feel particularly humble as well because I was in the balance of power in Tasmania in 1997 and I helped to negotiate the apology to the stolen generation in the Tasmanian parliament with a Liberal minority government. We did it in a tripartite way. We brought onto the floor of the house Tasmania's Indigenous people and Annette Peardon responded for the Indigenous Tasmanians and the stolen generation. It was a particularly dignified

occasion. Tasmania has moved on because of that ownership by all political parties of the apology—of the recognition of the wrong that had been done—and has now moved to a smooth process of compensation. The same is occurring in Western Australia; it can and it will happen nationally.

There are terrible stories of what has happened. For example, an Aboriginal boy runs through a Hobart street carrying 8½ pints of stolen milk. The milk has a value of, nowadays, \$1.12. It is the 1960s. Within days not only the boy but the family's three other children have been rounded up and made wards of the state. In court, a welfare officer says the boy's behaviour is typical of 'people of their origin'.

I cannot imagine what it would feel like, as a mother, to have your children taken from you in this way—in any way, but in this way. I cannot imagine the loss of living out one's life and going to your grave never knowing. And the loss for the children who never know the love of their parents. In fact, the children in one of the submissions from New South Wales in the *Bringing them home* report said:

We may go home, but we cannot relive our childhoods. We may reunite with our mothers, fathers, sisters, brothers, aunties, uncles, communities, but we cannot relive the 20, 30, 40 years that we spent without their love and care, and they cannot undo the grief and mourning they felt when we were separated from them. We can go home to ourselves as Aboriginals, but this does not erase the attacks inflicted on our hearts, minds, bodies and souls, by caretakers who thought their mission was to eliminate us as Aboriginals.

The Greens have said sorry in the parliaments around this country, but I am very grateful for the opportunity to say sorry again and to support the Rudd government in making this official apology to the stolen generation.

I think in particular of people like Archie Roach, who was one of the stolen generation himself, who have campaigned for this day for many years. Archie Roach's famous album in 1990, *Charcoal Lane*, included his song *Took the Children Away*, which moved the nation, and still does. In that song he said they:

Taught us to read, to write and pray  
Then they took the children away,  
Took the children away,  
The children away.  
Snatched from their mother's breast  
Said it was for the best  
Took them away.  
The welfare and the policeman  
Said you've got to understand  
We'll give them what you can't give  
Teach them how to really live.  
Teach them how to live they said  
Humiliated them instead  
Taught them that and taught them this  
And others taught them prejudice.  
You took the children away  
The children away  
Breaking their mothers heart  
Tearing us all apart  
Took them away

Today I note that Archie Roach said that, like many Aboriginal people, he hoped the apology would be a beginning rather than an end. He said:

Once this is done, perhaps we can then make inroads into other issues. I understand that an apology is not going to solve all the problems, or the plight of Aboriginal people, but it's going to help. It's going to help people to feel a bit more free to go ahead. It will help me and my children.

That is something which I find incredibly humbling. What I find in particular so overwhelmingly humbling is the dignity, the tolerance, the wisdom and the nobleness of the

Indigenous people who are accepting this apology and accepting it in good faith as a first step. And it must be a first step to reparations and to compensation. It must also be a first step to saying to Australia's Indigenous people that we are serious about reconciling with them and coming home to country and assisting them to come home to their country and that we, as Australians, recognise that this is a brand new day. In the words of Oodgeroo Noonuccal:

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

This is a historic day and I am so pleased to be here to say sorry to the stolen generation of Australia's Indigenous people.

**Senator HUMPHRIES** (Australian Capital Territory) (4.19 pm)—The Australian parliament has this week taken a bold and decisive step—a historic step—that is quite unprecedented at this level of Australian government, although, it should be said, not unprecedented at another level of Australian government. This week, we have engineered a measure of resolution to an issue which has troubled and divided us as Australians for more than 10 years. We have used the authority, the gravitas, of parliament as a tool to achieve an important public policy objective, not through the enactment of legislation but through the symbolism of a solemn bipartisan resolution to end a divisive chapter in the history of our relations with Indigenous Australia.

I am very proud to be here today to participate in this process. I am proud that my party, the Liberal Party, albeit belatedly, has joined in to endorse this endeavour. I am



proud because this step is significant far beyond the walls of this and the other chamber. Very often the things we do here reach the consciousness of Australians generally as a dull and distant impression, if they reach them at all. The things we have done today in this place will undoubtedly be felt by huge numbers of Australians in the most immediate and direct way.

This week we have said sorry for the actions over several decades of churches, institutions, police officers, court officials, doctors, individuals and, by implication, governments in participating in the involuntary removal of children from their families on the basis of their race. However well meaning those actions were, they led to enormous grief and heartache. Those actions did great damage to the confidence and self-esteem of those children. That damage resonates today, decades after the practice of forced removal has ended.

It has been pointed out that many removals of Indigenous children were undertaken for the best of motives and that, objectively speaking, the material, educational and health outcomes of those who were separated were improved by virtue of their removal to other circumstances. In a physical sense, this will often have been true—not always, of course. But that observation overlooks a very important consequence of forced removal. I had the privilege of participating in the ‘forgotten Australians’ inquiry, which was the Senate inquiry into children in institutional care—one of what Senator Murray refers to as the trifecta of reports on child welfare. That particular inquiry, the third in the series, reported in August 2004. It gave those involved an insight into how damage to children has a ripple effect that is felt throughout society, very often creating damaged and dysfunctional adults.

While that inquiry took evidence from hundreds of people who had been separated from their families—often, it has to be said, very dysfunctional families—I tried to identify the element of this separation that was most distressing, most harmful to their development as balanced human beings. Surprisingly, the answer was not mistreatment or abuse at the hands of the institutions or foster families to which they were consigned—although many people gave evidence of mistreatment in those circumstances—but the fact of separation from people that these children believed loved them and wanted them and missed them. The separation from family—where the children were old enough to remember their families—was the single most corrosive factor undermining that child’s sense of well-being and which no amount of care and material comfort could offset.

If that was true of the general population of separated children, it was at least as true of separated Indigenous children. For so many children, that knowledge of their real family kept from them by a cruel authority was a constant, gnawing pain; a rot to the soul which would leave a deep, indelible mark on every child, no matter how decent their treatment in their later homes.

I was recently reading a collection of short stories told by Indigenous people about their experiences growing up apart from their families in homes and institutions where they were made to feel that their Aboriginality was a cause for humiliation and shame. Some of the stories pulsed with anger. Others were overlaid with a great sadness and a sense of loss. One particular story caught my eye because, while the author spoke bluntly about the damage done to him and his family by their forced separation, he also spoke positively about the need to look forward towards a better future. He wrote:

The past cannot be changed but some of the wounds can be healed.

I can think of no better way to express what we all feel here today and what we, as a community, are aiming to achieve through this apology.

The decade since the release of the *Bringing them home* report has shown that wounds this deep cannot heal on their own. The previous federal government worked to improve the lot of Indigenous Australians in a range of practical ways, particularly through major funding and support for health, education and social welfare programs. But, of course, there was something missing in that approach. By not apologising for past wrongs we have been unable to draw a line between then and now; between what was done in the past and what we plan to do in the future. And so it has been in some ways hard for our community—black and white—to heal.

For me, this motion today is about drawing that line. It says to the children of the Cootamundra Girls' Home, St Mary's Hostel, Retta Dickson House, the Parramatta Girls' Home, the Kinchela Boys' Home, Bedford Park and dozens of other homes and missions that we regret the way they were treated, we acknowledge it to have been wrong, and we intend to ensure that it does not happen again to future generations. In doing so, we face up to an unpalatable truth about Australia's history. The nature of this truth has been much disputed: exactly how many children were taken, for how long and where to is sometimes ambiguous. It is certainly not becoming any clearer as time goes on. Some people say that because of this uncertainty we should not be issuing an apology today. To be perfectly frank, that is just a cop-out. We know without doubt that some people in some past times experienced pain, suffering and loss of identity as a result of the policies and actions of successive Aus-

tralian governments, and for that we should rightly be sorry.

It is important for us today to be positive about the future and to acknowledge that, despite the pain and disadvantage and dispossession which these policies engendered, many people, both through their own endeavours and, I hope, as a result of today's actions, will be able to move forward in a positive way and offset—at least partly—the nature of the experience that they have suffered.

One such person, who appears to have had some level of resolution, is a man called John Williams Mosley, a man taken from the Palm Valley area of the Northern Territory when he was eight months old, separated from his mother at that very tender age. Some years later he was able to meet his mother in these circumstances:

I spoke to my mother for the first time when I was 27 years old. The time was 11.37 pm on Friday 15 September 1978. I had just arrived at Tennant Creek from Sydney, where I had lived and worked for the previous 27 years.

He describes how he came to a house in Tennant Creek:

My eyes followed the path in front of me to where I saw the silhouette of a woman, standing in the half light of the open door. Her hands were clasped together in front of her body and she stood perfectly still. Even in the darkness I could see tears rolling down her chubby cheeks. She held out her arms to embrace me, and I walked into them. We held each other for the longest time. I was home.

I hope that by today's actions we help more dispossessed, separated people in this country to come home. That would be the earnest hope, I am sure, of everybody in this place today.

**Senator MARK BISHOP** (Western Australia) (4.29 pm)—Thank you, Mr Acting Deputy President, for the opportunity to make a contribution to this debate concern-

ing the national apology to the stolen generation. This has indeed been a remarkable and lively topic of discussion for many, many years—more than we all care to remember—and it is appropriate, it is entirely proper, that there is now resolution of this most horrific of issues. It is time to move it forward. The symbolism that this resolution represents is very, very important, as many people in a range of forums have repeatedly suggested. But more important now are outcomes which are critical to a permanent resolution deriving from the harm that has occurred to so many Australians over the last 40, 50 or more years.

More than 20 years ago, I attended some conferences in New York City and attended upon some senior officials of the Retail, Wholesale and Department Store Union in that city. In those days it had some 250,000 or 300,000 members. It was a significant union on the east coast of the United States. I met for some time with a senior representative of that union in New York City. He was a man of African-American extraction. After we exchanged the customary pleasantries and had our discussion on the business at hand on a range of then topical issues, somehow or other the conversation shifted to issues germane to the treatment of Indigenous people in Australia in the seventies and eighties. The discussion meandered on for some time. This man was in his 50s and was a veteran of the civil rights movement and the battles in the United States in the fifties and sixties before he went on to another part of the liberal movement in the United States. At the end of the discussion he looked at me with the most steely blue eyes and said: 'I meet a lot of Australians. A lot of Australians come and meet with me. And the common factor that you all bring to the discussions is the way you treat Aboriginal people in your own country.' He said: 'I don't know why you all raise this issue with me, but you do

so, and we have the discussions. And you must be the 20th or 30th person over the years who has raised these sorts of issues in my country, the United States.' He said to me at the end: 'Young man'—and I was very young in those days—'I tire of these conversations with you from the other end of the world. Why don't you just go home and fix those problems, because the fact that you have raised them here suggests to me that you are responsible and you need to attend to those problems in your own home.' I have always remembered that conversation, and as I was thinking of the comments I should make today I was reminded of those ones.

In addition to those comments, I bring two other perspectives to this debate. Firstly, again, many years ago, I had exposure to hundreds of files in Perth held by the government relating to what was then the department of Aboriginal affairs, or the Department of Native Welfare, and those files went right back to the 1920s and 1930s. They had been assiduously maintained in a warehouse that, back in 1982 or 1983, was located in West Perth. I had exposure to those files for many weeks on end, doing some work. In those files, properly maintained in detail, were hundreds and hundreds of letters written from the 1920s through until the 1960s by mothers and fathers of children who had gone missing, who had been removed or who had been stolen, imploring the bureaucrats in the department to give them advice as to why their child was taken, where the child was now, what the name of the child was, what had happened to the child. There were hundreds and hundreds of these letters, mostly written in a beautiful script and pouring out the emotions of these parents who—over some 40, 50 or 60 years—had lost their children. It was the most heartfelt correspondence. There was other correspondence from policemen, priests, pastors, local chambers of commerce

and business people who were writing on behalf of other Indigenous people who were, presumably, illiterate asking for details as to where their children might be and how they might be located. And on each file there was a simple comment—government policy: advise sender we do not have to respond; we do not have any advice. I remember being exposed to those letters as a 25-year-old and thinking how horrible it must have been.

The second perspective I bring is something that occurred in more recent years, when I had exposure to a lot of younger white children who had been through the court system in Perth. They came from what, by any description, would be called dysfunctional families, whether their mother or father was the subject of alcohol abuse, physical abuse, drug addiction, unemployment—a whole range of issues. Often the courts have to make a decision that the young boy or girl is to be removed from their parents and put into some form of foster home or welfare institution. My observation was that no matter how bad the child's upbringing might have been—no matter how dysfunctional the family and no matter how manipulative, dishonest or improper the practices of abuse, either of a physical or mental nature, were—almost without exception those young boys and girls resisted to the end being removed from their mother or father. These were children from the age of about five or six, when they would develop the ability to reason, to the age of 13 or 14, when they developed a sense of right and wrong. No matter how bad their home might be, no matter how often they were not fed, washed, sent to school, provided with love or affection—no matter how bad it was—they did not wish to be removed from their mother and father.

It still goes on and it must have been absolutely horrific for those thousands and thousands of young Indigenous people and their parents to be forcibly separated. In that con-

text, a number of people have made the observation today that past actions should not be judged by contemporary standards. That is a very, very interesting comment because, to me, it seems to confuse absolute concepts of right and wrong and a relativist approach to issues.

Always and without exception it is wrong to steal or to engage in murder, rape, theft and like offences. It does not matter whether it was in the days of Hammurabi giving the laws to the Assyrians or Solon's Athens, always and without exception those offences are wrong and there is no justification for engaging in them. They might be lawful acts and they might be carried out pursuant to decisions of government policy but they are always and without exception wrong. It is entirely proper to judge those absolute acts by today's standards because they were absolutely wrong then and they are absolutely wrong now. This debate now moves to practicalities and to resolving the absolute poverty—(*Time expired*)

**Senator BERNARDI** (South Australia) (4.39 pm)—In rising to take note of this motion I open my contribution by stating that I do not personally feel any sense of guilt for what has happened during Australia's brief history. I should also state that I am a strong supporter of the very limited role that I believe government should occupy. I support an increasing self-reliance for all Australians and a reduced role of government in their lives.

Today is a stark reminder that government intervention, no matter how well-intentioned, may not actually benefit the people but can, in fact, do the opposite. That is not to say that governments have not had a positive impact on the lives of Indigenous Australians. The Howard government stood firm in the face of great adversity to achieve practical outcomes for Indigenous people. We tried

to break the cycle of poverty, hopelessness and dysfunction that afflicted many Aboriginal communities. We did it by drawing a line between what is acceptable and what is not acceptable. We drew a line between what is right and what is wrong. We ceased to accept excuses and we tried to move forward.

I realise now that what we did not do was embrace the symbolism that is represented by an apology to the Aboriginal people for transgressions of previous government policies. But I do not believe that the previous government, nor indeed any previous government, should stand condemned for this. There is no doubt in my mind that past practices in relation to the treatment of Indigenous Australians have caused significant distress to a number of people within that community.

I am in no doubt that some children were unjustly taken from their families, but equally I have no doubt that many of the so-called stolen generation were saved from what would have been an all too brief life of neglect and, in some instances, abuse. Let me be very clear that abuse, especially of children, can never and should never be defensible. I know that physical and sexual abuse of separated children took place in many areas of our community and most alarmingly it took place in the very areas which were designed to be sanctuaries. It was wrong and it continues to be wrong. But unfortunately much of that abuse is now taking place within Aboriginal communities. And this is the substance of my contribution today: we need to stop the errors of the past from being a reason not to confront the vile acts of today.

For my entire life I have observed any number of excuses for dysfunction amongst some areas of Indigenous Australia. When I was 14, I was set upon by a gang of Aboriginal youths for daring to be on 'their land' as

they put it, which happened to be Glenelg beach in South Australia. Their violence went unpunished because, as I was told by a policeman, nothing would happen to them because they were Aboriginal. As a publican I remember rescuing an Aboriginal woman from a savage attack in the street by her husband. After providing her sanctuary within my premises, a group of elders came to visit and told me that unless I told her to leave my premises they would destroy my hotel.

For too long this type of behaviour has gone unchallenged. For too long excuses have been made that have established Indigenous issues in the minds of many Australians as simply too hard to deal with. That is why I think today is very important. As I said, I feel no personal remorse or sorrow. In fact I am quite optimistic about the future because I feel that today is a day that our nation can move on together.

While saying sorry is a symbolic gesture—and it is a symbolic gesture because surely none of us can truly believe that tomorrow will see an end to the alcoholism, violence, child rape, incest and abuse that takes place in too many Aboriginal communities today—tomorrow we can see an end to the excuses for this type of abhorrent behaviour, because today is the first step in achieving reconciliation. But it is only the first step, because reconciliation requires not only an act of self-mortification or sorrow but also forgiveness.

That is now the challenge confronting Indigenous Australia. They need to ditch the industry that has sprung up preventing the real changes—the policy areas that can have a significant impact on Indigenous communities—from taking effect. They need to reject the inevitable overtures from the no win-no fee ambulance-chasing lawyers—who will pop up as soon as tomorrow, I would guess—in pursuing billions of dollars in

compensation. To do anything else would demonstrate that this call for sorry is more about compensation than about reconciliation and I sincerely hope that this is not the case.

**Senator WEBBER** (Western Australia) (4.44 pm)—I rise with a great deal of pride to associate myself with this resolution, because resolutions like this are an example of what this parliament can do well. It reminds people that we are the national parliament, and it is only the national parliament that can take a proper stance on these issues. It is just a pity that it has taken us so long to get here. When I was thinking about the remarks that I would like to make today, I was drawn to some comments that my good friend the former Premier of Western Australia Dr Geoff Gallop made when he was discussing a similar motion that went through the Western Australian state parliament in 1997. He commenced his remarks by telling the story of a person who he called ‘Paul’—‘Paul’ was not the real name of the person he was talking about. I was drawn to that story because Paul was separated from his mother in 1964 when he was a baby. That is one year before I was born, so these issues are very relevant to people of my generation. This is not necessarily an issue just to do with our more distant past. People are still living with this pain today.

Dr Gallop went on to talk about Paul’s separation from his mother. He said that it was done with a stroke of a pen and without his mother’s knowledge and that her subsequent efforts to find her son were treated with contempt by the department. Paul spent his growing up years in an appalling series of replacement homes. There were breakdowns, cold institutions and cruel foster homes. When he was formally discharged from wardship at the age of 18 in 1982, he was given his file, which contained some 368 pages of old letters, photographs and birth-

day cards. The last page of his file stated that he was a very intelligent, likeable boy who had made remarkable progress given the unfortunate treatment of his mother by the department during his childhood. Paul said that tears flowed when he read those words. They were tears from a mixture of relief at finally knowing about his past, and of guilt and anger about what had been done to him and his mother. It is important that we talk about stories like Paul’s. As Prime Minister Rudd has said, the challenge for those of us who are not Indigenous Australians is to ask one very simple question: what if that were me? What if I were Paul? How would I feel? That should be the test for how we feel at passing motions like the one before us today.

Political parties of all persuasions, particularly the major political parties in Australian politics, rightly acknowledge family as the cornerstone of our society. We make much of our laws and policies that are intended to strengthen and help families and keep them together. It is often an issue that we debate in this place. But the rights of the family have to be applied to all Australian families. For far too long, until more recent times and until motions like the one before us today is passed, Aboriginal families were torn apart by the very authorities that should have been there to protect them. They were torn apart for no other reason than because of the colour of people’s skins.

We in this place represent different interests and different states and those in the other place represent different geographic locations. Because of that role, we know how important identity is to people. We know how important it is to learn about our identity, the identity of our community, our historical connections and our relationships through history. That is what we do if we are truly human. The fundamental right people have to establish their identity, however, was, through an active policy throughout the

states and territories and the Commonwealth of Australia, taken away from our Indigenous people. That policy was based upon the premise that Aboriginality had no role to play in the Australian community. By passing this motion today, we have the opportunity to tell Indigenous Australians that they are part of our society, part of our history and part of our community. We apologise to them for the attempts made by earlier governments to deny them that very basic right. Let us as a parliament come together and acknowledge the dignity of Indigenous Australians for their own history and its effect on our shared national history. Let us acknowledge the past forcible removal of Indigenous children and offer our deepest apologies for what happened in the past.

**Senator PAYNE** (New South Wales) (4.50 pm)—I rise to make some brief remarks in this very important parliamentary discussion. I am pleased to have the honour—as I regard it—of participating in this parliamentary resolution of apology. It is an occasion of great significance for our parliament, for Indigenous Australians, for our nation and for our nation's future. Since my first speech in 1997, which I will avoid the self-indulgence of quoting, I have supported an apology to Indigenous Australians of the stolen generations. It was not necessarily a popular claim to make in 1997 from my side of the chamber. Today's resolution, though, is a very important step in the history of reconciliation in this country. To those men and women who have campaigned long and hard for this apology and other aspects of reconciliation, I truly hope that you are able to take a great deal from this day and from this parliamentary resolution.

I have heard other speakers today, in this chamber and elsewhere, talk about their experience of living in Indigenous communities. I cannot lay claim to that experience. However, I have found in the last 10 or so

years that one of the great privileges of this role in the Senate has been an opportunity to learn much more about Indigenous Australia and Australians than I had known before I came here. For that, I thank some of my colleagues who in part formed the instruction team along the way, based on their own enthusiasm and interest. And, perhaps ironically, I also thank the Senate committee process.

The committee process of the Senate is sometimes regarded as a practice of the darker arts, but in this case it is a highly valuable experience and it has afforded me a chance across the nation—in the Northern Territory, Queensland, Western Australia, New South Wales, Victoria and here in Canberra—to meet with a range of leading Indigenous Australians and many members of the community to discuss a very broad list of issues over time. Those issues have ranged from the one we are discussing here today—the stolen generations, the subject of this motion—to the detention of juvenile offenders, to reconciliation more broadly and, more recently, to the question of stolen wages. With my colleagues I have heard many personal stories and testimonials—sometimes highly emotional and highly disturbing; sometimes so coldly factual that they were even more devastating in their effect—about some of the personal and family experiences of these our fellow Australians. Through that process, overwhelmingly one of listening, I have been persuaded that the symbolism of this apology is indeed very important and that it does have the capacity to make a real difference to our capacity to move forward in relations between Indigenous and non-Indigenous Australians.

I have been interested to listen to some of the discussions about the value of symbols. It seems to me that, as members and senators in this place, we work in an environment laden with symbolism and, in 2008, still redolent

with tradition. I think it is actually very difficult for us to judge for others, culturally and personally, what is a validly important symbol. But I do hope that this symbolic step of 'apology' does have the desired outcome for members of the stolen generation and their families and is a step forward on the path to reconciliation in Australia. Saying that is emphatically not a rejection of the importance of what has become known as practical reconciliation. Without the basic advantages of life that the overwhelming majority of Australians take for granted in terms of health, of life expectancy, of education, of living circumstances, and so the list goes on there is no capacity to move forward. I absolutely acknowledge that and want that to be a very important part of my remarks this afternoon. But the link between symbolic and practical reconciliation, which I hope this apology establishes and confirms, is one which I further hope enables us as a nation to move further forward.

I particularly want to acknowledge and congratulate the women of Indigenous Australia that I have had the most extraordinary honour and pleasure of meeting over the last 10 years. In so many cases it has been their leadership in their communities and in their families—and in the face of adversity that is unknowable for women in the situation I, the previous speaker and many others in this place enjoy—that has enabled governments to actually pick up the steps of practical reconciliation and move towards their implementation.

I quite honestly cannot imagine the pain of being separated from one's living family. I have enough trouble dealing on a daily basis with the loss of both my parents relatively early in my adulthood. But I do know that my family grounds me; that my family helps me know where I actually belong. In his remarks in the Members Hall today I heard a person for whom I have an enormous amount of respect, Tom Calma, the Social Justice

Commissioner of the Human Rights and Equal Opportunity Commission, talk about the importance of 'belonging', in the context of this apology and of the experiences of his own family. It is not rocket science to understand that if you are dislocated, if you are separated from your family, it is hard to know where you belong. That does not just go for Indigenous Australians, of course. But today is about the impact of these actions and these policies on Indigenous Australians over decades in this country.

When I finally saw the motion moved by the government yesterday afternoon—after waiting, I thought, quite patiently, which is not something for which I am known—I was struck particularly by the last five clauses. They refer, so importantly, to the future—to a future where the parliament is able to resolve that these injustices must never be repeated; where we are able to harness the determination of all Australians, which hopefully today will reinforce, to close the gaps I spoke about in life expectancy, education and economy; and where we will look at new solutions to enduring problems where, as the words of the resolution of the parliament say, 'old approaches have failed'. Without an acknowledgement of that it is impossible to move forward. The clauses also refer to a future based on mutual respect, mutual resolve and mutual responsibility and to a future where, as the last clause says, 'all Australians, whatever their origins, are truly equal partners, with equal opportunities and with an equal stake in shaping the next chapter in the history of this great country'. They are very powerful words and ones to which I am very proud to commit myself absolutely. I think the parliamentary resolution is one which provides for this nation, in so many ways, an opportunity to advance on the path of reconciliation. It is something which I am proud to see we can all participate in here today.



**Senator FORSHAW** (New South Wales) (4.59 pm)—I rise to support the resolution of the Senate and the extension of the apology on behalf of the parliament to the members of the stolen generation and their families and, indeed, to all the Aboriginal and Torres Strait Islander Indigenous people of this country. It is often said that words have no real meaning without actions, that words can never hurt. But that old saying that ‘sticks and stones can break your bones but words will never hurt you’ is not true. Words are powerful. Words can hurt. But words can heal.

Today, through this apology—through these remarkable words—we are endeavouring to help to heal. We apologise for the wrongs of the past and, indeed, we apologise for the mistreatment and neglect that still continues today. That is why it is so important for the Aboriginal and Torres Strait Islander people—for the Indigenous people—of this great nation. They have known all along how important the apology would be to them. They know that it does not necessarily right all the wrongs, but they know how deeply important it is that we extend this apology. We, the non-Indigenous people of this country, have finally come to understand the power of the words that an apology would have: that it would mark a turning point in the history of this nation, when we finally, in a public way, at the level of the parliament of this nation, extended this apology.

I listened to the speech of the Prime Minister and I heard the speech of the Leader of the Government in the Senate today. I listened to other speeches and there is not really much that I can add to what has been said, because it has been said. Rather than trying, as it were, to be eloquent about it in my own terms, I simply adopt and endorse the words of the Prime Minister, the Leader of the Government in the Senate and of the

other leaders and representatives of this parliament. I cannot do it any better. Whilst today it is important to reflect upon what was in the *Bringing them home* report, it is also important to recognise that an apology can often be a simple statement and more powerful. Saying that you are sorry without qualification should say it all—and I hope it does. I read the report a couple of years ago and I have listened to the recounting of the stories of those stolen generations. Like all senators and members, I feel and try to understand the terrible circumstances in which many of those people had to grow up, torn from their families and their loved ones.

Where I come from—the Sutherland Shire—is often characterised as the birthplace of the Australian nation, when Captain Cook landed at what is now Kurnell on 29 April 1770. For many years, that date was commemorated and celebrated as the date of the birth of the Australian nation. Each year, a ceremony would be held at Kurnell on the shores of Botany Bay. But some years ago we realised—the Sutherland Shire Council and others—that that was not appropriate. Rather, we had to recognise on that same day that it was also the day when the dispossession of the lands of the Indigenous people commenced to occur in this country. So, the commemoration was changed from one which celebrated and commemorated not only Cook’s great voyage of discovery and his landing in Australia at Botany Bay, but also a meeting of two cultures and a symbolic day for the Aboriginal people. Now, each year on 29 April, that ceremony not only celebrates Cook’s landing but also recognises the incredible impact that that event ultimately had on the Indigenous people of this country. Each year, representatives of the Indigenous community of that area participate in that ceremony in a way that we saw yesterday with the welcome to country here in Parliament House. It is now celebrated

and commemorated—not as an achievement or a dispossession, which it was, depending on whether you look at it from the perspective of white Australia or the perspective of Indigenous people—but rather as a meeting of two cultures and an opportunity to go forward and endeavour to ensure that the culture of the Indigenous people of this country is protected and enriched.

Yesterday I attended the ecumenical service at St Christopher's here in Manuka for the opening of parliament and I was impressed by the sermon of Archbishop Coleridge. I recall that in March 2000 Pope John Paul VI expressed sorrow for the treatment that the Catholic Church had over centuries meted out to people of the Jewish faith. I raise that because at the heart of Christianity is the concept of expressing sorrow, and I think that it is in that context that we—certainly those of us who follow the Christian faith—should also consider this event.

It is not about whether or not we personally were responsible for the misdeeds or mistreatment—the massacres, the dispossession—that occurred in the past. It may certainly be a historical fact that we personally are not responsible. But that is not the point. The point is that if we believe in righting the wrongs of the past it is appropriate for us to express our sorrow and an apology for those deeds that were done in the past.

When I hear speakers refer to what has happened with the Northern Territory intervention as a result of the *Little children are sacred* report, I ask myself: why is it that some of us can recognise that that mistreatment needs to be dealt with now but somehow we should ignore, or not recognise, the importance of all of the mistreatment that has gone before it. Indeed, much of what is happening today within those Aboriginal communities that we are endeavouring to fix through that intervention is a result of that

legacy. I sincerely apologise to the stolen generations.

**Senator ADAMS** (Western Australia) (5.09 pm)—I rise this evening to speak to the national apology which was moved on behalf of the Australian parliament earlier today. I will be honest and say that it is hard to apologise for a series of wrongs carried out under various acts of parliament many years ago. The people who carried out these wrongs obviously thought that they were doing the best for Indigenous children at that time but, as we learn more about the problems which occurred then, we are all horrified that something like this could happen in our country. But I also concur with my colleagues who have spoken earlier today that this apology is the first step forward into the future. As we have heard this morning, this future is to be based on mutual respect, mutual resolve and mutual responsibility.

I must say at this stage that I was very disappointed, as a senator, that we were not invited to go into the other place to hear the words of the apology. Looking around the chamber here, I felt that we were all alone and we could not actually hear the Prime Minister deliver that apology at 9 am. I do not know the reason but, as our chamber did not commence until 9.30 am, perhaps we should have been invited there. However, that is in hindsight.

I have read what was said, and I would like to say at this stage that developments in the Australian states and territories towards an apology certainly happened after the *Bringing them home* report was tabled. To date all state and territory parliaments have passed motions expressing regret for past actions with respect to Aboriginal families, and most of the motions included an explicit apology for the forced separation of children. New South Wales did this on 18 June 1997, South Australia on 28 May 1997, Queen-

sland on 3 June 1997, Western Australia on 27 and 28 May 1997, the Australian Capital Territory on 17 June 1997, Victoria on 17 September 1997 and Tasmania on 13 August 1997.

As a senator from Western Australia, I would just like to read the Western Australian contribution on 27 May 1997, which was tabled as *Aborigines and family separation*. The Premier, Mr Court, said:

It is appropriate that this House show respect for Aboriginal families that have been forcibly separated as a consequence of government policy in the past, by observing a period of silence.

Members at that time stood for one minute's silence.

The next day, on 28 May 1997, speaking to the report *Aborigines and family separation*, Dr Gallop, Leader of the Opposition, said:

I move that this House apologises to the Aboriginal people on behalf of all Western Australians for the past policies under which Aboriginal children were removed from their families and expresses deep regret at the hurt and distress that this caused.

This was the start. As we have heard from many speakers, the Howard government earlier on also passed a motion of respect for what had happened, but this was not an apology. Today has certainly changed the lives, I hope, of those people who have felt that deep hurt. As it was a unanimous decision from both the government and the alternative government, I do hope that this is going to go some way towards helping in the future, and there are ways we can do this.

Perhaps I will just pause to say that unfortunately in Western Australia—and possibly Western Australians have had more contact with their Aboriginal counterparts; we have had a number of problems—headlines in the *West Australian* say, 'WA voters reject Rudd's apology.' Then we have from Gerry

Warber, a member of the stolen generation—he is a 75-year-old who was brought up at Sister Kate's Home—saying, 'An apology will not change the past.' 'Sorry just another word' is another headline in the *West Australian* as well, on 2 February. Mr Warber said:

Saying sorry is only a matter of rhetoric, because some people are demanding it. It opens the flood-gates for compensation.

Compensation is something that worries me as well. I will discuss that later. Mr Warber and a number of other older Aboriginals who grew up at Sister Kate's have been working very hard trying to raise \$9 million, which is close to fruition. This will enable two groups of former Sister Kate children to build an aged-care home and a healing centre on the site so they can spend their later years in the company of some of the only family many of them have known. I think this is a great initiative and I do hope, whether it is the federal government or the state government, that this can be done. That is a positive.

I want to move to the future. The past has been well discussed today. I think we have to go forward and the way to go forward is with something like this: showing that we can do something to help these people, who are family, even though they were not related. That would be a wonderful gesture. I do hope for success for Mr Warber, at 75, and his colleagues—and one of these was Sue Gordon, who we all know has been very involved as the chair of the federal government's task force and also in the Indigenous council, which unfortunately has now been disbanded. We are hoping that something will come up in its place.

But I would like to advise the Senate that Western Australia has quite a long way to go. Unfortunately, crime has become quite difficult in Western Australia, and unfortunately most of those involved have been young Aboriginal children. I am a little worried

about how we get them on track. We had a very nasty incident in Geraldton about three weeks ago with a pastoralist playing beach cricket with his family. Unfortunately, some Aboriginal youth decided to try to steal their wine and he was hit over the head with a baseball bat and died. Last Thursday week I attended a funeral in Perth of a past member for Geraldton, Mr Bob Bloffwitch. There were about 800 people at that funeral. I was overwhelmed by people coming to me saying, 'Enough is enough. Don't you go and apologise on my behalf.' These are the sorts of issues we have in our state. There are also bag snatches from elderly people, who are being knocked over in the street.

Western Australia does have a lot to do, including up in the Kimberley area at Halls Creek, Fitzroy Crossing and Balgo. I have visited all of these communities with the petrol-sniffing inquiry. As a member of the community affairs committee I have been able to travel to a lot of these places. I was a nurse and a midwife. I worked in all of these areas delivering babies for Aboriginal women, sitting with them through the labour and hearing stories about what we have been discussing in the last day.

I have something I would like to promote here. We have an Australian Defence Force Parliamentary Program, and this year, within the choices that my fellow members of parliament have, there is an opportunity to spend a week with NORFORCE members and to travel around through these communities. I would suggest that this might be a way that we can all learn how we can go forward. This is of course part of the Northern Territory intervention plan. It is an opportunity we can take up and I think it would be great to see a number of us take that up.

**Senator BOYCE** (Queensland) (5.19 pm)—I certainly want to add my voice to those who are saying sorry today as indi-

viduals and recognise that as state and federal governments we have much to be sorry for to the Indigenous peoples of Australia—not just to those who were forcibly removed as children from their families but to everyone who has been affected adversely by white settlement in Australia since 1788. There can be no disputing what happened.

But I have felt uneasy, I suppose, over the last few days. I have felt a sense that to not see everything that was being done as perfect and complete and covering every part of the issue was to be seen almost as curmudgeonly—that it was mean-spirited not to agree with the whole process as it was and every little facet of that process. The article this morning in the *Age* by Mr Tony Wright crystallised for me what I was finding wrong with this whole process. It is that in many ways we are not telling the full story. Much was made yesterday of the Indigenous welcome to parliament, which was a fabulous initiative. It was in fact recommended in a 2001 joint standing committee report chaired by a former Liberal member of the House of Representatives, Gary Nairn. One of the recommendations that that committee made was that there should be an Indigenous welcome at the opening of every parliament. Coincidentally, this committee also recommended that the current Australian of the Year, whoever that might be, might speak at such an opening on behalf of the Australian people and that the opening of parliament be held in the Great Hall to enable more people to come along. I think these are both initiatives that we should consider in the future.

But much was made at the ceremony yesterday of the treatment of Mr Jim Clements, also known as 'King Billy', a Wiradjuri man who arrived, after walking many miles barefoot, in a battered old suit and with his dogs. It was commented on that he was actually told to clear off by the police. Mr Wright's article in the *Age* this morning points out that

that was not the full story. In fact, when that happened, a good group of the crowd said, 'No. Stand your ground; you stay here.' A prominent member of the clergy who was there on the same occasion said, 'This man'—Mr Clements—'has more right to be here than the rest of us.' People apparently threw coins at King Billy; I presume that was as a gesture of charity. It is probably cringe-worthy now but it was not then. He ended up standing on the steps for the opening of parliament in 1927 and being amongst the VIPs who met the Duke and Duchess of Kent the next day. That is the full story of the treatment of Mr Clements. I think that we do ourselves a disservice if we are so keen to paint a black, dark picture of the treatment of people that we do not also see that there are good people—and always have been good people—who will fight and continue to fight for the rights of, particularly, Indigenous people, whose situation is currently not a good one.

In looking at this issue and preparing my thoughts on it, I went back to the motion of reconciliation that was passed by this parliament in August 1999. It says:

That this House:

- (a) reaffirms its wholehearted commitment to the cause of reconciliation between indigenous and non-indigenous Australians as an important national priority for Australians;
- (b) recognising the achievements of the Australian nation commits to work together to strengthen the bonds that unite us, to respect and appreciate our differences and to build a fair and prosperous future in which we can all share;
- (c) reaffirms the central importance of practical measures leading to practical results that address the profound economic and social disadvantage which continues to be experienced by many indigenous Australians;
- (d) recognises the importance of understanding the shared history of indigenous and non-

indigenous Australians and the need to acknowledge openly the wrongs and injustices of Australia's past;

- (e) acknowledges that the mistreatment of many indigenous Australians over a significant period represents the most blemished chapter in our international history;
- (f) expresses its deep and sincere regret that indigenous Australians suffered injustices under the practices of past generations, and for the hurt and trauma that many indigenous people continue to feel as a consequence of those practices; and
- (g) believes that we, having achieved so much as a nation, can now move forward together for the benefit of all Australians.

You may note that, apart from the word 'sorry', this motion covers every aspect of the motion that we have agreed to today. It covers current disadvantage. It fully acknowledges past wrongs and injustices, and the hurt and trauma that those injustices caused and still cause, and it highlights the need for practical and radical improvement of the way we help Indigenous people in Australia. To me, that 1999 statement is part of telling the full story of our journey towards a true reconciliation and of moving forward.

I would also mention that much has been made of people of Indigenous background and their involvement in this parliament. There have been far too few, but one that I would like to honour today is the late Senator Neville Bonner, a Junggera man who was the first senator of Aboriginal background to serve in this parliament. He was a Liberal senator from my own state who taught our party and our people a lot about how to go about assisting people of Indigenous background.

I would also like to talk about the fact that there has been an improvement—there has been change. If you look at figures from the *Medical Journal of Australia* published last

year, the life expectancy for Indigenous women has increased from 65 to 67.9 years in the past 10 years. This is nowhere near good enough—we must close the gap—but there has been change and there have been improvements. There are actions and there are policies designed to put some practical background behind what we have done to date in this area. On that basis I would like definitely to add my voice to the view that, yes, we must say ‘sorry’ and, yes, we must add a practical aspect to that by supporting the moves that are currently going on in the Northern Territory to assist people to come to a situation where they can go on themselves.

**Senator HOGG** (Queensland) (5.28 pm)—I rise briefly in this debate to support the motion of sorrow that has been passed in this chamber today. I feel that the motion itself is terribly important, because it shows a solidarity with Indigenous people. I use the word ‘solidarity’ very, very carefully, because it is something that people who have known a dispossession come to grips with when they know that those who have possessions are as one with them. I am sure that that is the thrust of what is being put here in this chamber today and what has been put here in the past—that we are at one, feeling a solidarity with our Indigenous Australians who have been so bereft of a real comfort over a long period of time because of many injustices that have been placed upon them. Therefore, I believe that this is an important step in the healing process of this nation.

Of course I support the comments of the Prime Minister and the Leader of the Government in the Senate in this particular debate. I want to refer in particular to the words of the Prime Minister when he referred to the stolen generations as human beings, not an intellectual curiosity. He went on to say they were ‘human beings deeply damaged by the decision of parliaments and governments’.

That is something that has not been focused on, in my view. We are dealing with humanity. We are dealing with human beings who are no different from any of the rest of us. The major difference may well be the colour of their skin. The major difference may well be their opportunity. The major difference may well be their life expectancy. The major difference may well be the hurt that they have suffered. But the reality is that they are human beings and, as such, need to be seen to be treated with the dignity that human beings deserve.

I believe that it is a fundamental right of every individual human being, and no more or no less for our Indigenous Australians, to have the right to that dignity as well, and that that right to that dignity is expressed through the solidarity of the resolution that was passed in the other chamber and this chamber today. That dignity should prevail through the various stages of life. It is not something that is just gained at birth, it is not something gained in youth and it is not something gained simply at the end of life. It is something that is a continuum through life. Of course, with much of the injustice that many of our Indigenous Australians have suffered, they have not had the opportunity to experience the dignity of life that they deserve.

I am not seeking to expand on the apology as a statement as such, because I believe it enunciates the heartfelt and strong sorrow that many of us have experienced in this country for a long time. I share that sorrow and I wholly endorse the apology as adopted by our parliament. I see it, as others have said, as a positive way forward on reconciliation. To express one’s sorrow is important indeed, but then the next step, having expressed one’s sorrow, is not to go back and repeat the errors of your ways. As they say, you do not sin anymore. I think that that is the significance of the statement and the sig-

nificance of the process: that, having recognised our own inadequacies, we have said that we are sorry. It is a sorrow that comes from within the heart, because if one does not have that then the sorrow is shallow indeed. I think the expressions that I have heard in this debate on the issue in general show that the sorrow is deep and heartfelt, and that people genuinely do not want to see a repeat of what has happened previously. I believe that the solidarity shown by the parliament of Australia, and other parliaments before us in the states, will give hope to our Indigenous Australians that there is a future, and a bright future, where their dignity will be respected and will grow because of the respect that we show to each other as human beings. I commend the recommendation of the Senate and I support it fully.

**Senator KEMP** (Victoria) (5.35 pm)—I rise to support the motion regarding an apology to those Indigenous Australians who were forcibly removed from their families and communities under the laws of past state and federal governments. The Leader of the Opposition, Brendan Nelson, has spoken eloquently on this matter today on behalf of the coalition. There has been, as we all know, a longstanding debate on the appropriateness of one generation apologising for another. At least as far as this parliament is concerned, this debate is now over. Nevertheless, there will be a continuing debate in the community on the appropriateness of what the parliament has done today.

Just 11 years ago, in moving a motion of reconciliation, John Howard said the treatment of Indigenous peoples was ‘without any doubt, the greatest blemish and stain on the Australian national story’. That motion recognised the mistreatment of many Indigenous Australians over a significant period and expressed deep and sincere regret that Indigenous Australians had suffered injustices under the practices of past generations

and for the hurt and trauma that many Indigenous people continue to feel as a consequence of those practices. The parliament today has reinforced that statement, in a sense, with the use of the word ‘sorry’.

This is a complex issue. As the Aboriginal leader Noel Pearson said in an extensive article in the *Australian* yesterday:

The truth is the removal of Aboriginal children and the breaking up of Aboriginal families is a history of complexity and great variety. People were stolen; people were rescued; people were brought in chains; people were brought by their parents; mixed-blood children were in danger from their tribal stepfathers, while others were loved and treated as their own; people were in danger from whites, and people were protected by whites. The motivations and actions of those whites involved in this history—governments and missions—ranged from cruel to caring, malign to loving, well-intentioned to evil.

Some of the examples of the removal of Aboriginal children that have been stated before this parliament are simply horrific. They demonstrate that bureaucracies, as well as having the potential for good, also have the potential for great evil.

It is appropriate to say sorry to people who have suffered so dreadfully from the actions of government and its officers. But it would also be wrong not to acknowledge that there were children who were rescued from dreadful circumstances. And there were white missionaries who had the interests of Indigenous people at heart. Noel Pearson refers to a Bavarian missionary who, in his view, will always be a hero.

An apology can have both positive and negative aspects. It will be interesting to see in the coming weeks and months whether the government, having taken this step, reverts to the failed policies of the past or whether, as so many speakers have indicated, this will be the springboard for moving on and ad-

dressing the real causes of Aboriginal disadvantage.

Today's apology is a very specific apology relating to the harm caused by the removal of Aboriginal children from their families. It should not and cannot obscure the fact that the policies which were put into effect by governments prior to the Northern Territory intervention have damaged Aboriginal people over the last 30 years and more. The lives of many thousands of Aboriginal people have been blighted by these failed policies. They are as worthy of an apology as the policy for which we are apologising today.

The road to hell, as the old saying goes, is paved by good intentions. And there is no doubt that the Indigenous policy makers in the post-war period have, in my view, a lot to answer for. Like many parliamentarians, I have visited Indigenous communities in the Northern Territory. One cannot but be struck by the examples of overriding poverty and despair in some of these communities. Indeed, I believe it is a scandal that such circumstances could exist in Australia today. By every measure—life expectancy, child mortality, unemployment, literacy and violence—the policies of the last 30 years have failed. Indeed, some future parliament may well be apologising for our failure.

The Northern Territory government's *Little children are sacred* report showed the shocking conditions in Indigenous communities in the Northern Territory. It summarised:

A number of underlying causes are said to explain the present state of both town and remote communities.

Excessive consumption of alcohol is variously described as the cause or result of poverty, unemployment, lack of education, boredom and overcrowded and inadequate housing.

The use of other drugs and petrol sniffing can be added to these.

Together, they lead to excessive violence. In the worst case scenario it leads to sexual abuse of children.

It is inexcusable that the Northern Territory government had allowed this situation to develop.

What are the policies that have led to this result? Let me summarise some of these policies: unrestricted welfare; reverse apartheid through the permit system; absence of proper policing in many Indigenous communities; failure to control drugs, alcohol and pornography; concealing of abuse by welfare agencies; and almost complete neglect of needs in education, health and housing in remote communities.

My brother, Dr David Kemp, by establishing national standards for numeracy and literacy, exposed, possibly for the first time, the shocking neglect of education for Indigenous children in remote communities in the Northern Territory and elsewhere. These policies, let us not forget, remained in place because of misguided symbolism and political correctness, and stayed in place until John Howard and Mal Brough had the courage to act to save the children. The Howard government, to its enormous credit, broke from the failed policies of the last 30 years when former minister Mal Brough announced the Northern Territory National Emergency Response Bill 2007. Mr Brough said in the second reading speech:

When confronted with a failed society where basic standards of law and order and behaviour have broken down and where women and children are unsafe, how should we respond? Do we respond with more of what we have done in the past? Or do we radically change direction with an intervention strategy matched to the magnitude of the problem?

He went on:

We are providing extra police. We will stem the flow of alcohol, drugs and pornography, assess the health situation of children, engage local



people in improving living conditions, and offer more employment opportunities and activities for young people. We aim to limit the amount of cash available for alcohol, drugs and gambling during the emergency period and make a strong link between welfare payments and school attendance.

Now that the apology has been said, it is time to approach again the pressing issues of the safety of children and the wellbeing of Aboriginal communities. A great deal of work remains to be done.

**Senator McLUCAS** (Queensland—Parliamentary Secretary to the Minister for Health and Ageing) (5.43 pm)—Firstly, I would like to acknowledge the traditional owners on whose country we are meeting today. I would also like to acknowledge all traditional owners and elders across our country. I want to thank Matilda House and her delegation for the generosity of their welcome that we received yesterday. In doing so, I want to congratulate all the people who were involved in that moving ceremony that we witnessed. As Senator Boyce said, this has been on the cards for a very long time and it is wonderful that it has finally become a part of the ceremony of the opening of parliament in this place. I was particularly pleased to hear the Leader of the Opposition commit to continuing with the welcome to country ceremony into the future.

Yesterday heralded a new dawn for relations between Aboriginal and Torres Strait Islanders and non-Indigenous Australians, and that has been built on today. It is an understatement, in my view, to say that today is a historic day for all Australians. The celebration that this parliament has seen throughout today is something that will not be forgotten for a very long time—the laughter and the tears; the emotion; and the people, Indigenous Australians and non-Indigenous Australians, coming together to celebrate an important day in the history of our country. It gives me enormous pride and

a sense of relief today to wholeheartedly support the motion that has been carried unanimously in the Senate and the House today. I commend the Prime Minister, Kevin Rudd, and the Minister for Families, Housing, Community Services and Indigenous Affairs, Jenny Macklin, for all of their efforts to ensure that Indigenous people were consulted about the words in this motion and for planning such a wonderful day here in Canberra. I also agree that today's motion of apology is not about us as senators and members of parliament. It is a day for Indigenous people in particular and a day for all Australians to come together to right past wrongs.

The words of the motion are very important. I encourage all Australians to take the time to read them, to know what they mean and to know personally of the intent behind them. The words are designed to, firstly, recognise the indisputable fact that past actions instigated and/or sanctioned by parliaments and governments resulted in many thousands—we do not actually know the number, but many thousands—of Indigenous children being taken from their mothers and their families because of their race. And that is the key. That is the very significant difference that we need to remember in this debate today. It was because they were black that they were taken. And that is the sorrow that they live with. The words are designed to show that we, as non-Indigenous Australians, want to say that we are sorry for what occurred. As a mother I cannot understand, I cannot imagine the abject loss, the emptiness, that mothers who had their children stolen endured—endured for the rest of their lives in many, many cases. I cannot contemplate the fear that people lived with, waiting for the welfare, hiding their children, as we know they did. The words are drafted to show that we understand the toll that the practices of forced removal, of so-called fostering, of

being placed into unpaid labour, of institutionalisation, have wreaked on Indigenous Australians. The words are drafted to make it clear that we know that much has to be done to bridge the gap between Indigenous and non-Indigenous Australians. The tenor of the Prime Minister's speech and those of many others, including the Leader of the Opposition's, in this and the other place, has been sincere and heartfelt. Australians can take heart from the leadership that has been shown today that we as a nation have taken a very large step towards a reconciled Australia.

In May 1997 I was fortunate to be in attendance at the National Reconciliation Convention. At the end of that convention—a very emotionally up and down meeting—Pat Dodson invited us to walk with him on the road to reconciliation. What we have witnessed today restarts that process of reconciliation anew. I have talked about what the words in the motion say. I think it is also important to talk about what the words do not say. The words do not apportion blame. They do not encourage people to feel guilt. There is nowhere in those words that tries to point a finger at anyone, at any group or any particular government action. There would be no purpose in doing so. The words do not apportion blame nor do they encourage guilt. The words do not seek to advance the value of symbolism above the real and obvious need for improved outcomes in terms of health, education and employment for Indigenous people. It is not one or the other. It is not symbolism or services and programs; it is both. Of course it is both. And that is how it should be. We need as a nation to lay down a marker, to acknowledge the horrifying, unthinkable truth of the stolen generation era and to sincerely apologise. And that is what we have done today.

This morning on the ABC *AM* program an Indigenous gentleman was speaking about

how there are some non-Indigenous Australians who have an understanding of the experience of the stolen generation. He was referring to the child migrants as also being stolen—and that has been referred to in this place today. As we know through the Senate inquiry, along with the child migrants there are many other Australians who have been institutionalised, taken from their families and placed in institutions. I acknowledge the pain of the child migrants and of the so-called forgotten Australians today. I apologise too for the actions of governments that separated those children from their families. There is more to be done in that area as well.

In closing, I want to thank the many Indigenous Australians, Aborigines and Torres Strait Islanders, mainly in North Queensland, who have shared their stories and lives with my family and me. I have felt welcome in their homes and in their communities. I am grateful for the generosity that has been shown to me and for the opportunity to understand better their lives and their culture. I say to those people—I cannot name them all—their generosity and openness has allowed us, my family, to have some understanding of the road that you walk.

I am always in awe of the patience of Aboriginal and Torres Strait Islander people. We know they waited for their vote, they waited for native title, they have waited for education and they have waited for health services. But today's motion means that the wait for the apology to the stolen generation is now over. We are now once again on the path to reconciliation and on the path to closing the gap between Aboriginal and Torres Strait Islanders and non-Indigenous Australians. I wholeheartedly support the motion and commit to working to improving outcomes for Aboriginal and Torres Strait Islanders in Australia.

**Senator TROETH** (Victoria) (5.52 pm)—I also rise to support the apology. Today is a very important day in the life of this parliament and this country. There is no doubt that much of the past policy was undertaken partly in the name of improving the lives of children—supposedly in material ways of measuring happiness. Children were removed from their families with the thought that they could have what were seen as better living conditions and better education with the hope of better eventual employment. But there was no thought given to the family providing an essential underpinning to an individual's emotional life, and that is what we are recognising today, amongst other things.

Over time there is no doubt that both sides of government have attempted to provide practical forms of reconciliation through health, housing, education and employment initiatives. This has been done to the extent that the former government last year spent \$4 billion on Indigenous initiatives. Yet many of the indicators which would signal an improvement in those areas have changed very little, such as life expectancy, infant mortality, progress through primary and secondary school, and sustainable employment. Saying sorry will not change these conditions in the short term. Yet, by acknowledging the emotional scarring that previous policy has caused, I hope we are creating a true feeling of partnership to go forward and start to improve living standards in every way. By 'living' I do not just mean physical conditions but also anticipating and being able to aspire to a physical and emotional standard of living which is due to all Australians.

As a parent, I can only begin to understand what it would feel like to have one child taken from the family, let alone multiple removals, as so many of these cases seem to be. It is no wonder that so many of those parents spent the rest of their often short

lives wondering what had become of their children. They were never to know.

Many of these issues have come together in the expressions of regret by various state governments. I was very pleased last June when former Prime Minister John Howard and former minister Mal Brough announced what is now known as the Northern Territory intervention. I am well aware that not everyone agrees with every aspect of that initiative. I hope the new Rudd government carries on the practical aspects of this reform. We must act now, in concert with state and territory governments, to ensure that conditions improve. There have been many expressions of bipartisanship at the national government level for some time, especially yesterday and today, and I applaud the acceptance of this declaration by the leader of my party, Dr Brendan Nelson. Let us go on with this so that the succeeding generations can note this declaration at the start of this new parliament as the start of a new era and new partnerships.

**Senator WONG** (South Australia—Minister for Climate Change and Water) (5.56 pm)—I rise to speak on the motion before the chamber to take note of the apology. What a historic moment it is. This federal parliament has finally done what ought have been done many years ago, and that is to apologise to Indigenous Australians for this long chapter in our history where people were taken away from their families.

I want to speak briefly about some of the reasons why I believe this apology is so important. In my first speech to this place I spoke about the need for compassion and why compassion, to my way of thinking, ought be the driver for those of us in public life. It ought be that which those who have power remember and seek to implement when engaging in their activities. I said that this notion of compassion really was that

which lay at the heart of a truly civilised society. I also made the point that compassion is what underscores our relationships with one another and that which enables us to come to a place of community even in our diversity. That is a view which I have had for all of my life—or for as long as I can recall; perhaps not when I was born, but certainly for all of the time when I have actually thought about these issues—and it is very much the reason why I have always been since this issue was raised an advocate for an apology. It is an expression, not only of regret but also of apology, that enables us to come to a place of community. It demonstrates an understanding of what was done, of the impact of what was done, and enables us to move forward.

I was engaged for some part of the years of the former Howard government in various antiracism activities at a community level. In that context I once interviewed Lowitja O'Donoghue in a public forum at which she talked about her experience. That was one of the more profoundly moving experiences that I have had. This woman of extraordinary achievement, extraordinary intellect and extraordinary integrity spoke about what it meant for her to have been taken away. For those of you who do not know, Lowitja O'Donoghue was taken away from her mother at the age of two. She, from memory, was one of the young children who were taken eventually to Colebrook, which was a home in the Adelaide Hills actually not far from where I lived when I came to Australia from Malaysia. Lowitja gave all the people in the audience that day an extraordinary insight into what that meant for her and what it meant for her not to have seen her mother for, I think, about 33 years.

The thing that I remember most about that discussion is not just the sadness of the story that was being told but the extraordinary dignity and spirit of forgiveness with which

Miss O'Donoghue spoke. To be honest with the chamber, that was a hallmark of much of the activity I engaged in with Indigenous people on antiracism and other issues before I came into parliament. I have been struck over and over again by the big-heartedness of our Indigenous peoples. How much forgiveness there has been in the way in which they have dealt with me and other non-Indigenous Australians. I have often thought that, if I had been in the same situation and had that sort of history, my anger and bitterness would probably not have enabled me to behave in the ways they did. I have so often been humbled by the dignity, forgiveness and, as I said, big-heartedness of so many Indigenous people with whom I have worked over the years.

I speak in support of this motion firstly, obviously, as someone in this chamber—as an elected representative. But I also want to express my strong personal commitment to this motion and my gladness that we have come to this place. As I have said before, I believe that it is an understanding of the experience of others which enables us to come to a place of community in our diversity. Diversity is a good thing. It is a characteristic of Australian society which has enriched us and it is a characteristic which I believe contributes to a strong, vibrant community. But, in order to ensure that diversity has its most positive manifestation, I believe we must try to understand what it is like for others who are different to ourselves. Non-Indigenous Australians need to come to a place where we have a better understanding of what life has been like in the past and what it is like currently for our Indigenous brothers and sisters.

This is not the day for much partisan politics. I do commend the opposition, after some public comments indicating disquiet on this issue, for eventually supporting this motion. I want to make a couple of brief points

about comments made by the Leader of the Opposition in the Senate in his response in this place on behalf of the opposition. He first made the point that we ought not to judge previous actions by contemporary standards. That is something I have heard said by those who were in the former government and by those who oppose the notion of an apology. It is true that over time human societies develop different notions about what is right and wrong and what is socially acceptable. That is obviously part of what is great about us; we do move forward and we do change. But I want to emphasise this: there are some things which were never right. There are some things which, no matter what time in history they occur, are simply wrong. To try in any way to suggest that, because something occurred in the past when some people and some parliaments thought differently and when some policies were different, it in any way diminishes the moral wrongness of what occurred is incorrect, I believe.

The second point I want to make in relation to the comments made by Senator Minchin and, frankly, by a number of opposition senators is that there was a lot of discussion about the process, criticism of the Prime Minister's release of the apology and so forth. On a day when we are talking about what has happened over many decades in this country to a group of people because they were black and because they were Indigenous, for people to be so concerned about their own processes really does demonstrate a level of self-absorption that is extraordinary. It would seem from some of the comments made in this place that what was happening inside the coalition party room was of more importance to some than the enormity of what has been done today.

As I said, this is a motion that has been a long time coming. This is a motion which ought to have been dealt with in this place

before. I think it is a regret of many people in Australia that for so many years we have failed to see the importance of this symbolic gesture in moving forward. I hope that in the years to come we can look back and say that this was a time when this parliament, on behalf of the community that elects us, and, more importantly, the broader Australian community could acknowledge and apologise for past wrongs and that we then moved forward to do something very different.

Nobody who has argued for symbolic gestures or moments such as this believes that they are the only things we must do. Clearly, there are many practical measures which we have to put in place to redress the unacceptable disadvantage so many of our Indigenous brothers and sisters suffer. But symbolism and ideas are important. We all know that. We are all members of political parties that are not just about practical plans; they are also very much about ideas, philosophies and what we feel in our hearts is right for this nation and this community. Today we have stated as a parliament what we believe is right—that we should say sorry.

**Senator BIRMINGHAM** (South Australia) (6.06 pm)—I rise to support the motion to take note of the apology given today in this place and in the other place. I do so with great pleasure and to make a contribution to this debate on this historic occasion. We, as people, can be terrible and flawed creatures at times. We can inflict harms that make most cringe. We can do wrongs that we dare not speak of. We can inflict wilful pain upon each other and on the environment around us. However, thankfully, very few of us are guilty of inflicting wilful, deliberate acts of pain. Most of us, when we inflict pain or harm, are often ignorant of the pain we are causing. Most of us act with the best of intentions, however right, wrong or misguided those intentions may prove to be in future years and in retrospect.

Today this parliament has taken a stand and apologised for the wrongs of the past committed against the Indigenous peoples of Australia. We have made this expression of sorrow both for the harms inflicted wilfully by some and for the inadvertent or unintended harms of many. As the Liberal Party leader in the other place said in his, I thought, very moving and worthwhile contribution to the apology, each generation lives in ignorance of the long-term consequences of its decisions and actions. Even when motivated by inherent humanity and decency to reach out to the dispossessed in extreme adversity, our actions can have unintended consequences. Consequences unintended and, sadly, in some cases intended, certainly did cause harms and wrong to many of our Indigenous people over the years. They were recognised in the historic *Bringing them home* report released in 1997. Whilst it has taken some time, today this place has done the right thing. Although I may wish it had been done earlier, I am very proud to be a member of the parliament which has said, I believe very genuinely, deeply and overwhelmingly in very heartfelt and sincere terms, that we are sorry for those wrongs which were committed. We have heard many comments in this place and elsewhere reciting very tragic and personal stories of children removed forcibly from loving families, the fact that many people lost touch with their culture or background, others who were forced into child labour, and some, sadly, who were beaten or sexually abused. These are the challenges which generations of Indigenous people have faced and have brought to bear in coming to where we are today. Against that backdrop and many other challenges and issues over the years, it is little wonder that we see the extent of despair, adversity and disadvantage that exists across our Indigenous communities.

As I said earlier in this place, I hope today will mark not just an expression of sorrow but the beginning of healing, a process of forgiveness and, most importantly, an opportunity to move forward. Like many, I know that our Indigenous communities are suffering very deeply. Prior to coming to this place, working at the Winemakers Federation of Australia, I spent time trying to grapple with issues of alcohol and substance abuse, travelling around Alice Springs and the town camps nearby with officers of the Northern Territory Licensing Commission. In those trips it became very clear to me that not just the harms created as a result of that direct abuse but the many wrongs committed over the years gave people a sense of dispossession, having no sense of hope or future about their lives.

I hope in delivering some sense of closure today in this very broadly worded motion that we can achieve progress in many aspects of the tragic history and relationship with Indigenous Australia and ensure that today's Indigenous people, and most importantly the generations to come, enjoy hope and opportunity and feel a sense of worth and wellbeing in our community. We, as parliamentarians, need to make today stand as a proud day in our history. We will only do that if the current government and future governments back up today's words with action. The symbolism of today must go hand in hand with true, meaningful, practical steps. We must ensure the investment is there to genuinely tackle the ills in Aboriginal communities, the disadvantages in health care and education standards and the need for policing and put a stop to the abuse and violence in our Aboriginal communities that we have seen so widely reported.

It is a challenge that many have, sadly, failed to meet. Failure is reflected in the statistics and in the lives of many broken people in Aboriginal communities. The challenge

now falls upon the shoulders of the new government and on each of us, as parliamentarians, to ensure that policies and actions follow up the very great words spoken today in this place and in the other place. I say to the new government that this symbolic step is not enough. It is important. It is a great step, but I hope it will be the first of many steps to deliver a strong and proud future for our Indigenous peoples.

In my first speech to this place just a few months ago, last year, I spoke of the hope that I would see and make a contribution to Indigenous people becoming free of suppression, paternalism or welfarism and enjoying incentives and the respect of the community. Today we have shown enormous respect in this place. I am very proud to have seen that occur, but there is much to be done to ensure the incentives and opportunities that I spoke of.

I note that I am not the only person to have referred back to their first speech, though mine was more recent than most in here—I note Senator Wong, Senator Payne and others have referenced their first speeches in relation to their commitment to healing the wounds in Indigenous Australia and creating advantage and opportunity. So many of us have made that commitment in what is perhaps our most important speech in this place: our first speech. I hope that we can genuinely see that commitment through in the same type of bipartisan, well-meaning and well-spirited manner that we have today, because that is what our Indigenous peoples need. Indeed, we will be much prouder and a much stronger country if today's steps can be taken forward to deliver hope and opportunity for future Indigenous peoples.

**Senator LUNDY** (Australian Capital Territory) (6.15 pm)—I acknowledge the traditional owners of the land that we find ourselves on in this federal parliament and I

support the motion taking note of the apology. Today Prime Minister Kevin Rudd, on behalf of the Parliament of Australia, said sorry to Indigenous Australians for past injustices they experienced as a result of previous government policies. Prime Minister Rudd recognised the devastating impact of previous government policies on the families of the stolen generation, and the dislocation and displacement of whole communities, and he did so in a way that I think encompassed all of the pain, not just of those affected directly but of their families and their extended families, and indeed the long-term impact on whole communities—an impact that continues today.

Saying sorry has been a long time coming, and I know many people in this place and many, many more outside of this place have dreamed of this day, have worked long and hard to make it happen through their own compassion and activism, leading towards this moment. I would like to acknowledge the efforts of everybody who, from the bottom of their hearts, worked towards the positive outcome of a genuine apology emanating from the Prime Minister of this country. It is a historic moment for the healing of the nation. It is as though the warmth and optimism that I felt coming into Parliament House today has permeated the community right around the country.

There is obviously some scepticism and some questions. What happens next? Of course—that is appropriate. But I was truly inspired by the warmth and optimism that was tangible in the building this morning and that I think has been reflected in the extraordinarily gracious generosity of the acceptance of that apology by Indigenous people. I think it is a day from which we can move forward. I have great hope and optimism for that. I applaud the inspired stewardship of Kevin Rudd—and I also acknowledge the very committed work of our Minister for

Families, Housing, Community Services and Indigenous Affairs, Jenny Macklin—in making this a priority for this first sitting of the 42nd Parliament.

There are undisputed facts, as reported in the stolen generations report *Little children are sacred*. Now those facts are firmly imprinted on our collective consciousness, and it is for those facts that today we are saying sorry. We know that between 1910 and 1970, between 10 and 30 per cent of Indigenous children were forcibly taken from their parents. For those of us who have heard the stories firsthand, it is an incredibly emotional experience and one that I think everybody should be able to listen to firsthand, because it is that compelling telling of those stories that makes it real for all of us. We can never share the pain directly, but it makes it real to us in a way that we all acknowledge and accept some responsibility.

It was, of course, the product of deliberate, calculated policies of the state at the time. The powers to take the children away were provided by the parliament of the day—explicit powers provided under statute. This whole experience should make us very humble as legislators. We have seen the harm that misguided policies can cause and we have an immense responsibility to stand up and acknowledge these mistakes, as we have today, as well as to celebrate the successes. The apology is, as I think everyone including the Prime Minister is saying, a first step.

The Rudd Labor government is committed to reducing the gap between Indigenous and non-Indigenous Australians with respect to health, education and life expectancy. These policies will no doubt be challenging to implement. To improve health in a genuine, sustainable, long-term and holistic manner requires attention to and investment in the social determinants of health—housing, education, employment, obviously health ser-

vices, the physical environment and individual and collective self-esteem. This gamut of public policy challenges is, fortunately, an area that we in Australia have a great deal of expertise in. In fact, many of our states do have the capacity to provide the professional guidance, support and public policy inspiration we need to make a real difference. What was lacking in the area of health promotion public policy was the genuine commitment needed by the former federal government to see fit to deploy those resources in a focused and unrelenting way towards a problem that still exists, to our shame—and that is, the health status of our Indigenous population.

Let us hope that we will not have to wait as long to report back positively about the impact of the changes in those policies and the outcomes of investment in education, employment opportunities and health status. Let us hope that this agenda will continue to attract the sort of bipartisan support that I am hearing echoing back across the chamber today from most, if not all, because that gives us all great heart that this really is going to be a concerted effort—not one divided by the partisan politics of opportunism but one inspired by the opportunity to rectify a great wrong.

The weight that has been lying across our collective conscience has been lifted slightly in one corner. We have a way to go, but I think together all Australians, Indigenous and non-Indigenous, will be able to stand tall and walk together at some point in the future with this weight lifted. For my part, I am proud to be part of the moment—I am proudest of the Indigenous people, who have lived their lives with great dignity and who found themselves part of this formality today in the federal parliament of a Prime Minister finally saying sorry.

In closing, I would also like to acknowledge the wonderful initiative in having a



welcome to country ceremony prior to the opening of parliament yesterday. It is a long-standing tradition I know in other houses of parliament and it has been a feature of public events in Canberra for a very long time. The lack of that presence in Parliament House stood out as glaring. It has now been fixed and I too would like to acknowledge the bipartisan support for that continuing tradition. I would like to thank Matilda House and the elders for their participation in a wonderful ceremony that I think will set the tone for that tradition to continue in the future.

**Senator McGAURAN** (Victoria) (6.25 pm)—I speak to the motion before the Senate on our national apology, which both houses of parliament supported today, accompanied by the great national fanfare and feeling. I accept that the Australian people in the great majority want this parliament to come together to settle this longstanding matter. To this end, I express my heartfelt support for the words and feelings in the national apology which in part reads:

To the mothers and the fathers, the brothers and the sisters, for the breaking up of families and communities, we say sorry.

And for the indignity and degradation thus inflicted on a proud people and a proud culture, we say sorry.

... ..

For the future we take heart; resolving that this new page in the history of our great continent can now be written.

... ..

A future where all Australians, whatever their origins, are truly equal partners, with equal opportunities and with an equal stake in shaping the next chapter in the history of this great country, Australia.

The national apology, while accepted as important symbolism, will nevertheless we trust have the very practical effect of healing much of the hurt, pain and anger of those that say that they or their family members

were taken from their family origins at a young age for no other reason than race. That is what we are apologising for today; that is what we are sorry for today. Therefore it is worthy to note, as has been recognised by previous speakers, that the national apology in no way must blanket the history of the good work and good intentions of so many churches and welfare groups that helped Aboriginal children from settlements who were in dire need of help. The distinction ought to be made between the two. It in no way dims the apology but sets out the differences in what is a complex issue. It is probably best put by Noel Pearson, an Aboriginal elder known to all in this chamber, in a very fine and thoughtful piece which he wrote in the *Australian* on Tuesday, February 12. I quote that part of the article, which I recommend to everyone in the Senate, that relates to the point I am making here about the churches. Noel Pearson said:

The truth is the removal of Aboriginal children and the breaking up of Aboriginal families is a history of complexity and great variety. People were stolen, people were rescued; people were brought in chains, people were brought by their parents; mixed-blood children were in danger from their tribal stepfathers, while others were loved and treated as their own; people were in danger from whites, and people were protected by whites. The motivations and actions of those whites involved in this history—governments and missions—ranged from cruel to caring, malign to loving, well-intentioned to evil.

Noel Pearson went on to say:

The 19-year-old Bavarian missionary who came to the year-old Lutheran mission at Cape Bedford in Cape York Peninsula in 1887, and who would spend more than 50 years of his life underwriting the future of—

Noel Pearson's people, in Noel Pearson's words—

cannot but be a hero to me and to my people. We owe an unrepayable debt to Georg ... Schwartz and the white people who supported my grand-

parents and others to rebuild their lives after they arrived at the mission as young children in 1910.

What Noel Pearson said makes a most significant point about an issue that we all concede is a complex one, and it is more eloquently put than what, I thought, was the Prime Minister's very smart alec remark in the chamber today—he said that it was a very crude, post-reformation, theological way of resolving the differences in the churches. It was nothing of the sort; it had nothing to do with theological differences or the post-reformation. It was either a tongue-in-cheek remark or a smart alec remark by the Prime Minister. It was unwarranted on a day like this, and it was a cheap shot at the churches.

Equally, on the subject of cheap shots, I am informed that many of the staffers of the Labor Party—no doubt it was caught on film—turned their backs on Brendan Nelson during his speech.

*Opposition senators interjecting—*

**Senator McGAURAN**—‘That is right,’ say my colleagues. It was done on the grounds that Brendan Nelson raised the issue of the Northern Territory intervention. That was the reason they decided to turn their backs during what was a bipartisan approach to saying sorry.

So, before they become so pleased with themselves in trumpeting their own compassion in this matter, I make the point that, while the Labor Party might be feeling chuffed with itself over this matter—and I have already referred to those who turned their backs and played politics right till the end—I am convinced that the apology is not a case of a change in the political landscape brought about by the new government bringing in this policy. I think the political landscape changed well before the election when we introduced the Northern Territory emergency action. The sea change occurred when

the majority of the Australian people, who might once have been cynical about an apology and thought of it as hollow and lacking meaning, saw definite, practical action being taken by the government. We felt that sea change when we were in government. We felt that the great majority of Australians believed that an apology was acceptable and due because it would be combined with strong, practical action.

I think the sea change came for the Australian people when the great majority wanted an apology, for what they were once very cynical about, because of the strong action taken in the Northern Territory emergency action. So, it would be a tragedy if that action were to be unwound. It has been a marked success, with over 5,500 children in 48 communities now having had health checks, just to quote one figure, although it is probably the most significant figure of all. But to pull out the foundation stone upon which that action was built—that is, the removal of the permit system—would endanger the success of the whole action. The other side must know that it is the most practical action to take. The ability to succeed in the Northern Territory emergency action comes from the abolition of the permit system. Yet, in my judgement, the government are using the reinstatement of it as a symbol of the Left. They have reinstated it and, in so doing, they have unwound the most practical action taken in Aboriginal affairs for many decades.

It would be a tragedy if anything more was unwound; if you were not genuine and you caved in to the pressure I see on the news services to unwind the whole Northern Territory action. If you think I am overdramatising it, when you have staff members turning their backs on the Leader of the Opposition on the grounds that he raised the issue— (*Time expired*)

**Senator CAROL BROWN** (Tasmania) (6.35 pm)—I also rise to speak on Prime Minister Kevin Rudd's momentous and long-overdue apology to the stolen generation—Indigenous Australians who were, sadly, the victims of one of the most shameful chapters in our nation's history. Last year, Mr Rudd made the commitment that, if the Labor Party were to form government, he would take the important and historical step of saying sorry to the stolen generation for the pain and suffering they endured as a result of being forcibly separated from their families. Today he delivered on this commitment. Our Prime Minister said sorry on behalf of the government, on behalf of the Australian parliament and on behalf of the Australian people.

The significance of this important moment in our nation's history should not be downplayed or lost. For many thousands of Indigenous Australians, both those with us and passed, this day has been a long time coming. Indeed, for the past 10 years the possibility of an apology has all but eluded us. However, the election of the Rudd Labor government last year not only put the issue back on the agenda but, as we have seen in the last couple of days, placed the apology to the stolen generation at the very top of the agenda. The significance of this event will no doubt be resounding for years to come, but for now its present and fresh importance should not be lost. It should be enjoyed and celebrated.

The atmosphere in Parliament House over the last two days has come to symbolise the immediate meaning of this event. There has been necessary reflection upon and acknowledgement of the past, but there is also a sense of hope for the future. To me this is the most basic and true meaning of reconciliation: a sincere and heartfelt acknowledgement of what has come before and a genuine

desire to move forward together towards the future.

The apology today was an acknowledgement of a past wrong. It also represented a clear statement of our desire as a nation to move forward as one people. However, the Rudd Labor government acknowledges that the events of today are only the first step of many steps that need to be taken to mend the past injustices suffered by the Indigenous people. Much more needs to be done to bridge the gap that has been allowed to develop over a number of years between Indigenous and non-Indigenous Australians. As the Prime Minister stated today, in this country we are about a fair go for all, and up until now this sentiment has failed to be applied when it comes to Indigenous Australians. The facts speak for themselves in lower life expectancy and poorer health and education outcomes. These people have done it tough.

However, the Prime Minister also stated today that the Rudd Labor government is committed to improving outcomes for Indigenous communities from this point on. The Prime Minister acknowledged that most of the old approaches are not working and that there is a need for a new beginning based on consultative, tailored and local approaches to improving outcomes in areas such as health and education in Indigenous communities. The Rudd Labor government has already committed to a number of policies aimed directly at improving health and education outcomes for young Indigenous children—the future of the Indigenous people's heritage and culture, the future of our country.

I am extremely proud to be a member of the Australian parliament that finally took the important step of acknowledging the wrongs suffered by members of the stolen generation and that has set a positive agenda in working towards closing the gap between

Indigenous and non-Indigenous Australians. Today the first words have been spoken and the first steps have been taken on the road towards reconciliation. Let this day rest in the minds of all Australians as one of hope.

**Senator HEFFERNAN** (New South Wales) (6.39 pm)—Today is a great day for all Australians. I suppose you could say it is a new dawn for the original custodians of Australia. I am a farmer and occasionally I pretend that I own the farm. In fact I am only the custodian of the farm; and, even if you live a long time, you actually do not live very long. This is just a great new opportunity for all Australians and I am very proud of the fact that Australians have displayed great generosity of spirit. Today is the day for our Indigenous people—or as I say in the back country, ‘my blackfella mates’. It is not a whitefella day.

I am not interested in some of the disadvantages where, if you go to different parts of Australia, you will see third-generation unemployed whitefellas in pretty dire circumstances. Today is a great day for Australia to display its generosity. I am not interested in the nuances of who got what. Ever since we got here, the whole thing has been a national disgrace and whitefella habits have inflicted great pain on a lot of our Indigenous people. So I can only say: thank God we have got here to this point today.

My view is that there are people—and there are those who have a different view—who are innocently ignorant of what has gone on in the past. There are a lot of people like that. When I left school I did not know that at Cootamundra, 30 miles from where I lived, there was a place full of young girls who had been taken away. We had no idea. So you can be innocently ignorant of the facts. There are some people—and you can pick it by their language or by their silence—who are passengers of political convenience

on this particular issue and are not in favour of it, but there are other people, in my view, who are just simply moral cowards.

With all human endeavour there is human failure and, sure, some of the things that have been put together over the years have not worked out as they should have. As senators would know, you can go out into any remote community now and find that things are not like they ought to be. The position in some of these communities is still a continuing national disgrace. But if today is going to help heal people who have been seriously disadvantaged directly by what has gone on in the past, and raise their self-esteem by seeing the display of generosity of spirit of the wider Australian community, then I think today is just a magnificent day for everyone to celebrate. It was a great pleasure for me today to see people with smiles on their faces around this place. Sure, one size does not fit all. There are several remote communities that want to live traditionally. They might want to live traditionally with a LandCruiser to assist them, but they still want to live traditionally and share their goods with all the neighbourhood and all the rest of it. That is fair enough.

There are a lot of Indigenous people who want to leave something in their will just the same as whitefellas do. If they get the opportunity they want to better themselves and leave a better situation for their children. I think that we have got to aspire to all the things that have been repeated many times in this place about education, health and all the rest of it. We have got to aspire to putting people in a position where they can own their own home on their own country and leave that home in their will to their kids. It is a pretty simple aspiration, but it is a great builder of spirit.

I am pretty upbeat about the future for our Indigenous people. As I said, ever since the

1700s they have had a pretty rotten deal for various reasons which, today, I am not interested in. Today is a day of celebration. But I have to say that, if you analyse the science of climate change in Australia—the predictions of declining run-off of somewhere between 3,500 and 11,000 gigalitres in the Murray-Darling Basin, which has a total of 23,000 gigalitres and produces 40 per cent of our food from water and 70 per cent including the dry land—and then look at the north, we are the only island continent globally, in my view, that is going to deal with climate change. I know this is a long way from this particular motion, but it is certainly where it is going to finish up. In 50 years time, if the science is right, 50 per cent of the world's population will be water poor, a billion people will be unable to feed themselves, 1.6 billion people will be displaced by climate change, 30 per cent of the productive land of Asia will have disappeared and the food task will have doubled. If Australia can maintain its sovereignty, the new wealth creators are going to be our Indigenous people. That is because, gladly, they own in the Northern Territory, for instance, 45 per cent of the land mass. A lot of that land mass is going to be greatly enhanced by climate change if the science is right.

The ILC is a wonderful opportunity for enhancement by our Indigenous people. They own many, many great properties in Australia, scattered right across the Top End as well as the south end. We have a duty of care to our Indigenous people to make sure that they are the beneficiaries of this new wealth that will come, and that a bunch of shysters and crooks do not intercept it all. So I am greatly gladdened by recent events. I am not interested in the intricacies and the nuances of the language. I just think it is a great day for all Australians and I am so pleased to see our Indigenous people celebrating that, as well as our whitefellas. I

went today, as Senator Moore did, to see the people who feel that things in the Northern Territory are not what they ought to be. What that said to me, Senator Moore, is that all human endeavour has some human failure. One size does not fit all. Obviously there are serious problems, but I am not going to go through them now because today is a day of celebration. I am mightily proud to have had the privilege to be in a parliament that did what we did today. I think that is a great privilege. And, like most things in life, you do not really appreciate them until they have passed you by. I am so proud of everyone in this place today and of the wider generosity of spirit of the Australian people. It is no more complicated than that.

I would hope that the people out at Wadeye see light at the end of the tunnel. For Tobias, who is the associate principal out there, today has gladdened his heart. When you have seen kids who want to go to school but who have no school to go to, it is a great thing that the government has listened to the concerns of the people at Wadeye. They have now got a Centrelink person at the office instead of a phone in a hole in a wall. I think they are all little indicators that Australia is waking up to the rotten deal that our Indigenous people have got. There is an old saying: you should walk a mile in my shoes. The critics who are, in my view, innocently ignorant of the facts ought to try walking a mile in their shoes. I felt like knuckling a few people out there. I struck a bloke out there who has thousands of cattle on an Indigenous property, and I will not repeat the rotten deal that the Indigenous people got out of it, but I felt like smacking him in the ear. It is those things that we want to put behind us. We want to make sure that the people of our Indigenous communities—who are the original custodians of Australia and whose heritage is the most precious thing that Australia has got—who want to live traditionally are al-

lowed to and that those who want to go off and become doctors, lawyers and Indian chiefs can do that too. This is a very complex matter, but it is a day of celebration. I am not the least bit interested in anyone— (*Time expired*)

Debate interrupted.

#### DOCUMENTS

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

#### **Government Response to Commonwealth Ombudsman's Reports**

**Senator BARTLETT** (Queensland) (6.53 pm)—I move:

That the Senate take note of the document.

This report is the latest in a long line of reports from the Immigration Ombudsman and responses from the immigration minister. It is the first response from the Minister for Immigration and Citizenship under the new Labor government, Senator Chris Evans, whom I congratulate in being appointed to that extremely important role.

Senators would recall that the relevant section of the Migration Act, section 486O, was put in place a couple of years ago following a fair bit of agitation from a number of backbenchers in the then government, most notably from the member for Kooyong, Mr Georgiou. Section 486O required the Ombudsman to investigate the long-term detention of every person who was in immigration detention for over a year. I remind the Senate and the community that people in immigration detention have not been charged, let alone convicted, with any offence. It is so-called administrative detention which leads to people being jailed, at least in these cases, for a year or more.

The minister's response relates to 154 assessments made by the Commonwealth Immigration Ombudsman, and I note and welcome the remarks of the new minister expressing his serious concern that so many detention cases have taken so long to resolve. It is over two years since this section was put in the Migration Act and it was meant to assuage community concerns about the large number of people who were in administrative detention—jailed in effect—for years and years without charge or accusation of any wrongdoing. The clear impression given at the time was that the government would investigate all the existing cases and try to minimise, in the future, the likelihood of people being in immigration detention for prolonged periods of time.

But, as the minister's response notes, 12 of the individuals referred to in the Ombudsman's statement remain in immigration detention and he also notes that an additional 61 people currently in immigration detention have been detained for longer than two years. It is important to continue to draw attention to the fact, detailed throughout these reports—and this is just the latest in a long line—that outrageously prolonged jailing of people who have neither been charged with a crime, nor convicted or even accused of any breach of the law, continues to this day and is continuing now. There are 61 people detained in immigration detention for two years or more and they are not all asylum seekers, I should add, as there are a range of reasons why people end up in immigration detention.

The key issues and concerns of the community which were so strong and led to that widely publicised backbench revolt have dissipated since that time, I believe in part because people assume that the problem no longer exists. The problem still exists. I welcome the fact that the new minister has specifically in his response indicated his serious

concern that many of these cases have taken so long to resolve and that there are such a large number of people. Nobody should be jailed without charge or trial for years at a time—that is simply an abomination—yet we have 61 people who have been in administrative immigration detention for two years or more.

I welcome the minister's indication of his desire to try and resolve these cases quickly and that is a positive move. It is a different type of comment to that attached to statements in the past from previous ministers. I note with most cases detailed here that the people who were investigated, who had been locked up for prolonged periods and who had got out, were given permanent protection visas—meaning they were refugees all along. So they suffered that enormous amount of unnecessary trauma of long-term detention, at great taxpayer expense, yet ended up being given visas at the end of it all anyway. I seek leave to continue my remarks later.

Leave granted; debate adjourned.

#### **Reports by the Commonwealth Ombudsman**

**Senator BARTLETT** (Queensland) (6.59 pm)—I move:

That the Senate take note of the document.

This document is rather weightier. I am not able to transmit the size of it through *Hansard*, but it contains about 130 or so cases investigated by the Immigration Ombudsman. These are the details of each individual case. Obviously, in five minutes I am not going to be able to go through them all. But I think that it is important to put on the record the fact that these reports continue to be tabled and the fact that there are so many people still being investigated by the Immigration Ombudsman. I do not know how many of these reports have now been tabled—I should try and find that out—but there would

have been at least 10, if not more, since this part of the Migration Act was put in place. This latest one, as I said, has about 126 cases, all involving individuals who have been in immigration detention for a year or more.

The point must continue to be made that the reason this parliament put in place this section of the Migration Act was to ensure that people did not disappear into the system and to ensure that, any time anybody was in immigration detention for more than a year, their case would automatically be examined by the ombudsman, who is independent of the immigration department. But even though the ombudsman can carry out an investigation, all they can do at the end is provide an assessment and a recommendation, and that is what has happened in each of these cases. Whether to accept that recommendation or not in regard to a particular case is then up to the minister or the department.

As I was just commenting in regard to the minister's response to these cases, the new minister has noted with concern how long it has taken to resolve many of these cases, because a number of times the ombudsman has made a recommendation that consideration be given to giving a person a particular visa and the minister's response has been to consider that but not necessarily to act on it. When we are talking about people who have had their freedom taken away—who are in effect in jail—then it is a serious thing and there is an issue of urgency. You do not just leave someone languishing in jail, let alone somebody who has never been charged with any crime, while you think about what you are going to do with them. It should be an absolute last resort to take away somebody's freedom and it should certainly be an absolute last resort to keep them in that detention environment.

Importantly, these reports made by the Ombudsman into all of these different cases do not just make a recommendation about what should happen in regard to a visa but in most cases detail the person's experiences in detention and in many cases detail the adverse consequences, such as health impacts, of their detention. It does not mention—but I will—that there is also a significant expense involved as well. That does need to be emphasised. If you look at a lot of these people, as I mentioned, a number have ended up with protection visas. But they were in detention for years and years prior to that. This document is a compelling testimony to the pointlessness, futility and—although the report certainly does not use this word—the brutality of locking people up in detention. Some of these people have been locked up for four or five years and then found to be refugees fleeing regimes like Iran, which is widely known as a serious abuser of human rights in regard to many of its citizens. Yet they come here seeking protection and get jailed for four years or more, causing them immense harm.

It is important to continue to draw attention to the fact that these reports appear and to the details of what is in them. There is no point having a section in the act to make sure people do not disappear by requiring these reports to be provided if the reports disappear. I urge people to examine these reports. They are available, I believe, on the Immigration Ombudsman's website. I continue to press for more reform to the Migration Act to ensure that this sort of prolonged jailing of people who are not charged with any offence is brought to an end.

Question agreed to.

### Consideration

The following government documents tabled earlier today were considered:

Australian Government Solicitor (AGS)—Statement of corporate intent 2007-08. Motion to take note of document moved by Senator Sherry. Debate adjourned till Thursday at general business, Senator Sherry in continuation.

*National Security Information (Criminal and Civil Proceedings) Act 2004*—Non-disclosure and witness exclusion certificates—Reports for 2004-05, 2005-06 and 2006-07. Motion to take note of document moved by Senator Sherry. Debate adjourned till Thursday at general business, Senator Sherry in continuation.

Medibank Private Limited—Statement of corporate intent 2008-10. Motion to take note of document moved by Senator Sherry. Debate adjourned till Thursday at general business, Senator Sherry in continuation.

IIF Investments Pty Limited, IIF (CM) Investments Pty Limited, IIF BioVentures Pty Limited, IIF Foundation Pty Limited and IIF Neo Pty Limited—Reports for 2006-07. Motion to take note of document moved by Senator Sherry. Debate adjourned till Thursday at general business, Senator Sherry in continuation.

Gene Technology Regulator—Quarterly report for the period 1 July to 30 September 2007. Motion to take note of document moved by Senator Sherry. Debate adjourned till Thursday at general business, Senator Sherry in continuation.

National Blood Authority—Report for 2006-07. Motion to take note of document moved by Senator Sherry. Debate adjourned till Thursday at general business, Senator Sherry in continuation.

*Crimes Act 1914*—Authorisations for the acquisition and use of assumed identities—Report for 2006-07—Australian Commission for Law Enforcement Integrity. Motion to take note of document moved by



Senator Parry. Debate adjourned till Thursday at general business, Senator Parry in continuation.

Copyright Agency Limited—Report for 2006-07. Motion to take note of document moved by Senator Parry. Debate adjourned till Thursday at general business, Senator Parry in continuation.

Audio-Visual Copyright Society Limited (Screenrights)—Report for 2006-07. Motion to take note of document moved by Senator Parry. Debate adjourned till Thursday at general business, Senator Parry in continuation.

*Telecommunications (Interception and Access) Act 1979*—Report for 2006-07 on the operation of the Act. Motion to take note of document moved by Senator Parry. Debate adjourned till Thursday at general business, Senator Parry in continuation.

*Surveillance Devices Act 2004*—Report for 2006-07 on the operation of the Act. Motion to take note of document moved by Senator Parry. Debate adjourned till Thursday at general business, Senator Parry in continuation.

Australian Law Reform Commission—Report No. 107—Privilege in perspective: Client legal privilege in federal investigations, January 2008. Motion to take note of document moved by Senator Parry. Debate adjourned till Thursday at general business, Senator Parry in continuation.

The following orders of the day relating to government documents were considered:

Commissioner for Superannuation (Com-Super)—Report for 2006-07. Motion to take note of document moved by Senator Nash. Debate adjourned till Thursday at general business, Senator Nash in continuation.

Director of National Parks—Report for 2006-07. Motion to take note of document moved by Senator Nash. Debate adjourned till Thursday at general business, Senator Nash in continuation.

Great Barrier Reef Marine Park Authority—Report for 2006-07. Motion to take note of document moved by Senator Nash. Debate adjourned till Thursday at general business, Senator Nash in continuation.

*Crimes Act 1914*—Controlled operations—Report for 2006-07. Motion to take note of document moved by Senator Nash. Debate adjourned till Thursday at general business, Senator Nash in continuation.

Office of Parliamentary Counsel—Report for 2006-07. Motion to take note of document moved by Senator Nash. Debate adjourned till Thursday at general business, Senator Nash in continuation.

Australian Postal Corporation (Australia Post)—Report for 2006-07. Motion to take note of document moved by Senator Nash. Debate adjourned till Thursday at general business, Senator Nash in continuation.

Australian Government Solicitor (AGS)—Report for 2006-07. Motion to take note of document moved by Senator Nash. Debate adjourned till Thursday at general business, Senator Nash in continuation.

Federal Court of Australia—Report for 2006-07. Motion to take note of document moved by Senator Nash. Debate adjourned till Thursday at general business, Senator Nash in continuation.

Department of the Environment and Water Resources—Reports for 2006-07—

Volume 1—Department of the Environment and Water Resources.

Volume 2—Legislation.

—Motion to take note of document moved by Senator Bartlett. Debate adjourned till Thursday at general business, Senator Bartlett in continuation.

Australian Film Commission—Report for 2006-07. Motion to take note of document moved by Senator Nash. Debate adjourned till Thursday at general business, Senator Nash in continuation.

Attorney-General's Department—Report for 2006-07. Motion to take note of document moved by Senator Nash. Debate ad-

journed till Thursday at general business, Senator Nash in continuation.

Future Fund Board of Guardians and Future Fund Management Agency (Future Fund)—Report for 2006-07. Motion to take note of document moved by Senator Watson. Debate adjourned till Thursday at general business, Senator Watson in continuation.

Australian Customs Service—Report for 2006-07. Motion to take note of document moved by Senator Nash. Debate adjourned till Thursday at general business, Senator Nash in continuation.

*Interactive Gambling Act 2001*—Report for 2006 on the operation of the prohibition on interactive gambling advertisements. Motion to take note of document moved by Senator Bartlett. Debate adjourned till Thursday at general business, Senator Bartlett in continuation.

Australian Federal Police (AFP)—Report for 2006-07. Motion to take note of document moved by Senator Nash. Debate adjourned till Thursday at general business, Senator Nash in continuation.

Department of the Treasury—Report for 2006-07. Motion to take note of document moved by Senator Nash. Debate adjourned till Thursday at general business, Senator Nash in continuation.

Wet Tropics Management Authority—Report for 2006-07, including State of the Wet Tropics report for 2006-07. Motion to take note of document moved by Senator Bartlett. Debate adjourned till Thursday at general business, Senator Bartlett in continuation.

Commonwealth Ombudsman—Report for 2006-07. Motion to take note of document moved by Senator Nash. Debate adjourned till Thursday at general business, Senator Nash in continuation.

Australian Institute of Criminology and Criminology Research Council—Reports for 2006-07. Motion to take note of document moved by Senator Nash. Debate ad-

journed till Thursday at general business, Senator Nash in continuation.

National Native Title Tribunal—Report for 2006-07. Motion to take note of document moved by Senator Bartlett. Debate adjourned till Thursday at general business, Senator Bartlett in continuation.

Office of the Director of Public Prosecutions (DPP)—Report for 2006-07. Motion to take note of document moved by Senator Nash. Debate adjourned till Thursday at general business, Senator Nash in continuation.

Commonwealth Services Delivery Agency (Centrelink)—Report for 2006-07. Motion to take note of document moved by Senator Nash. Debate adjourned till Thursday at general business, Senator Nash in continuation.

Commonwealth Scientific and Industrial Research Organisation (CSIRO)—Report for 2006-07, including financial statements for the Science and Industry Endowment Fund. Motion to take note of document moved by Senator Nash. Debate adjourned till Thursday at general business, Senator Nash in continuation.

National Water Commission—Report for 2006-07. Motion to take note of document moved by Senator Nash. Debate adjourned till Thursday at general business, Senator Nash in continuation.

Family Law Council—Report for 2006-07. Motion to take note of document moved by Senator Nash. Debate adjourned till Thursday at general business, Senator Nash in continuation.

CrimTrac Agency—Report for 2006-07. Motion to take note of document moved by Senator Nash. Debate adjourned till Thursday at general business, Senator Nash in continuation.

Australian Electoral Commission (AEC)—Report for 2006-07. Motion to take note of document moved by Senator Nash. Debate adjourned till Thursday at general business, Senator Nash in continuation.

Australian Transaction Reports and Analysis Centre (AUSTRAC)—Report for 2006-07. Motion to take note of document moved by Senator Nash. Debate adjourned till Thursday at general business, Senator Nash in continuation.

Sydney Harbour Federation Trust—Report for 2006-07. Motion to take note of document moved by Senator Bartlett. Debate adjourned till Thursday at general business, Senator Bartlett in continuation.

Department of Finance and Administration—Report for 2006-07, including financial statements for the Business Services Trust Account. Motion to take note of document moved by Senator Nash. Debate adjourned till Thursday at general business, Senator Nash in continuation.

Australian Commission for Law Enforcement Integrity—Report of the Integrity Commissioner for the period 30 December 2006 to 30 June 2007. Motion to take note of document moved by Senator Nash. Debate adjourned till Thursday at general business, Senator Nash in continuation.

*Privacy Act 1988*—Report for 2006-07 on the operation of the Act, including financial statements for the Office of the Privacy Commissioner. Motion to take note of document moved by Senator Nash. Debate adjourned till Thursday at general business, Senator Nash in continuation.

Remuneration Tribunal—Report for 2006-07. Motion to take note of document moved by Senator Nash. Debate adjourned till Thursday at general business, Senator Nash in continuation.

Administrative Appeals Tribunal—Report for 2006-07. Motion to take note of document moved by Senator Nash. Debate adjourned till Thursday at general business, Senator Nash in continuation.

Federal Magistrates Court—Report for 2006-07. Motion to take note of document moved by Senator Nash. Debate adjourned till Thursday at general business, Senator Nash in continuation.

Department of Transport and Regional Services—Report for 2006-07. Motion to take note of document moved by Senator Nash. Debate adjourned till Thursday at general business, Senator Nash in continuation.

Australian Security Intelligence Organisation (ASIO)—Report for 2006-07. Motion to take note of document moved by Senator Nash. Debate adjourned till Thursday at general business, Senator Nash in continuation.

Australian Research Council—Report for 2006-07. Motion to take note of document moved by Senator Nash. Debate adjourned till Thursday at general business, Senator Nash in continuation.

*Crimes Act 1914*—Authorisations for the acquisition and use of assumed identities—Report for 2006-07—Australian Customs Service. Motion to take note of document moved by Senator Nash. Debate adjourned till Thursday at general business, Senator Nash in continuation.

Indigenous Land Corporation—Report for 2006-07. Motion to take note of document moved by Senator Bartlett. Debate adjourned till Thursday at general business, Senator Bartlett in continuation.

Family Court of Australia—Report for 2006-07. Motion to take note of document moved by Senator Nash. Debate adjourned till Thursday at general business, Senator Nash in continuation.

*Customs Act 1901*—Conduct of Customs officers [Managed deliveries]—Report for 2006-07. Motion to take note of document moved by Senator Nash. Debate adjourned till Thursday at general business, Senator Nash in continuation.

*Native Title Act 1993*—Native title representative bodies—Report for 2006-07—Central Land Council. Motion to take note of document moved by Senator Bartlett. Debate adjourned till Thursday at general business, Senator Bartlett in continuation.

*Native Title Act 1993*—Native title representative bodies—Report for 2006-07—

Northern Land Council. Motion to take note of document moved by Senator Bartlett. Debate adjourned till Thursday at general business, Senator Bartlett in continuation.

Torres Strait Regional Authority—Report for 2006-07. Motion to take note of document moved by Senator Bartlett. Debate adjourned till Thursday at general business, Senator Bartlett in continuation.

Natural Heritage Trust of Australia—Report for 2005-06. Motion to take note of document moved by Senator Bartlett. Debate adjourned till Thursday at general business, Senator Bartlett in continuation.

Administrative Review Council—Report for 2006-07. Motion to take note of document moved by Senator Nash. Debate adjourned till Thursday at general business, Senator Nash in continuation.

Murray-Darling Basin Commission—Report for 2006-07. Motion to take note of document moved by Senator Bartlett. Debate adjourned till Thursday at general business, Senator Bartlett in continuation.

Public Service Commissioner—Report for 2006-07, including report of the Merit Protection Commissioner. Motion to take note of document moved by Senator Nash. Debate adjourned till Thursday at general business, Senator Nash in continuation.

Australian Prudential Regulation Authority (APRA)—Report for 2006-07. Motion to take note of document moved by Senator Watson. Debate adjourned till Thursday at general business, Senator Watson in continuation.

Inspector-General of Taxation—Report for 2006-07. Motion to take note of document moved by Senator Watson. Debate adjourned till Thursday at general business, Senator Watson in continuation.

Superannuation Complaints Tribunal—Report for 2006-07. Motion to take note of document moved by Senator Watson. Debate adjourned till Thursday at general business, Senator Watson in continuation.

Tiwi Land Council—Report for 2006-07. Motion to take note of document moved by Senator Bartlett. Debate adjourned till Thursday at general business, Senator Bartlett in continuation.

Human Rights and Equal Opportunity Commission—Report for 2006-07. Motion to take note of document moved by Senator Bartlett. Debate adjourned till Thursday at general business, Senator Bartlett in continuation.

Department of Immigration and Citizenship—Report for 2006-07. Motion to take note of document moved by Senator Bartlett. Debate adjourned till Thursday at general business, Senator Bartlett in continuation.

Migration Review Tribunal and Refugee Review Tribunal—Report for 2006-07. Motion to take note of document moved by Senator Bartlett. Debate adjourned till Thursday at general business, Senator Bartlett in continuation.

National Health and Medical Research Council (NHMRC)—NHMRC Licensing Committee—Report on the operation of the *Research Involving Human Embryos Act 2002* for the period 1 April to 30 September 2007. Motion to take note of document moved by Senator Bartlett. Debate adjourned till Thursday at general business, Senator Bartlett in continuation.

National Capital Authority—Report for 2006-07. Motion to take note of document moved by Senator Nash. Debate adjourned till Thursday at general business, Senator Nash in continuation.

Migration Agents Registration Authority (MARA)—Report for 2006-07. Motion to take note of document moved by Senator Bartlett. Debate adjourned till Thursday at general business, Senator Bartlett in continuation.

Australian Crime Commission (ACC)—Report for 2006-07. Motion to take note of document moved by Senator Nash. Debate adjourned till Thursday at general business, Senator Nash in continuation.

International Air Services Commission—Report for 2006-07. Motion to take note of document moved by Senator Nash. Debate adjourned till Thursday at general business, Senator Nash in continuation.

Civil Aviation Safety Authority—Report for 2006-07. Motion to take note of document moved by Senator Nash. Debate adjourned till Thursday at general business, Senator Nash in continuation.

National Health and Medical Research Council (NHMRC)—Report for the period 1 January 2006 to 30 June 2007. Motion to take note of document moved by Senator Nash. Debate adjourned till Thursday at general business, Senator Nash in continuation.

General business orders of the day Nos 1 to 4, 6 to 8, 12, 15 to 20, 24 to 26, 28, 31 to 35, 37 to 39, 41, 43 to 48, 51, 53 to 57, 61 to 64, 71 to 77, 79, 80, 83 to 87, 89, 91 to 95, 97 to 104, 108 to 112, 114, 116 to 118, 121 to 123, 125 to 127, 129, 130, 133 to 138, 141 to 143, 145, 146, 148 to 152, 154 to 159, 164, 166 to 168, 170 to 181, 183 to 185, 188 to 191, 195 to 205, 207 and 209 to 211 relating to government documents were called on but no motion was moved.

#### ADJOURNMENT

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

That the Senate do now adjourn.

#### Mr Jack Watkins

**Senator McEWEN** (South Australia) (7.12 pm)—In June 2007 I rose in this place to record the extent to which many South Australian workers and, in particular, former employees of James Hardie had become victims of the debilitating and often fatal diseases associated with that company and the asbestos industry generally. Those victims often included the workers' families and, over time, others unwittingly exposed to the now recognised dangers of the products. At

that time I made particular mention of some people whose long dedication to exposing the dangers of asbestos, as a raw material and in the many product forms it took, was responsible for the education of workers and the public, leading to the legislative prohibition of the product. Two of those noted at the time were Bernie Banton and Jack Watkins.

Bernie Banton died at age 61, in late November 2007, of mesothelioma contracted from working in the asbestos industry. Mr Banton was front and centre in the bitter fight for justice for victims of asbestos diseases, and his passing was marked by tributes from workers and their unions and the parliamentary leaders of all sides of politics. He and his six-year campaign will be long remembered through the compensation fund established as a consequence of his energies.

Bernie had survived Jack Watkins by less than a month. Jack passed away in his sleep on Tuesday, 16 October 2007, as a result of chronic emphysema. He was aged 72. Jack was born in pre-war Birmingham, and his early childhood was marked by the bombings and desolation of that city and the subsequent post-war shortages and poverty of his working-class family. Leaving school at age 13, Jack worked at those labouring jobs reserved for those who, through no fault of their own, were poorly educated. He quickly came to understand the dirty and often dangerous nature of those jobs. He also joined a union, a continuous characteristic and passion throughout his whole life. Jack married young, and his wife, Cathy, became his greatest supporter and a source of inspiration and fierce pride for him. He and Cathy worked hard to provide an upbringing and home life for their two children that was better than their own had been. Despite a measure of success from their labours, in 1966 Jack and Cathy decided to migrate to Australia.

Following their arrival, finding and holding jobs was sometimes difficult for Jack because, despite the need to provide for his family, he could not just 'roll over' when confronted with job issues; he was compelled to speak up. This included advocating for his own and other families over issues arising from their initial hostel accommodation in Adelaide. His preparedness and ability to tackle such issues led to a period as an organiser with the plumbers and gasfitters union. A following stint in the building and construction industry led inevitably to a similar role with the Builders Labourers Federation, which, along with other building unions, was increasingly involved in exposing the incidence of asbestos in the building and construction industry.

The painful death of a union member from asbestos exposure, and the subsequent devastating effect on the worker's family, drove Jack to a focused and lifelong fight for the control and eradication of those materials and for justice for the victims of their effects. As an organiser with the Builders Labourers Federation, Jack was equally at home in arguing his case 'from the stump' at meetings of members, where he made health and safety 'union business', as he was with employers and parliamentarians. His input into formal asbestos awareness campaigns was extensive. Jack's approach to campaign activity was at times very unorthodox but, more often than not, very effective. In circumstances where he believed formal approaches were either too slow or meeting such resistance as to place workers, and indeed the public, at risk, Jack was never one to shy away from direct action. There were many occasions during the early 1970s when workers and the public would arrive at buildings in the central business district of Adelaide to be confronted with a bright yellow sticker emblazoned with a black death's head and the legend 'Danger' affixed to the front

doors. Jack correctly assumed that the ensuing inquiry would provoke awareness of, and action around, asbestos products in those buildings.

A continuing part of Jack's energies was focused on schools where it was found that young people were suffering likely exposure to the material. Perhaps in part as a consequence of him being denied a proper education, Jack had a passion for the continuing education of the young. Through the actions of Jack Watkins and others, South Australia as a state now enjoys a reputation as a national leader in asbestos safety management and legislative control. Such has not always been the case. During a period of time when the South Australian parliament was debating early legislation for the control of asbestos, Jack was confronted with an instance of lunacy—presumably industry led—suggesting that asbestos was so safe you could eat it. Appalled that such dangerous, indeed life-threatening, nonsense was being repeated in the parliament, Jack again took direct action. During the debate, from the Strangers Gallery, he sprinkled a white substance to the chamber floor below. The reaction from those parliamentarians below was not as if they were receiving manna from heaven; rather, it was described as pandemonium. In the midst of this, Jack was arrested, handcuffed and brought before the Speaker. Charged with contempt of parliament, Jack was banned from its precincts for three years and he was forbidden to even mount the steps of parliament house. For that period his presence at parliament house demonstrations was always publicly acknowledged as being from 'the terrace below'.

Jack later pointed out that his action was not driven by contempt but by frustration that the rate and pace of legislative change was not such that it prevented injury, illness and death of workers. He understood very well the powerful tools provided by legisla-

tion and was a tireless worker for, and later major architect of, South Australia's asbestos laws. The resultant publicity was, however, a platform from which Jack would capably argue the case to ban the production and use of asbestos and to control and restrict, where necessary, the use of other dangerous and injurious materials. In 1979 the South Australian government established the Asbestos Advisory Board, in the affairs of which Jack participated as a member from inception until his death. During the late eighties the then South Australian Trades and Labour Council appointed Jack as the council's Asbestos and Toxic Waste Liaison Officer to coordinate trade union and associated campaigns and to establish and maintain one of the very first asbestos registers in Australia. It is a mark of Jack's commitment that, after the grant funds were exhausted, he continued the project without any salary.

Jack fought both state and federal governments for the remediation of the Islington Railway Workshops site, in Adelaide, and its conversion to a public park. The site was finally cleared of asbestos and toxic wastes, landscaped and named the Jack Watkins Memorial Park. Jack insisted that it stand as a tribute to workers who have died from an asbestos related disease. In 2001 Jack was awarded the Centenary Medal for services to workplace health, particularly in the area of asbestos investigation and education. From its formation in 2005, he became President of the Asbestos Diseases Society of South Australia and was a member of the Asbestos Victims Association and the Asbestos Coalition.

Often described as an industrial 'hard man'—and most certainly a formidable opponent—Jack was also a man who was awed by the natural world and had an intense love of the written word, poetry and verse. He was a proud man, dedicated to his family, and the death of his wife, Cathy, from cancer

was a profound loss to him. Jack was posthumously awarded the inaugural lifetime achievement award for occupational health and safety by SafeWork SA. The citation notes his decade-long contribution at the grassroots level in advocating for and supporting those affected by asbestos. Jack's participation in the development of South Australia's asbestos laws and regulations will long stand as testimony to his dedication and activism and is his legacy to workers and their families.

His commitment and achievement remains an inspiration to those continuing in the struggle to prevent asbestos disease and to secure justice for those already afflicted. Jack's passing should also stand as a reminder to those of us who can effect positive change that the work to avoid or ease the suffering of those with industrial diseases is far from over. A thumbnail of Jack's life and activism appears in the book *Movers and Shakers*, which was launched just two days after his death. That book records stories of activists who have made a difference in South Australia. Jack Watkins was certainly a mover and shaker.

#### Ms Lorna Lane

**The PRESIDENT** (7.21 pm)—I would like to draw the attention of senators to the fact that this will be the last sitting week for one of our longest-serving attendants, Lorna Lane. There are not many of us here today who would have worked in this chamber longer than Lorna. Lorna started as a parliamentary security attendant in 1989 and transferred to become a Senate attendant in 1996. She rose to be the chamber supervisor in 2003 and has remained in that role since.

It is a mark of the efficiency of the attendants that their contribution to this place often goes unnoticed, but it is because of their work that this chamber can function smoothly. The attendants deliver an excellent

service to all senators, occasionally in somewhat difficult circumstances.

As the chamber supervisor Lorna has shown great attention to detail and precision in the setting up and operation of this chamber. Senators can have no better example than the hard work that has gone into preparing this chamber for the various events of this week. Lorna and all the attendants deserve our thanks and appreciation for that.

On behalf of all senators, Lorna, thank you for your dedication and commitment to the task. We wish you well in the future and congratulate you on your long contribution to this chamber.

**Honourable senators—Hear, hear!**

**Australian Women's Land Army**

**Senator WATSON** (Tasmania) (7.23 pm)—Tonight I rise to pay special tribute to the Australian Women's Land Army, whose members served the nation with such grit and determination and to whom our nation really owes so much. The Australian Women's Land Army was created specifically to overcome the shortage of rural workers due to the men joining the armed forces. During the Second World War, the demand for labour had become critical, particularly in rural industries necessary to feed, clothe and equip military personnel while trying to maintain the maximum possible supplies of food for the general population.

In my home state of Tasmania in August 1940 a meeting was held in Launceston to assess the viability of forming a women's land army in Tasmania, similar to the one that was already operating in Great Britain. By 1941 it was estimated that there were 235 women from all walks of life working on farms throughout Tasmania. Recruits were required to be between 18 and 50 years of age, and many of these women were able to continue with their university education or jobs in the city but gave up their holiday time

to fulfil their commitment to such a worthy cause.

By November 1941 the foresight of the group of women in 1940 was recognised when the Tasmanian state government provided funding for the building of accommodation and facilities for the Australian Women's Land Army Training School at the Cressy Research Station—a model that was later replicated right across Australia. At Cressy, trainees were given up to eight weeks of intensive training in all aspects of general farm work. With the working day starting at 6.30 am, each trainee was given the chance to experience every type of work that they might be expected to do when they left the school to go out to their assignments. Lectures were also given three nights a week, and only a very small percentage of trainees failed to qualify over the three years the school operated.

The fact that 90 per cent of the trainees were from non-rural backgrounds perhaps highlights the sense of adventure and patriotism displayed by these very dedicated women. They left their jobs in offices, department stores and factories to try something completely unknown in a world full of total strangers. Land army members worked outdoors in all weather conditions, from full sun in summer to icy, cold and wet conditions in winter. They worked in shearing sheds, milked cows and followed the harvest season for fruit and vegetables. They learned to drive tractors, harness teams of horses correctly, pitch sheaves of grain, press straw and tend stock. Perhaps the most telling indication of their contribution to the war effort was the huge increase in the production of flax—a product critical to the manufacture of rope, uniforms and tents for the armed forces. Nationally between 1939 and 1944 flax production increased from 2,000 acres to 40,000 acres.



The friendships and the camaraderie formed during this time carried these women through remarkable feats of physical endurance, loneliness and hardship. Their work and dedication to duty won the respect of initially very sceptical farmers. The concept, strongly supported by Tasmanian Dame Enid Lyons, Australia's first female member of the House of Representatives, became national in July 1942 and was administrated under the Commonwealth Department of Labour and National Service, with a recommendation to improve the status of the Australian Women's Land Army by instituting it as a fourth women's service.

In January 1943 cabinet endorsed the status of both divisions of the Australian Women's Land Army, full-time members and auxiliary members, as the 'official fourth service'. The organisation was to be formally constituted under the National Security Regulations. However, a final draft of these regulations was not completed until 1945 and was not acted on before the end of the war and the demobilisation of the Australian Women's Land Army. Despite the vital contribution to the broad Australian war effort throughout the three years from its formation to the end of the war, the Australian Women's Land Army was not given the status of military service and therefore its members were not accorded the same benefits as members of other women's services. At the end of hostilities and on its demobilisation on 30 November 1945, there were over 2,500 members of the Australian Women's Land Army—many of them foundation members of their state organisations who had provided five years of hard physical work and dedicated service to their country.

It is perhaps a sad reflection of history that, until 1985, members were denied the opportunity to march on Anzac Day in the bigger city parades and were denied the opportunity to join the RSL until 1991, some

46 years after the end of the war. Their lack of status also led to the destruction of service records. In 1997 many members became eligible for the Civilian Service Medal in recognition of their contribution to the Australian Women's Land Army and other wartime organisations that contributed to the war effort. Many of the longer-serving members of the women's army regard it as a very small token gesture of appreciation to women who had given so much of their youth, and they believe their efforts did indeed match that of the women from the other services.

Honourable senators, as you can appreciate, the types of actives undertaken were especially detrimental to the physical health of such women when you consider that the training was very brief and, even more importantly, that it did not cover good lifting practice. They lifted heavy bags of wheat and chaff, which were indeed heavy in those days. They lifted these heavy bags of grain and vegetables on a regular basis. Further, much of their work, as in hand weeding or turning flax for days on end, involved bending from the waist. It is also interesting to note that no medical examinations were given upon discharge. Many have for the rest of their lives suffered from health conditions, including back pain, arthritis and mobility problems, no doubt due to the heavy physical work undertaken while serving with the army.

Mrs Jean Scott's book, *Girls with Grit: Memories of the Australian Women's Land Army*, published in 1986, is an excellent publication. The back cover contains the following quotation, which I believe reflects the outstanding contribution of those women and the Australian Women's Land Army:

On the farms and in the dairies,  
On the outback station runs,  
Those girls with grit are needed,  
Just as much as men with guns.

Post-war Prime Minister Ben Chifley stated: On this Parliament rests the responsibility of seeing that the right thing is done.

There is little doubt that the 'right thing' was done for the enlisted ex-service men and women, but sadly not for the members of the Australian Women's Land Army. As a member of a very grateful nation I personally say, 'Thank you for a job well done,' and strongly advocate that members of the Australian Women's Land Army be granted the recognition and entitlements they deserve through a formal legislative approval of it as the fourth arm of the women's services. I think that that action would indeed be a small tribute to such wonderful women. I thank the Senate.

#### **Organ Donation**

**Senator CAROL BROWN** (Tasmania) (7.32 pm)—I rise to speak tonight on the vital but often delicate issue of organ donation in Australia. The issue is set to attract renewed attention and debate in the coming months, beginning with Australian Organ Donation Awareness Week, running from next Monday, 17 February to Monday, 24 February. This includes a national media campaign to raise community awareness about the urgent need for organ and tissue donation in Australia.

Following the National Organ Donation Awareness Week, the Tasmanian Legislative Council Select Committee on Organ Donation is due to table its report in March. I understand that the National Clinical Taskforce on Organ and Tissue Donation, established by the former Minister for Health and Ageing in 2006, is also set to hand down its report, including its views on the principles for reform of the national organisational infrastructure for organ donation. All this momentum on the issue of organ donation nationally and in my home state of Tasmania in the coming months promises to stimulate renewed debate regarding the best way of im-

proving organ donation rates and ultimately access to organ transplants in Australia.

As most of you are probably already aware, Australia has one of the highest success rates for organ transplants in the world, with on average 90 per cent of patients still alive a year after their operation. The success rate for kidney transplant recipients is even higher, with an average of 96.5 per cent of kidney transplant recipients alive one year on. These figures undoubtedly prove that the choice to donate one's organs in Australia can and does in fact result in real outcomes in the saving of lives. They also provide a source of hope for all those Australians and their families who are in need of an organ transplant. Indeed, it is estimated that one organ donor can potentially save up to as many as 10 Australians in need of transplants. The precious value of the decision to donate is proven by the fact that last year alone, while only 198 Australian were able to successfully donate their organs, roughly 626 were able to receive an organ transplant.

Unfortunately, these overwhelmingly positive figures regarding the success rate of organ transplants in Australia are not matched by overwhelmingly positive figures regarding the rate of organ donation. Sadly, while Australia has one of the highest success rates for organ transplants in the world, it also has one of the lowest rates of organ donation. In real terms this means that, while a patient's chances of survival after an organ transplant are very high, their chances of actually securing an organ suitable for transplant are much lower. For the majority of Australians waiting for an organ transplant their biggest battle is in fact in waiting for and finding a suitable donor. Currently there are approximately 1,800 Australians suffering from life-threatening illnesses awaiting an organ transplant. It is estimated that 100 of these people will die before they are actually able to receive an organ donation.

With over 90 per cent of people in Australia indicating that they support the concept of organ donation, the tragic and possibly avoidable loss of these lives just does not make sense to me. In light of the success rates of organ transplants and the widespread public support for organ donation, something needs to be done to improve the rate of donation in Australia. This is simply the only difference between those 100 extra lives being saved or lost. However, while in theory the solution may seem relatively simple, in practice there are various factors that need to be clearly considered.

As I acknowledged earlier, while improving organ donation rates in Australia needs to be, I believe, a national priority, the issue itself is a sensitive and delicate one. The issue of organ donation is an intrinsically difficult one, as to save one life another must first be lost. Therefore, under the current system, a person electing to donate their organs is by nature first forced to face their own mortality to a degree, which for some can be quite challenging and confronting. Likewise, there is the task of communicating such wishes to loved ones, who often have difficulty conceiving the stark reality of such a decision. Further, for such families, if they are ever faced with the reality of such a decision, it could not come at a more emotionally challenging time. On the other hand, patients awaiting a transplant and their families are forced with the difficulty of balancing their desire to receive an organ with the reality that this must first result in the loss of another life.

The reality is that for many the decision to donate their organs ends up being an emotionally charged one as, inevitably, it is associated with death. However, as anyone who has had the pleasure, as I have had, of meeting either a transplant recipient or a patient awaiting a transplant would know, their concept of the decision to donate is quite a dif-

ferent one—it is one of overwhelming life. For these people, the selfless decision by another to donate their organs quite simply converts for them into a second chance at life. These people have often been forced to endure the challenge of living with a life-threatening illness for a significant period of time and the receipt of a suitable organ often signifies the end of their pain and anguish and a chance to start afresh.

During the course of the inquiry by the Senate Standing Committee on Community Affairs into the patient travel assistance scheme last year I met a number of people on dialysis awaiting kidney transplants and their courage was commendable. The majority, because of their age, were faced with the prospect of dialysing three times a week for the remainder of their lives and never receiving a transplant. Despite this, I had one particular gentleman tell me that he himself planned, if he was able, to donate the rest of his organs, although he doubted his kidneys would be much use to anyone. For me, this comment epitomised what it means to be a donor—it is all about giving.

In a recent paper, Andrew Lawrence rightly points out that, 'Organ transplants extend life, enhance the quality of life and reduce health costs.' Speak to any successful transplant recipient and they will confirm the validity of the first two points. And compare, as Lawrence does, the cost of maintaining a patient on dialysis with the immediate cost of an organ transplant, and the third point is also true. Lawrence estimates that haemodialysis for one patient costs around \$50,000 a year, whereas the cost of a kidney transplant is under \$15,000 and only an extra \$15,000 to \$20,000 is required for ongoing treatment for transplant patients. Further this means in real terms that if 1,500 patients awaiting a kidney transplant received successful transplants, at least \$22.7 million, on the above estimates, would be freed up in the health

system in the first year to be spent elsewhere. Therefore, while not only being the best available treatment for patients suffering from, in this case, kidney failure, organ transplantation also results in a reduction in the costs associated with that patient care. Yet, as I noted earlier, despite all this—despite 90 per cent of Australians supporting organ donation, despite there being more patients waiting for organs than there are donors, despite transplantation being cheaper and the best available option for the treatment of a patient suffering from organ failure—Australia still has one of the lowest organ donation rates in the world.

As I pointed out earlier, there are currently two separate reports due to be handed down in the next couple of months at both state and federal level which will examine ways in which the rate of organ donation in this country could be improved. I personally would support any initiative which results in a real increase in the number of organ donors in Australia, and I believe that all appropriate options should and need to be considered. However, not wanting to pre-empt any findings or outcomes likely to come out of the two separate reports, experience here and overseas highlights several factors which play a pivotal role in lifting rates of donation, including the quality of the health system and services available and the actual programs used at the coalface in hospitals to identify potential donors.

Obviously the continued success rates of organ transplantation in Australia will depend on the health system's capacity to cope with an increased number of transplant patients and surgeries in the event of an increase in the rate of donations over the next couple of years. The Rudd Labor government has established a \$2 billion national health reform plan, to be implemented over the next four years, to improve Australia's health system and ensure better health ser-

vices for patients in hospitals, including reducing waiting times for those requiring essential hospital services such as organ transplants. This reform plan will ensure that hospitals around Australia will, over the next four years, be better equipped to handle any increase in the number of organ transplant surgeries likely to occur as a result of an increase in the number of donations. Likewise, the national health reform plan will facilitate a range of options including the resources available to hospitals when it comes to the implementation of programs aimed at increasing and identifying potential organ donors. Because only one per cent of patients who pass away are suitable candidates for organ donation, effectively coordinated programs in hospitals used to identify potential donors are crucial.

**The PRESIDENT**—Order! Senator Carol Brown, your time has expired.

**Senator CAROL BROWN**—I seek leave to have the remainder of my speech incorporated in *Hansard*.

Leave granted.

*The incorporated speech read as follows—*

A 1991 study found that 509 of families of potential donors were never asked about donation because the medical staff on hand did not consider organ donation a possibility.

We have come some way to address this issue, and a 2006 study found that about 209 of potential donors in Victorian hospitals were missed.

Evidence from here and abroad suggests that effective donor identification programs in hospitals can result in considerable increase in organ donations.

After opting to implement some features of the 'Spanish-based model' of organ identification program in 1996, South Australia saw a rise in donations from 14 donors per million to 24 donors per million in 1998.

Since then South Australia's rate of donation has been around 20 donors per million—double the nation's average of 10 donors per million.

The South Australian model involves medical donor coordinators identifying potential donors in hospitals who, together with the transplant coordinators, discuss with families the deceased wishes about organ donation. This type of support is essential not only to help identify potential donors but also to assist grieving families through what can be a difficult period. I would personally advocate the implementation of a standardised program based on the South Australian model, in ultimately all Australian hospitals. As the South Australian example proves, such a program has the potential to lift organ donation rates in Australia and thus save more Australian lives.

I understand that the Australian Health Ministers' Council recently agreed to continue funding for the National Organ Donor Collaborative until at least June 2009. The National Organ Donor Collaborative was launched in 2006 and has delivered very promising results.

The Collaborative involves training hospital teams in 26 hospitals throughout Australia in collective learning, enabling best practice to be replicated within their hospital. The Collaborative has been endorsed by health professionals as a major initiative for organ donation. It is seen as a means of developing networks and linkages across states and hospitals; between ICU, emergency and donor agencies; and between organ, eye and tissue donation. It provides an opportunity for diverse health professionals to work together, focused solely on donation.

Over the coming months I very much look forward to the two reports due to be handed down in Tasmania and on a national level which are set to consider these issues in more detail. As I stated earlier I am more than prepared to support any measure that results in the rate of organ donation in Australia increase in the future.

In the meantime I commend all those working in the sector for the tireless work that they put in each year to promote this worthy cause. I would eagerly encourage each of my colleagues to support them in their up and coming National Organ Donation Awareness week campaign—I know that I certainly will be.

### Drought

**Senator NASH** (New South Wales) (7.42 pm)—I rise tonight to talk about drought. That may seem a little incongruous, given that all we seem to be hearing on the radio and seeing on television at the moment is the plenitude of rainfall around the country, but, unfortunately, there are many places in this country that still have not received reasonable rain. As a representative of rural and regional Australia—

**Senator Abetz**—And a very good one!

**Senator NASH**—Thank you for your interjection, Senator Abetz—I do not want to slip under the radar how many farming communities are still suffering very much from the effects of drought. It is quite easy to listen to radio reports and believe that the whole country is being inundated by rain from the heavens, but it is not entirely true. It is great to see the water where it has happened. It is wonderful for producers in the regions where it has rained, but we have to remember, particularly in this place, that there are many people who still have not received rain. It is vitally important to recognise that, even where we have received rain, the effects of the drought continue. In some areas across this country we have had drought for up to seven years and it takes more than a few inches of rain here or a shower of rain there to alleviate the effects of drought. This is an incredibly serious issue because it affects not only farming families but farming communities. There are flow-on effects right throughout rural and regional communities, and knock-on effects when there are no farm incomes to flow on to the agricultural sector—to local agribusinesses, the local fuel station, the local newsagent, local supermarkets, local clothes shops, the local chemist and the local butcher. They are all people in the community with families who deserve to know that the government in

this place is the doing the best they possibly can for them.

Having had a change in government, we are now starting to see the government's approach to those rural and regional communities, and I must say that I have been absolutely appalled to see that approach because that approach has been to put in place measures that cut spending to rural and regional Australia. I know that Labor, with their new-found fiscal responsibility and this wonderful attitude they now have to this fiscal responsibility, think it is important to cut spending, but they have started with the bush, with rural and regional Australia. They have started with the very people who are least able to cope with the funding cuts. I reiterate: one shower of rain does not change the effects of seven years of drought. Actually I did notice that it was the Minister for Finance and Deregulation, not the Minister for Agriculture, Fisheries and Forestry, who put forward these cuts, which I find quite surprising, really. As hard as I have searched I cannot see where the agriculture minister has (a) had anything to do with this—so maybe he has been completely sidelined—or (b) made any comment on nearly \$500 million worth of cuts to regional Australia; he is the agriculture minister. A lot has been made about him coming from Beverly Hills in Sydney. I do not particularly care; I just want an agriculture minister to do a good job.

**Senator Abetz**—Who cares?

**Senator NASH**—Thank you, Senator Abetz, I will take that interjection—who cares? Minister Burke keeps running around the countryside saying, 'I'm a city boy and I know they'll know better than me.' He hides behind the fact that he is a city boy but thinks he is still going to do a good job. Maybe he will, but we certainly have not seen any sign of it yet. Travelling around the countryside from one state to another does

not mean you are doing a good job as a minister. The proof of the pudding is in the eating but, so far, all we have seen from the agriculture minister is a bunch of cuts to rural and regional people.

The most interesting thing is that these communities are some of the poorest in the country—some of the lowest socioeconomic communities in this country. But what has the razor gang done? The razor gang has targeted rural and regional communities, which I think is appalling. It is not fair and it is not right. What we have seen is nearly \$100 million cut in drought assistance. What government minister would think of cutting assistance to regional communities at the end of seven years of drought? Apparently, from what I have been able to glean from what Minister Burke has said, it is because we have had some showers of rain—it is all more optimistic—and the forecast is good. He has not gone into the lounge rooms of those people who have not had a decent income for years and years, but the forecast is good so therefore 'we'll cut the program'. If that does not show how out of touch Labor are with regional communities I do not know what will. These are working families that are trying to put food on the table, make ends meet, get through this drought and find some light at the end of the tunnel. They are hopeful that they will make it through and be able to stay on their farms and keep producing food and fibre for this nation.

But what do Labor do? They cut funding to regional drought programs. I do not know about anybody else in this chamber but, to me, that is stupid. Around this country I am sure people would be asking, 'Why on earth are the government doing this?' There are a range of other things in this trillion-dollar economy that they could perhaps have started with rather than rural and regional Australia. They should be ashamed that they have taken nearly half a billion dollars away

from rural and regional communities at this time—hopefully we are potentially coming to the end of the worst drought in Australia's history—and it shows a lack of empathy and understanding. I suggest that the minister do a lot more travelling around, because, from what we are looking at now, so far he probably has not helped at all. But then again maybe it was out of his hands; maybe it was the finance minister. Maybe the agriculture minister had absolutely nothing to do with it.

**Senator Abetz**—Like Senator Wong.

**Senator NASH**—Like Senator Wong—they had absolutely nothing to do with it because they have no input and they are not taken seriously. We have only to look at a couple of other programs that have been cut, including a \$10 million cut from drought research. Senator Wong is continually going on about climate change and the importance of dealing with that—and it is important—so why on earth would you cut funding to drought research? We know that this is one of the driest continents in the world, and we know that we are going to be facing drier times, but what do the Labor government do? They cut funding to drought research.

We are continually hearing Labor saying how important skills are and that they are the only ones who can fix it, but they have slashed nearly \$50 million from the apprenticeships incentives for agriculture and horticulture program. I might be missing something here but these are skills that Labor are continually talking about yet we see the slashing of an apprenticeships program. It has become a clear Orwellian case—they think that, if they keep saying things, the people out there in the Australian community will believe them. Well, our job here is to make sure that they realise the truth of what is going on here.

There are other things like ending the extension that was proposed to the living away

from home allowance for Australian school based apprentices. These are working families. These measures were put in place to help them, but Labor are cutting the funding to them. They are working families in rural and regional Australia who were hoping against hope that their worst fears would not be realised—that Labor might not be like the Labor of old but actually be prepared to do an empathetic job. But, no, we are not so lucky. People need to realise what Labor are going to do—what they are starting to do to rural and regional Australia—and be aware that it is not fair, not right and not on.

**Senate adjourned at 7.52 pm**

## DOCUMENTS

### Tabling

The following government documents were tabled:

Audio-Visual Copyright Society Limited (Screenrights)—Report for 2006-07.

Australian Broadcasting Corporation (ABC)—Equity and diversity—Report for 1 September 2006 to 31 August 2007.

Australian Government Solicitor (AGS)—Statement of corporate intent 2007-08.

Australian Law Reform Commission—Report No. 107—Privilege in perspective: Client legal privilege in federal investigations, January 2008.

Copyright Agency Limited—Report for 2006-07.

*Crimes Act 1914*—Authorisations for the acquisition and use of assumed identities—Report for 2006-07—Australian Commission for Law Enforcement Integrity.

Gene Technology Regulator—Quarterly report for the period 1 July to 30 September 2007.

IIF Investments Pty Limited, IIF (CM) Investments Pty Limited, IIF BioVentures Pty Limited, IIF Foundation Pty Limited and IIF Neo Pty Limited—Reports for 2006-07.

Medibank Private Limited—Statement of corporate intent 2008-10.

*Migration Act 1958*—Section 486O—Assessment of appropriateness of detention arrangements—Personal identifiers 221/07 to 346/07—

Commonwealth Ombudsman's reports.

Commonwealth Ombudsman's reports—Government response.

National Blood Authority—Report for 2006-07.

*National Security Information (Criminal and Civil Proceedings) Act 2004*—Non-disclosure and witness exclusion certificates—Reports for 2004-05, 2005-06 and 2006-07.

*Surveillance Devices Act 2004*—Report for 2006-07 on the operation of the Act.

*Telecommunications (Interception and Access) Act 1979*—Report for 2006-07 on the operation of the Act.



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**QUESTIONS ON NOTICE**

The following answers to questions were circulated:

**Tasmania: Wedge-Tailed Eagle****(Question No. 10)**

**Senator Bob Brown** asked the Minister representing the Minister for the Environment, Heritage and the Arts, upon notice, on 12 February, 2008:

Is the Minister aware of the study by Forestry Tasmania and the University of Melbourne which assessed the increased risk of extinction of the giant Tasmanian wedge-tailed eagle if logging goes ahead as planned in north-east Tasmania; if so: (a) what is the risk posed to the eagle; and (b) what action is the Minister taking to reverse that risk.

**Senator Wong**—The Minister for the Environment, Heritage and the Arts has provided the following answer to the honourable senator's question:

I am aware of the study by Forestry Tasmania and the University of Melbourne. I understand that this study formed part of the evidence in the *Brown v Forestry Tasmania 2006* court case.

The 1997 Tasmanian Regional Forest Agreement (RFA) and the 2005 Supplementary Agreement provide the long term policy framework for biodiversity conservation and sustainable forestry. Under the RFA Tasmania is responsible for forestry operations. The 10 year independent review of the RFA is currently underway and this provides an opportunity to consider progress in meeting the RFA commitments, including in relation to forest management practices and biodiversity conservation.

I also understand that the Tasmanian Forest Practices Authority is currently conducting a review of its Forest Practices Code, which regulates the on ground operations of forestry activities. It is expected that management prescriptions for threatened species will be considered as part of this review.

**Tasmania: Wood Supply Agreement****(Question No. 12)**

**Senator Bob Brown** asked the Minister representing the Minister for Agriculture, Fisheries and Forestry, upon notice, on 12 February, 2008:

In regard to the wood supply agreement signed by Forestry Tasmania and Gunns Limited in November 2007:

- (1) What was the role of the Commonwealth Government in the signing of the agreement and was it consulted?
- (2) Does the Government accept the 20-year arrangement, which is valid until 2027; if so, is it consistent with the Tasmanian Regional Forest Agreement, due to expire in 2017?

**Senator Sherry**—The Minister for Agriculture, Fisheries and Forestry has provided the following answer to the honourable senator's question:

- (1) The Government played no role in the signing of the wood supply agreement between Forestry Tasmania and Gunns and was not consulted. The Tasmanian Government has the Constitutional power to determine wood supply arrangements from public forests in Tasmania.
- (2) The Government recognises the need for a long-term wood supply agreement for an investment of this magnitude. The 20-year arrangement is consistent with the Tasmanian Regional Forest Agreement, as the Agreement does not limit Forestry Tasmania from entering commercial contracts, which extend beyond the current life of the Regional Forest Agreement.

**Sustainable Cities Program  
(Question No. 101)**

**Senator Allison** asked the Minister representing the Minister for the Environment and Water Resources, upon notice, on 10 January 2008:

With reference to the Sustainable Cities program, negotiated by the Australian Democrats with the Howard Government as part of the Measures for a Better Environment package in the 2003-04 Budget:

- (1) In regard to the National Travel Behaviour Change Project: (a) has the project been completed; if so, can a report be provided on its effectiveness, by state; (b) is the project still anticipated to cause a reduction of 1.23 million tonnes of carbon dioxide equivalent emissions between 2008 and 2012; if not, why not; and (c) what was/will be the final cost of the project.
- (2) In regard to the project to install cycling facilities at public transport nodes: (a) how many secure bike lockers have been provided and where are these lockers situated; (b) did the project meet the stated objective of encouraging greater use of bicycles for trips to and from public transport nodes; if so, by how many trips; and (c) what was the final cost of the project.
- (3) In regard to the development of national standards for fine particles and air toxics: (a) has the National Environment Protection Council (NEPC) established an advisory reporting standard for fine particles (PM2.5) under the National Environment Protection (Ambient Air Quality) Measure (AAQ NEPM); if so, can a copy be provided of the reporting standard; (b) has a review been conducted of this standard; (c) has a decision been made on the establishment of a full mandatory standard; if so, what was the decision; if not, why not; (d) was an Ambient Air Toxics (AAT) NEPM established to cover benzene, formaldehyde, polycyclic aromatic hydrocarbons, toluene and xylenes; if not, why not; (e) was an issues paper and a discussion paper prepared in relation to the amending the AAT NEPM to include goals and standards for twelve other air toxics (1,3 butadiene, acetaldehyde, arsenic and compounds, cadmium and compounds, methyl ethyl ketone, methyl isobutyl ketone, nickel and compounds, styrene, tetrachloroethylene, trichloroethylene, polychlorinated biphenyls and polychlorinated dioxins and furans); if so, when will the AAT NEPM be amended to include goals and standards for air toxics that the NEPC considers appropriate; if not, why not; and (f) what research has been conducted into the links between pollutants and health effects, in order to inform the process of amending the AAT NEPM.
- (4) In regard to the national fuel quality standards for petrol and diesel: (a) what progress has been made towards a fuel quality standard for: (i) fuel grade ethanol and ethanol/petrol blends, (ii) diesohol, (iii) low density diesel, and (iv) Fischer-Tropsch diesel; (b) what equipment was acquired and deployed for mobile fuel testing to enhance the enforcement of fuel standards; (c) has a report been prepared on compliance with fuel standards; and (d) can details be provided of all breaches of fuel standards since 2003.

**Senator Wong**—The Minister for the Environment, Heritage and the Arts has provided the following answer to the honourable senator's question:

- 1 (a) NO – The project has not been completed.
- (b) Some milestone reports suggest that travel behaviour change outcomes may be lower than anticipated. However, an accurate picture of outcomes and reasons for any decrease will not be known until all projects and corresponding reports have been completed.

Though the project is expected to exceed the requirement to deliver travel behaviour change to 185,178 households, it has been suggested by project operators that the methodology agreed for calculating abatement may have been flawed from the start and that this may affect abatement outcomes originally anticipated.

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- (c) The final cost of the project will be \$21,382,387. Of this, the Commonwealth Government's contribution will be \$6,487,000.
- 2 (a) Approximately 2,000 secure parking spaces consisting mainly of lockers, but also bicycle cages, have been added to public transport networks in Sydney, Melbourne, Bendigo, Brisbane, Adelaide, Perth, Fremantle and Darwin.
- (b) YES - Project reports indicate that trips to and from public transport nodes increased but cannot be quantified until all facilities are completed and usage is assessed from occupancy levels or surveys.
- (c) The Commonwealth Government contributed \$1,839,848 to the cost of projects to install cycling facilities.
- 3 (a) YES - A copy of the fine particle Advisory Reporting Standard is available from the Department of the Senate table office.
- (b) YES - A review of the Ambient Air Quality National Environment Protection Measure (AAQ NEPM), which includes the fine particle Advisory Reporting Standard, commenced in 2005 and is scheduled for completion in late 2008.
- (c) NO - A decision on a mandatory standard for fine particles will be dependent on the outcome of the AAQ NEPM review.
- (d) YES
- (e) NO - An issues and a discussion paper is normally part of the NEPM review process. Amendments to the Air Toxics NEPM (AT NEPM) to include additional air toxics, including the 12 identified, will be considered as part of the AT NEPM review, scheduled to commence in 2008.
- (f) The Department's Clean Air Research Program, scheduled for completion in 2008, includes five projects on air toxics, which will inform air toxics management strategies, including possible amendments to the AT NEPM.
- (4) (a) (i) Proposed amendments to the Fuel Standard (Petrol) Determination 2001 to give effect to the fuel grade ethanol standard have been drafted and administrative processes are underway to bring amendments before Parliament. The petrol determination currently limits ethanol levels in petrol to 10%.
- (ii) A proposal for the management of diesohol through the Section 13 approvals process is currently being finalised.
- (iii) Low density diesel is currently managed through the Section 13 approvals process under the Act. Expert opinion indicates that there is no compelling case at this stage for lowering the density parameter in the diesel determination.
- (iv) There is no intention at this stage to develop a fuel standard for Fischer-Tropsch diesel.
- (b) The Department purchased and staffed two mobile fuel testing trucks. Both vehicles carry a near infrared liquid analyser to screen fuels at the point of sale for compliance with fuel quality standards.
- (c) Yes, a report on the operation of the Fuel Quality Standards Act 2000 is published each year in the Department's Legislation Annual Report.
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(d) Details of breaches are as below:

Number of Samples	2004/05	2005/06	2006/07
Compliant	809 (93%)	985 (92%)	2250 (97%)
Alleged Fuel Quality Breach	33	72	55
Alleged Ethanol Labelling Breach	27	12	16
<b>TOTAL</b>	<b>869</b>	<b>1069</b>	<b>2321</b>

South East Petroleum Pty Ltd was convicted of three breaches of the Fuel Quality Standards Act 2000 on 25 July 2007 and fined \$150,000 in Dandenong Magistrates Court.

### Sustainable Cities Program

#### (Question No. 102)

**Senator Allison** asked the Minister representing the Minister for the Environment, Heritage and the Arts, upon notice, on 12 February 2008:

With reference to the Sustainable Cities program, negotiated by the Australian Democrats with the Howard Government as part of the Measures for a Better Environment package in the 2003-04 Budget:

- (1) In regard to the development of national standards for industrial residues: (a) have the timeframes for milestones in the Chemicals Action Plan for the Environment been met; if not, which milestones have not been met and why; (b) when will standards be developed; and (c) why are standards not referred to in the plan.
- (2) In regard to the national response to priority chemical pollutants: (a) what progress has been made on a national program to address persistent chemicals in the environment, including endocrine disrupters, polycyclic aromatic hydrocarbons and brominated flame retardants; (b) what progress has been made on: (i) research into the Australian context, (ii) technical and management guidance documents, (iii) national action plans on emissions, and (iv) national environment protection measures on priority chemical pollutants; and (c) was a globally harmonised system for the classification and labelling of chemicals implemented by 2006, as agreed; if not, why not.
- (3) What progress has been made on extending the National Pollutant Inventory in keeping with the recommendations of the independent review conducted by Professor Ian Rae, including pollutant transfers.
- (4) In regard to national information on the state of the environment in cities: what progress has been made towards providing additional quantitative indicators and data for the chapter on human settlement in the state of the environment reports, including urban metabolism models for cities and a better understanding of the origin, destination and spatial dynamics of waste flows.

**Senator Wong**—The Minister for the Environment, Heritage and the Arts has provided the following answer to the honourable senator's question:

- (1) (a) The majority of the Chemicals Action Plan's milestones are being met as per the original specified timeframes, with two minor exceptions:
  - Action D (vii) relates to cooperation with the National Industrial Chemicals Notification and Assessment Scheme (NICNAS) in relation to the Australian Inventory of Chemical Substances and the development of educational material. Progression of this work is on hold, pending the outcomes of the reform by the NICNAS of its information resources; and
  - Action F (i) relates to the development of a household education program resource package. Drafts of this package have been circulated to and commented on by members of the EPHC Chemicals Working Group, and the package is being refined to address those comments.

- (b) The EPHC published the “Guidance for Assessing the Beneficial Reuse of Industrial Residues to Land Management Applications – A National Approach” in September 2006. This guidance paper, and information regarding its development, is available from the EPHC’s website at [www.ephc.gov.au](http://www.ephc.gov.au).

In addition, the CSIRO has been commissioned to undertake a second-stage study to contribute to Section B of the national approach guidance, “Criteria for assessing proposals to re-use and recycle industrial residues to land”. This project will confirm the list of those chemicals that should not be permitted in fertilisers, produce a list of substances or materials that pose a low potential risk if present in fertiliser and guideline limits for them, and produce a list of substances or materials that pose a high potential risk if present in fertiliser and may require further risk assessment to determine guideline limits and/or loadings for them. The study is scheduled for completion and consideration by the EPHC in late 2008 or early 2009.

- (c) The development of national standards for industrial residues is not included in the Chemicals Action Plan as the Plan is primarily directed towards issues of chemical assessment and management associated with the decisions of the NICNAS, and to a lesser extent, the Australian Pesticides and Veterinary Medicines Authority (APVMA). It implements the National Framework for Chemicals Environmental Management – NChEM.

The EPHC’s work on industrial residues is being progressed through EPHC’s Waste Working Group.

- (2) (a) The Department of the Environment, Water, Heritage and the Arts (DEWHA) undertakes the environmental risk assessment of industrial, agricultural and veterinary chemicals for the relevant national chemicals regulators, the NICNAS and the APVMA.

Specific considerations for endocrine disruptors have been included in the Environmental Risk Assessment Guidance Manuals recently completed by the DEWHA. As agreed in the Chemicals Action Plan for the Environment, these manuals were released for public scrutiny and comment in late 2007. The DEWHA is currently developing a summary of issues raised in submissions for further consideration by the EPHC’s Chemicals Working Group.

With regard to polycyclic aromatic hydrocarbons, the Air Toxics National Environment Protection Measure (AT NEPM) was established in 2004. The AT NEPM sets ambient air benchmarks, and monitoring and reporting protocols for a number of priority air toxics, including polycyclic aromatic hydrocarbons.

With regard to brominated flame retardants (BFRs), the DEWHA published three studies in 2006 which examined levels of polybrominated diphenyl ethers (PBDEs) in Australia. These studies measured levels in aquatic sediments, indoor environments and human blood. The results have informed the assessments of several brominated flame retardants currently being undertaken by the NICNAS as part of its Priority Existing Chemicals Assessment program. The DEWHA is undertaking the environmental risk assessments of these BFRs for the NICNAS. The NICNAS has taken regulatory action for two BFRs, permanently prohibiting import or production of octa brominated diphenyl ether and placing an interim ban on penta brominated diphenyl ether pending completion of the assessments.

At the international level, several polybrominated flame retardants are expected to be nominated for listing at the next meeting of Parties to the Stockholm Convention on Persistent Organic Pollutants in 2009. The Convention commits governments to reducing, and where feasible eliminating, the production and release of POPs. Australia ratified the Convention on 20 May 2004.

- (b) Land and Water Australia, in cooperation with the CSIRO, in November 2007 published the outcomes of a joint three-year pilot project to gain a better understanding of occurrence and

risks of endocrine disruptors in the Australian riverine environment. The report is available from Land and Water Australia's website at [www.lwa.gov.au](http://www.lwa.gov.au).

Action on brominated flame retardants is described in response to Question 2(a) above.

The EPHC is coordinating national scrutiny and review of procedures for environmental risk assessment of new and priority existing chemicals. DEWHA undertakes environmental risk assessments for consideration in the overall assessment of new and existing chemicals carried out by the NICNAS and the APVMA. The DEWHA's environmental risk assessments are undertaken consistent with the guidance manuals described in the response to Question 2(a).

The Ambient Air Quality National Environment Protection Measure (AAQ NEPM), which sets ambient air standards for the criteria, or common, air pollutants, was revised in 2003 to include an Advisory Reporting Standard for fine particles. The AAQ NEPM is currently undergoing review, which will assess the latest information on the sources and impacts of these pollutants. The review is scheduled for completion in 2008. The Air Toxics NEPM (AT NEPM) was established in 2004 and sets ambient air benchmarks, and monitoring and reporting protocols for benzene, formaldehyde, toluene, xylenes and polycyclic aromatic hydrocarbons. A process will commence in 2008 to assess further air toxics for possible inclusion in the AT NEPM.

- (c) NO - A globally harmonised system for the classification and labelling of chemicals (GHS) had not been fully implemented in Australia by 2006, or in some of its major trading partners. There are several reasons for this:
- Responsibility for the development of the GHS lies with the United Nations Economic and Social Council, and specifically with its Sub-Committee of Experts on the Globally Harmonized System of Classification and Labelling of Chemicals (UNSCEGHS).
  - The GHS sets out a globally harmonised system for the classification of chemical hazards and proposes consistent communication of those hazards through labelling and safety data sheets. It encompasses three categories: physical, health and environment.
  - In Australia, work is well advanced in the development of a new regulatory framework for workplace hazardous chemicals. Work in other chemical sectors has been difficult to progress. This is in part because of limited international guidance. For example, UNSCEGHS has not completed the environmental classifications needed under GHS. While there are classifications for acute aquatic hazards, there are no finalised GHS classifications for terrestrial hazards. The DEWHA, when providing its assessments of environmental impacts of chemicals to the NICNAS, includes the aquatic GHS classifications.
  - Progress also has been slowed by the variety of sectors and regulatory regimes relevant to GHS implementation. The GHS would potentially extend to chemical substances and mixtures falling under the regulatory systems for workplace chemicals, industrial chemicals, scheduled poisons, transport and dangerous goods, and consumer products, as well as agricultural chemical end use products. As a harmonised approach across Australia is essential, states and territories also need to agree on the GHS before its implementation.
  - The issue of GHS implementation is being considered as part of a Productivity Commission study being undertaken in support of the COAG ministerial taskforce which is to develop measures to achieve a streamlined and harmonised system of national chemicals and plastics regulation. The Productivity Commission study is expected to be finalised by September 2008. It is likely that the work of the COAG ministerial taskforce will strongly influence the implementation of the GHS in Australia.

- (3) A full review of the NPI was undertaken in 2005 by the environmental consultants Envirolink. Following this review NEPC (which is made up of Australian, State and Territory Environment Ministers) agreed to prepare a variation to the NPI National Environment Protection Measure (NEPM).

The Variation considered a number of policy inclusions (including the transfers of waste) and operational issues. Professor Ian Rae was a member of the independent Technical Advisory Panel which formed part of the Variation process.

At its meeting in June 2007, NEPC agreed to all aspects of the variation except the proposal to remove the current exemption for aquaculture facilities to report to the NPI.

The variation to the NPI NEPM will expand the programme to fulfil its potential as a major environmental management and cleaner production tool, whilst also fulfilling its role as an accessible information source for the community and other stakeholders.

The changes under the variation include:

- reporting of transfers of NPI substances in waste to final destination
- inclusion of new substances to the current list
- lowering the threshold for mercury and compounds
- updating of industry training material and making major improvements to the database and website, and
- other operational matters identified in the NPI Review Report including the introduction of a new on-line reporting and calculation tool.

The recent NPI NEPM variation information and supporting documentation can be found on the NPI website at <http://www.npi.gov.au>

- (4) A detailed study of material stocks and flows, including an analysis of urban metabolism models for cities, was developed by the CSIRO for the 2006 Australian State of the Environment Report. The study focuses on urban settlements of contrasting types and scales: the coastal and inland towns of Coffs Harbour and Shepparton and the South-East Queensland (SEQ) conurbation centred on the coastal city of Brisbane, and includes analysis of the generation and disposal of waste.

The study, entitled State of the environment report on human settlements: stocks and flows indicators has been published on the department's State of the Environment Reporting website:

<http://draft.environment.gov.au/soe/2006/publications/technical/stocks/index.html>

The data from this study were used to develop and populate a composite indicator: HS-48 Material Flows in Human Settlements, which is reported at:

<http://draft.environment.gov.au/soe/2006/publications/drs/indicator/341/index.html>

The study was also referenced in the human settlements theme commentary at:

<http://draft.environment.gov.au/soe/2006/publications/commentaries/settlements/index.html>

It is not mentioned in the SoE 2006 Committee's final evaluation report.

No analysis of material and waste flows at the national or continental scale has been undertaken.

### **Port Phillip Bay Channel Deepening Project**

#### **(Question No. 105)**

**Senator Allison** asked the Minister representing the Minister for the Environment, Heritage and the Arts, upon notice, on 12 February 2008:

In regard to the Minister's approval, on 20 December 2007, of the Port Phillip Bay channel deepening project, under section 133 of the *Environment Protection and Biodiversity Conservation Act 1999*:

- (1) What were the reasons for the decision.

- (2) Why were these reasons not released at the time the decision was announced.
- (3) Why were no further studies called for or conducted into the impact of the action, given the changes in scope since the Supplementary Environment Effects Statement was prepared, to which the conditions contained in the decision refer.
- (4) When will the Port Phillip Bay Environmental Management Plan (EMP) be made public.
- (5) Will there be an opportunity for public comment before the approval of this plan.
- (6) (a) Why was it considered necessary to require that an amount of \$500 000 or more be provided by the proponent and used for the management, monitoring and/or improvement of the Port Phillip Bay (Western Shoreline) and Bellarine Peninsula Ramsar site; and (b) what advice was relied on in arriving at this amount.
- (7) (a) Why was it considered necessary to require that an amount of \$100 000 or more be provided by the proponent and used to observe and monitor migratory bird species; and (b) what advice was relied on in arriving at this amount.
- (8) (a) Is it the case that, under the conditions, the Port of Melbourne Corporation must only report failures to comply with the EMP once annually; and (b) does this mean that greater impacts than those predicted in the Supplementary Environmental Effects Statement may go unreported and not acted on for up to 12 months; if not, what is the process for reporting such performance failures.
- (9) Why is there no requirement in the EMP to monitor the impact of toxic sediment on Port Phillip Bay beaches.
- (10) Will the EMP address the management of the transport and disposal of 23 million cubic meters of soil from the project.

**Senator Wong**—The Minister for the Environment, Heritage and the Arts has provided the following answer to the honourable senator's question:

- (1) My statement of reasons explains my decision. It is available on my Department's website.
- (2) The statement of reasons was prepared in response to a request of 20 December 2007 under the Administrative Decisions (Judicial Review) Act 1977, within the statutory timeframe set out under that Act.
- (3) There have been no changes in scope since the preparation of the Supplementary Environment Effects Statement.
- (4) The Environmental Management Plan will be publicly available once it is approved. I understand the Port of Melbourne Corporation will post it on their website.
- (5) The public was given an opportunity to comment on the draft Environmental Management Plan contained in the Supplementary Environment Effects Statement.
- (6) Refer my statement of reasons.
- (7) Refer my statement of reasons.
- (8) No. The EMP contains additional reporting requirements.
- (9) The requirements of the EMP under the Environment Protection and Biodiversity Conservation Act 1999 relate to the protection of coastal areas in the Ramsar wetland areas.
- (10) Yes.