

A review of the highlights of 2006

AUSTRALIAN DEMOCRATS' PARLIAMENTARY YEAR
2006

Another very short sitting year with just 58 sitting days for the Senate to deal with more radical legislative changes to our social fabric – changes to electoral law, media ownership rules, environment and land rights law, and workplace relations. The Senate is a Chamber of review but its ability to properly scrutinise legislation and other Government policies was again severely curtailed by the lack of sitting time and other opportunities to deal with complex policy and issues. The August 'restructuring' of the Senate's committee system exacerbated the situation. Despite this, the Australian Democrats continued to be influential in the Chamber and with the committee system.

Performance of the Senate

A watch on secret Government business

The Senate continued to move motions ordering the Government, or its agencies, to release documents they would rather keep to themselves. The Government used its Senate majority of 1 to vote down 13 of these requests, with only one agreed to and complied with – a Democrats request relating to applications submitted to the Food Standards Australia New Zealand for genetically-modified foods. A further Democrats request for a report on developments in assisted reproductive technology was complied with without the motion having to be moved in the Chamber.

Democrats requests voted down:

- documents relating to taxation claims made by the owners of the Melbourne City Link road – one of many public/private partnerships that is negotiated in secret despite costing taxpayers millions
- reports on the privacy impact and costings of the Government's access card proposal – two central concerns with this hastily progressed legislation
- data relating to studies conducted by the CSIRO on genetically-modified foods

Questioning the Government on matters they would also rather keep to themselves

The Democrats asked 185 questions during the year, 48 of them in the Chamber during 'Question Time'. The remainder were asked in writing to Ministers. Our opportunity to ask questions in the Chamber may have been curtailed by the

A review of the highlights of 2006

Government but questions in writing and at Senate Estimates are usually a better way of extracting information on what Government is actually up to.

Some of the many issues pursued included:

- treatment of Guantanamo Bay detainee Mr David Hicks
- accountability and transparency of political donations
- phone and radio services in north-west WA during emergencies
- water flows in our major river systems
- Australian Wheat Board and the Iraq bribery scandal
- safety-net, costs, and decisions relating to drugs and the Pharmaceutical Benefits Scheme
- indigenous communities, funding, and poverty
- fuel prices and alternative fuels
- qualifications for midwives
- pregnancy support counselling policy
- child protection policy
- climate change
- uranium, from digging it up to selling it
- nuclear industry proposals for Australia
- voluntary student unionism transition funding

Bringing to light some of the Government's policy failures

Democrats Senators brought on for debate the following urgent issues as matters that the Government needed to act on immediately:

- the need for long-term commitment by all parties and levels of government to address the health and housing situation faced by many Indigenous people
- the need for child protection to be a national priority
- the need for the Government to develop its own plan to withdraw all Australian troops not involved in personal security roles from Iraq as soon as practicable
- the urgent need to address the plight of Australians still living in poverty

Democrats Senators put 74 motions to the vote during the year highlighting various failures of Government policy and raising awareness of issues that needed Government action. 21 of our motions were agreed to. Some of the major issues raised included:

- smoking and related health issues
- abuse of the elderly in aged care facilities
- political accountability and transparency of public appointments

A review of the highlights of 2006

- prohibition of donations, loans, gifts to political parties by developers
- detention of Mr David Hicks
- the stalled nuclear non-proliferation treaty
- human rights abuses in Timor-Leste, Papua New Guinea, Burma, Vietnam
- reaching solutions for the Iraq and Israeli/Lebanon conflicts
- initiatives for the protection of the climate and the environment
- indigenous rights
- women and violence
- separation of church and state
- cost of fuel
- sexual health and relationships education
- funding education and supporting students

Democrats Senators also made 52 adjournment and lunchtime matters speeches raising many other issues of public policy.

Work on legislation in the Chamber

The Senate dealt with 169 bills in 134 packages this year, an average of 2.9 bills per day. Democrats Senators spoke to 90 packages of legislation, and moved amendments to 42 individual bills.

Some Democrats successes included:

- commitment of \$1.9 billion in funding for mental health services as a result of the Democrats-initiated and chaired inquiry into mental health
- protection of genetic privacy in Federal law as a result of 8 years of lobbying by the Democrats for such protection
- removal of the decade old health minister's power of veto over RU486, bringing women a safe alternative to surgical abortion. This breakthrough was initiated by the Democrats as amendments to legislation and subsequently dealt with as a private bill, the first of its kind to be sponsored by women across parties and won in a conscience vote.
- amending legislation to allow scientists to better explore the therapeutic potential of embryonic stem cell research – the bill initiated by the Democrats and taken up by a former minister as a private bill which was again won on a conscience vote. This bill and the one above were only the 10th and 11th private Senators' bills to be passed into law since Federation.
- mechanisms suggested by the Democrats to allow wheat farmers to bypass the disgraced AWB to export their next season crops were put into law by a Government bill

A review of the highlights of 2006

Bad policy opposed

The Democrats continued to try and make bad legislation better and moved over 240 amendments but the Government used their majority of 1 in the Senate to defeat all of them. These included:

- defining acceptable use of force by defence personnel in the Aid to Civilian Authorities Bill
- strengthening corporate governance in the Future Fund's board
- defining 'spouse' to include defacto and same-sex partnerships in tax, superannuation and other types of benefits legislation
- privacy protections and safeguards against misuse of the latest anti-terrorism and ASIO laws
- risk reduction for children exposed to abuse, neglect or family violence in a Family Law Bill
- 'appointment on merit' clauses to various government boards and agencies being established such as the Cancer Council, Institute of Family Studies, Commission for Law Enforcement Integrity
- trying to save the biofuel industry in the Fuel Tax Bill
- control of the misuse of taxpayer's funds for the Government's political advertising
- raising the tax-free threshold to help low-income earners
- ways to deal with the abuse of market power in the retail petroleum industry
- preventing ANSTO from handling high level radioactive waste
- removing the cap that commercial radio pays for its use of music recordings
- removing capital gains tax advantages for foreign investors
- retrospectivity applications for Royal Commissions

Democrats also opposed outright as bad policy the following bills which became law with the Government's Senate majority of 1 ensuring their passage:

- closure of the student financial supplement scheme
- abolition of the Australia Research Council Board
- re-enactment of the controversial 2003 ASIO (Terrorism) Act
- changes to the Electoral Act implementing early closure of the electoral roll (disenfranchising thousands of mostly young people) and increasing the threshold for disclosure of donations for political parties from \$1,500 to \$10,000
- watering down of the rights of traditional landowners in the Northern Territory
- abolition of the staff-elected representative position on the ABC Board

A review of the highlights of 2006

- mutual recognition with New Zealand of air operations without proper safety and economic effects of the change properly established
- reduction of union involvement in workplace health and safety procedures
- changes to the cross-media rules that led to a host of takeovers and concentration of ownership
- changes to bail and sentencing law precluding customary law or cultural practice being taken into account in Indigenous communities
- radioactive waste management changes making it easier to override NT law and bypass traditional owners for the siting of nuclear waste dumps
- weakening of the Environment Protection and Biodiversity Conservation Act
- treatment of independent contractors in industrial relations law
- sale of Medibank Private
- final sale of Telstra

Democrats moved to disallow the following Government regulations on the grounds of bad policy but the moves were blocked by the Government's numbers:

- overturning of the Federal Government's quashing of the ACT Government's Civil Unions Act
- changes restricting the family component of our migrant intake
- combining the communications and travel allowances for MPs in large electorates

Democrats also opposed the Government's motion selling its shares in Snowy Hydro, voting against the Opposition as well who supported the sale. The campaign to stop the sell-off was won later with our involvement when the Government did a backflip and the sale fell through.

Private Senators' bills

Democrats Senators introduced 17 Private Senators' bills this year, and one draft bill was tabled. In an unusual move, 12 of these bills were to amend just one Act – the Migration Act – to reverse the negative provisions that have removed the rights of refugees, asylum seekers and migrants over the years.

- Protecting Children From Junk Food Advertising Bill 2006
- Same-Sex Marriages Bill 2006
- Migration Legislation Amendment (Migration Zone Excision Repeal) Bill 2006 and

11 other bills

- Privacy (Extension to Political Acts And Practices) Amendment Bill 2006)
- Cluster Munitions (Prohibition) Bill 2006
- Pregnancy Counselling (Truth In Advertising) Bill 2006 (joint party bill)

A review of the highlights of 2006

- Somatic Cell Nuclear Transfer (SCNT) and Related Research Amendment Bill (draft exposure bill)
- Great Barrier Reef Marine Park (Protecting the Great Barrier Reef from Oil Drilling and Exploration) Amendment Bill 2003 (joint party bill restored)

Democrats Senators brought on for debate our Sexuality and Gender Identity Discrimination Bill 2003 – although debate did not come to a vote, the Government (and Opposition) indicated that they supported the intent to end discrimination but would do so differently to the ways outlined in our bill (same old argument!).

Work in the Parliament's Committees

The decline in the number of social and policy issues being referred to the Senate committees continued this year as the Government used its majority to block most of our initiatives. The Government also used its majority to make the reporting dates very short and to limit public hearings so adequate scrutiny was severely curtailed on any inquiries that the Government allowed. Any recommendations to improve the legislation from the committees, even from the government's own Senators, were ignored more often than not, although the second half of the year saw some committee recommendations being responded to and implemented.

Democrats voted against the Government's 'restructuring' of the Senate's committee system in August that abolished the hugely important references committees and gave the Government the majority, as well as the position of Chair, on the surviving committees.

Inquiries into substantive policy issues

Nonetheless, by hard work and collaboration, the Democrats did win agreement to establish inquiries into:

- Indigenous 'stolen' wages
- gynaecological cancers in Australia
- • the impact of proposed alcohol taxation measures
- regulation of misleading or deceptive advertising by pregnancy counselling services
- prohibition of cluster bombs

A hard-fought Democrats initiative to re-establish the very successful 2005 Select Committee on Mental Health Services to oversee recent COAG initiatives on mental health was voted down by the Government.

Inquiries into Legislation

Government bills continued to be referred to committee inquiries via a specific Senate procedure, and 10 bills in 8 packages were referred by the Democrats during the year.