

A review of the highlights of 2007

AUSTRALIAN DEMOCRATS' PARLIAMENTARY YEAR
2007

The Democrats lost their seats in Qld, WA, SA and Victoria at the 2007 election – a disastrous result leaving us without representation at the Federal level after 30 June 2008. It was also a blow to the cross bench with the major parties having all but one of the 36 Senate seats in Qld, NSW and Vic

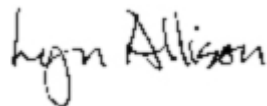
One of our biggest challenges in any election campaign is to convey to voters the importance of our role in the Senate and to demonstrate that even though the Government had the numbers there, the Democrats were still able to make a real difference. This was of course not a story carried by the media and it's why we prepare our annual *Year in Review*.

We do not see any other party willing or able to play the important role of improving legislation by negotiation, moderating the excesses of governments *and* giving them a few ideas. So post-June we will be watching not just government but opposition parties too.

In the remaining six months of our terms, my colleagues and I will continue our work in the Senate. We welcome a new Labor Government but history tells us it too will want to avoid scrutiny.

After the election, I wrote to the Prime Minister Rudd and the new leader of the Opposition, calling for restoration of the Senate procedures and committee system that were taken away by the Howard Government after 2005. We have also suggested a number of ways to further improve scrutiny – see http://www.democrats.org.au/campaigns/senate_watch/.

2007 was also the Democrats 30th anniversary and, to celebrate we published a booklet of our main achievements over our history. Let us know if you would like a copy.



Lyn Allison
Leader & Senator for Victoria

Highlights of the Australian Democrats parliamentary year

It's not easy to win anything when the government has the numbers but we did get:

- a Government inquiry into access to electronic media for the **deaf and hearing impaired** as part of our push for 100% captioning in Australia.



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- agreement by the Government to refer the matter of the **sexualisation of children in the media** to the upcoming review of the commercial media codes of practice and to the Australian Media & Communications Authority for strategies in combating these practices.
- **rent assistance** to Austudy recipients extended to students over the age of 25
- Government support for a **Royal Commission into sexual assault** and abuse of children
- strengthening of competition law for **small businesses**

Likewise through negotiation and persistence, we won inquiries into:

- the COAG response to the major Democrats-initiated inquiry into **mental health** services that reported in February 2002. This follow-up inquiry will scrutinise the \$1.9 billion extra committed by the Howard Government and matched by the states, for its effectiveness in improving services, particularly for the many people with mental illness who previously fell through the service gaps. Here is the link www.aph.gov.au/Senate/committee/clac_ctte/mental_health/index.htm to the inquiry and its submissions. Hearings commence in February/March.
- the impact of **private equity schemes** on capital markets and the Australian economy. More specifically the inquiry sought to assess whether private equity could become a matter of concern if ownership, debt/equity and risk profiles of Australian business are significantly altered and whether appropriate regulation exists to regulate this market phenomenon
- the management and treatment of **gynaecological cancers** which won Government agreement to all 34 of its recommendations, including \$2 million seed funding for a gynaecological cancer centre within Cancer Australia.

Doing in the Access Card

On rare occasions the strength of the opposition to legislation wins through. This was the case for the Government's access card – the ID card studded with more 'big brother' features than the Australia Card that was sent packing by the Democrats back in the early 1980s and which Mr Howard then criticised as against Liberal Party philosophy.

The Democrats spoke out at forums raising awareness of the risks to privacy and security.

The Senate Finance and Public Administration Committee examining the bills was damning, backing our arguments that it should not be passed without safeguards. The legislation was quietly withdrawn despite contracts already having been signed for parts of its implementation, incurring significant expense to Australian taxpayers.

Winning Senate inquiries for our private bills

If deep cuts in greenhouse emissions are to be achieved energy efficiency must be part of the solution so we put up a world-first **National Market Driven Energy**

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Efficiency Target Bill that would establish a trading system to provide incentives for cutting energy use in buildings, appliances and industrial processes. We referred this bill to the Senate Economics Committee for inquiry. See www.aph.gov.au/Senate/committee/economics_ctte/energy_efficiency2007/. The election was called before the committee could report but we expect the inquiry to resume in 2008.

The Government said no to referring our private **Same Sex: Same Entitlements Bill** to committee for inquiry. The bill would remove the financial discrimination against same sex couples that was identified by HREOC in 58 Commonwealth laws. We formed an ad hoc committee and were joined by members and senators from the major parties and conducted our own inquiry and hearings. Again, despite the promises, this bill awaits support from government to bring it to the vote but at least the inquiry allowed people to have a say and brought pressure to bear on the major parties to deliver on this basic human right.

Making sure there was debate

We used 'Matters of Public Importance' and 'Urgency Motions' to engage the major parties on issues on which they would prefer to stay silent such as:

- the treatment of Dr Haneef. (We did try to establish an inquiry into Australia's anti-terrorism laws, particularly in the light of the case of Dr Haneef, but this was blocked by both the major parties.)
- the so-called emergency intervention in NT Indigenous communities
- David Hicks' repatriation
- the need for the refugee claims of the latest boat people to be assessed openly and fairly
- the need for a national affordable housing strategy
- uranium sales to India
- the United Nations Declaration on the Rights of Indigenous Peoples
- non-military strategies in Iraq and our responsibility to assist in rebuilding

A watch on secret Government business

The Federal election wiped out the last 5 scheduled sitting weeks and, at 11 weeks (41 days), 2007 had another record low number of sitting days.

The Senate's ability to scrutinise government and its legislation was again severely curtailed. Senate orders for documents were all refused and eventually this accountability mechanism all but dried up. The only inquiries agreed to were those guaranteed to not embarrass government and inquiries into bills were given absurdly brief timeframes, even for complex, contentious bills like the one intervening in NT Indigenous communities.

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Only 4 motions requesting documents were moved and the Government used its one-seat Senate majority to vote all down. One of these was our request for the Government's legal advice regarding the legality of the USA's Military Commissions Act.

The Democrats asked 128 questions, 33 of them in the Chamber during 'Question Time'. The remainder were put in writing to Ministers and 42 were still not answered when the Parliament was prorogued.

Some of the many issues pursued included:

- Australia's emissions targets
- corporations law and business standards
- dental care for lower income earners
- ownership of water collected from roofs
- levels of nicotine in cigarettes
- Australia's international peacekeeping responsibilities
- Access Card proposals
- plans for withdrawing troops from Iraq
- housing affordability

Bringing to light some of the Government's policy failures

Democrats Senators also put 43 motions to the vote, 11 of them agreed to by Government. Those not agreed included:

- ending gender-based violence and discrimination
- accountability and transparency in government
- renewable technologies
- nuclear disarmament initiatives
- water conservation practices
- strategies to support Indigenous Australians
- [these motions were agreed to]child protection
- student support initiatives
- obesity health initiatives

Democrats Senators also made 29 adjournment and lunchtime speeches on climate change, housing affordability, press freedoms, hearing impairment, veterans and war widows' entitlements.

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Work on legislation

The Senate passed 184 bills in 142 packages this year, an average of 4.5 bills per day. Democrats Senators spoke to 83 packages, and moved amendments to 40 individual bills.

All 230 Democrats **amendments** were defeated by government other than a minor change to the Native Title Bill ensuring that an application inquiry hearing could only be held in public. We did also convince the Government to strike out a schedule in a taxation bill relating to withholding tax until problems were resolved.

Amendments voted down included:

- requirement to consult with local communities before installing nuclear facilities
- strengthening protections and definitions in the Australian citizenship laws
- definitions of spouse, beneficiary and same-sex relationships in a range of bills as a first step in putting the HREOC recommendations on discrimination into legislation
- privacy protections and safeguards against misuse of the latest anti-terrorism and law enforcement agencies laws
- requirement that shareholders must approve gifts and political donations made by corporations
- 'appointment on merit' clauses to various government boards and agencies being established such as the Aged Care Commissioner, Health Ombudsman
- improving the overpayments system in the 'welfare to work' regime
- increasing participation and opportunities of the energy efficiency scheme
- review of the compulsory reporting of some forms of abuse in residential aged care facilities
- stopping TV food-advertising to children
- indexing the tax-free threshold
- implementation of the 'traffic light' food labelling system
- requirement that one member of the Great Barrier Reef Marine Park Authority have knowledge of land and sea management and cultural practices of Indigenous peoples
- reversing removal of the cap on full-fee paying places at university
- strong accountability and transparency requirements for the higher education endowment fund

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Bad policy opposed

Democrats also opposed outright the following bills that were passed with the support of Labor:

- changes to the Migration Act to again reduce procedural fairness and the quality of justice for the sake of alleged administrative efficiency
- changes to the regulatory regime for private health insurance which white-wash the health system
- financial sector restructuring which quarantined liability and gave the Minister excessive power
- the so-called 'emergency' intervention in the Northern Territory
- the citizenship test
- changes to the use of the Australian Crime Commissions' coercive powers at the expense of fundamental legal principles and human freedoms
- changes to the classification of terrorist material as unjustified, intrusive and undermining freedoms of speech and infringing principles of international and human rights law
- the new 'sneak and peek' powers for covert investigations and the provision of search warrants, and other additional powers for our law enforcement agencies
- changes to regulating access to telecommunications data for security and law enforcement which gives enormous powers to law enforcement agencies to listen to private conversations.

Democrats also opposed outright bills which passed with only the Government's one-vote majority:

- changes to the 'welfare to work' policy which added more punishment, band-aids and sticky tape to what was a poorly structured, unjust and unaccountable system
- further limits to recognising native title rights and a reduction of Ministerial accountability
- changes to the Commonwealth Workers Compensation Scheme which went beyond useful reform and efficiencies and unnecessarily reduced access and employee conditions, and delivered poorer outcomes for injured workers.
- a Federal township leasing entity in the Northern Territory which takes control over the land from traditional owners (and uses funds already earmarked for Indigenous people to pay for it!)

Bad Regulations opposed

Democrats moved unsuccessfully to disallow changes to the general skill migration program, particularly because of their impact on family migration

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Private Democrats Senators' bills

Democrats Senators introduced 13 Private Senators' bills this year:

- *Electoral (Greater Fairness of **Electoral Processes**) Amendment Bill* to improve political governance, political funding and disclosure rules and the integrity of the electoral process.
- ***Migration Legislation Amendment (Removal of Unjust Restrictions) Bill**, **Migration (Restoration of Rights and Procedural Fairness) Bill** and the **Migration Legislation Amendment (Access to Judicial Review of Migration Decisions) Bill**.* These bills would amend the Migration Act reversing the denial of rights to refugees, asylum seekers and migrants over the years.
- ***Repatriation of Citizens Bill*** which would require the Attorney General to request repatriation of Australian citizens facing the death penalty or unfair trials or detention
- ***Public Interest Disclosure Bill*** which would provide the most effective protection for genuine disclosures but also demand a strategy for the handling of complaints within public agencies.
- ***Peace and Non-Violence Commission Bill*** to countermand those who would take down the path of war
- ***Same Sex: Same Entitlements Bill*** to remove financial discrimination in 58 Commonwealth laws.
- *The **Privacy (Data Security Breach Notification) Bill*** would require organisations and Commonwealth Government agencies to notify affected individuals of a data security breach involving their personal information. Existing privacy laws do not specifically require this despite growing instances of losses, infiltrations and unauthorised disclosures of personal information.
- ***National Market Driven Energy Efficiency Target Bill*** to cumulatively cut demand for electricity by 2% a year
- ***Workplace Relations (Guaranteeing Paid Maternity Leave) Bill*** 14 weeks pay, publicly funded at the minimum wage
- ***Stolen Generation Compensation Bill***
- ***Pregnancy Counselling (Truth in Advertising) Bill*** (introduced jointly with senators from other parties) to prohibit misleading and deceptive advertising and require services to declare in their advertising whether or not they provide all options, including termination referrals.