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Mr SPEAKER (Mr Neil Andrew) took the chair at 12.30 p.m., and read prayers.

PERSONAL EXPLANATIONS

Mr CREAN (Hotham) (12.31 p.m.)—Mr Speaker, I wish to make a personal explanation.

Mr SPEAKER—Does the Deputy Leader of the Opposition claim to have been misrepresented?

Mr CREAN—Yes.

Mr SPEAKER—Please proceed.

Mr CREAN—Yesterday Senator Alston said in a media conference:

Mr Crean has been privately telling analysts for months that they, Labor, will privatise Telstra when they come to government.

This is a complete fabrication. I have never said that Labor will sell Telstra when we come to government. We will not. Secondly, on the weekend and again today Senator Alston is reported to have alleged that I have privately said that Telstra’s ownership position is untenable. I have not. On all occasions when the issue of Telstra has been raised with me I have made it clear that Labor will not support any further sale of Telstra. That position is unequivocal.

DELEGATION REPORTS

Parliamentary Delegation to the European Institutions

Mr BAIRD (Cook) (12.32 p.m.)—I present the report of the Australian parliamentary delegation to the European institutions entitled Australia and the European institutions in 2000: an Australian parliamentary perspective. In June this year I had the honour and privilege of leading a delegation of this parliament on a visit to Europe. Apart from me, the other members on the delegation were the honourable member for Scullin and the honourable member for Bonython. One of the purposes of the delegation was to gain an appreciation of the role of key European institutions. The delegation also continued the dialogue between this parliament and the European parliament and put Australian views during discussions on various policy matters.

This relationship between the two parliaments has been developed through visits by delegations from both parliaments and over many hours of discussions. It was necessarily a brief visit of only five working days due in part to our amended parliamentary sitting pattern this year. The delegation went to Strasbourg for three days where we visited institutions related to both the European Union and the Council of Europe. The delegation had lengthy meetings with officials of the Council of Europe, including the Secretary-General, Herr Walter Schwimmer, and with officials of the European Court of Human Rights including the President of the Court, Mr Luzius Wildhaber.

At the European parliament in Strasbourg we had several long meetings with members of the European parliament, in particular its delegation for relations with Australia and New Zealand, chaired by Mr James Nicholson, a member from the UK. These discussions, both formal and informal, provided very valuable opportunities for our delegation members to exchange views. We were encouraged to see that Australia’s position on some issues, in particular common agricultural policy, was sympathetically received. It was also very pleasant to receive the support of the European members in relation to Australia’s role in helping East Timor. In fact, the congratulations were quite significant from various members of the European parliament at that time.

We also attended the plenary session of the European parliament as visitors in the gallery of the chamber, or Hemicyle. I found the outlook from the gallery, of over 500 members of the European parliament present that day taking successive votes electronically, to be most impressive. On our last day we received briefings from officials of the Court of Justice of the European Communities in Luxembourg and from officials of the European Commission in Brussels. As one would expect, the scale and complexity of the European institutions reflect the significant challenges they face in seeking to balance the individual national interests of members and in preparing for new members.
In conclusion I would like to extend my thanks to the retiring Ambassador to Belgium and the European Union, His Excellency Don Kenyon, with whom I had the pleasure to work a number of years ago when I was posted to Europe as a trade commissioner. Ambassador Kenyon and his staff at the embassy in Brussels, in particular Janaline Oh and Max Wang, prepared a very useful program of visits for the delegation and were in general very knowledgeable and helpful. Thanks are also due to Claressa Surtees, who did an outstanding job in the role of delegation secretary. Thanks, also, to the Parliamentary Library and the Department of Foreign Affairs and Trade for their briefings before the delegation left. Finally, I extend my thanks to all members of the delegation for a most harmonious and successful expedition. I commend the report to the House.

Mr JENKINS (Scullin) (12.36 p.m.)—In supporting the remarks of the honourable member for Cook with regard to the report of the Australian parliamentary delegation to the European institutions in June this year I would like to thank him for the way in which he led the delegation. The delegation comprised the honourable member for Bonython, Senator McGauran and Senator Stott Despoja, and it represented quite a diverse range of views on a number of matters. But on some matters there was a convergence of views. The fact that the delegation was able to convey these different views with good humour was no doubt in part due to the leadership of the honourable member for Cook and, also, the support we gained from Claressa Surtees, who, as secretary, carried out her duties with great diligence and efficiency. I join in thanking Ambassador Kenyon and all those at the mission for their support, especially Janaline Oh and Max Wang, who accompanied the delegation on our visits.

The value of a delegation to those who operate collectively on behalf of Europe cannot be underestimated. If we witness the impact and similar history over the past few weeks of the euro compared with the Australian dollar, it is of great importance that we understand the thinking of institutions such as the European Central Bank, with its responsibility for monetary policy and the further adoption of the euro throughout Europe. I think that is one of the institutions—which we did not visit—that perhaps future delegations might look at visiting. Another institution that we did not get the opportunity to visit was the Economic and Social Committee, which comprises representatives of management and labour as well as social and professional groups and is able to bring together the thinking of those bodies and help in formulating EU legislation.

The report outlines a number of areas that we were able to discuss with various people from European institutions. I understand that the permanent delegation from the European parliament hopes to visit Australia in the New Year or very soon thereafter. I hope that is the case and I hope that a large number of our parliamentary colleagues take the opportunity that that will present to sit down with these members of the European parliament who show a special interest in matters to do with Australia and have some very forthright and worthwhile dialogue.

Europe, in its different collective guises, will continue to develop even further as an important political and economic bloc. As a nation, we should ensure that we build on the positive engagement that we have had and developed so far with the European institutions, because I believe that it will continue to be in our interests not only for trade reasons but also for a number of other reasons, including the way in which we associate throughout the globe.

In conclusion, what encouraged me was that we were able to visit with people who had a special interest in Australia. I was able to reacquaint myself with a number of people who have come here from the European parliament as part of the permanent delegation over their last two visits. I was also able, along with the Honourable Member for Bonython, to sit in on a caucus meeting of the socialist group of the European parliament. It was interesting that in the caucus there were the 11 interpreter booths, which were so characteristic of everything that is done in these European institutions. I commend the report to the House and look for-
ward to those further relationships between this parliament and the European parliament and other European institutions.

COMMITTEES

Employment, Education and Workplace Relations Committee

Report

Dr NELSON (Bradfield) (12.40 p.m.)—On behalf of the Standing Committee on Employment, Education and Workplace Relations, I present the committee’s report, incorporating a dissenting report, entitled Shared endeavours: inquiry into employee share ownership in Australian enterprises, together with the minutes of proceedings and evidence received by the committee.

Ordered that the report be printed.

Dr NELSON—Robert Menzies led the Liberal Party of Australia to the 1949 federal election on a platform that included the belief that the best foundation for full employment would be found in ‘the prosperity of the business undertaking in which the man works’. One mechanism he nominated was ‘the encouragement and introduction of profit-sharing schemes wherever practicable’. Half a century later, though encouraged by successive governments to varying degrees, employee share ownership is yet to take root in the workplace of everyday working men and women. It remains largely confined to a flourishing executive remuneration sector.

The objective of this report is to bring employee share ownership to the workplaces of everyday men and women. Employee share ownership should have at its core four fundamental policy objectives. The first is to align more closely the interests of employers and employees. The second is to provide a net contribution to national savings. The third is to facilitate the development of sunrise industries where equity in the company is as critical to key personnel as salary is. And the fourth is to facilitate succession planning and, in some cases, employee buyouts. But also, while close to half the Australian population directly own shares, half do not. Employee share plans provide an opportunity for many more Australians to experience the benefits of share ownership through the relatively stable and structured vehicle of employee share plans. If employee share ownership were to assume in the work force the status afforded superannuation savings, a practical vehicle would also exist for Australians to invest in their own companies. Not only can we buy Australian made goods but also, if we all had a stake in the company, Australia might find itself a little less reliant on foreign investment.

Central to the report and the integrity of its recommendations, all of which should be seen as an integrated package, is the proposed establishment of an Employee Share Plan Monitoring Agency under the aegis of the Australian Taxation Office. In conjunction with a proposed single employee share plan legislative instrument, such a unit would administer and monitor employee share plans, enabling the construction of a more accurate picture of employee share ownership in Australian workplaces. An ESOP promotional unit is envisaged for the Department of Employment, Workplace Relations and Small Business providing not only advice but also off-the-shelf plans for smaller businesses developed in consultation with the employee share plan regulatory unit.

Division 13A of the Taxation Act is seen as being the most desirable mechanism for ESOPs. Recommendations are offered that would entrench but improve the operation of both tax exempt and tax deferred plans. The report proposes, amongst other things, that forgone income will be ultimately taxed as such but that any increased value in the shares should be treated as capital gain for taxation purposes; that shares acquired under ESOPs may be conditionally rolled over into a registered superannuation fund; conditional relaxation of the requirement that an individual taxpayer hold no more than five per cent of equities—critically important to small businesses and start-ups if we are to bring a share ownership culture into those workplaces; an increase in the $1,000 threshold under tax exempt plans; and that, consistent with the ACTU’s ‘best practice’ check list, the taxation of shares should be on disposal, rather than at 10 years in tax deferred plans, to facilitate long-term ownership and succession planning.
The committee recommends a cap be placed on salary sacrificed into ‘tax deferred’ qualifying plans and that a review of FBT exemptions and concessional loan arrangements to finance executive salary packages be undertaken. In the context of an ESP regulatory agency, a specific identifying number for each plan and the public disclosure of the aggregate value of equities held by company employees, the foundation is laid for moving forward whilst strengthening the integrity of the tax base.

Thank you to those individuals and organisations which gave so much of their time to assisting the committee’s deliberations and the secretariat for its diligent hard work, in particular Mr Andrew Brien, Mr Paul McMahon and Mr Richard Selth. Whilst I did not appreciate a dissenting report from the Labor members, I did enjoy working with them. This report includes recommendations to government that will be seen as controversial by some. It is a foundation building report intended to launch a constructive debate about a concept whose time has well and truly come. Finally, I especially thank my Liberal Party and National Party colleagues for the support that they gave not only to me but to the secretariat in developing these constructive suggestions.

(Time expired)

Mr EMERSON (Rankin) (12.45 p.m.)—The abuse of employee benefit arrangements by company executives is this government’s bottom-of-the-harbour scheme. Company executives have been abusing employee share plans, trusts and offshore superannuation schemes and using them as a vehicle for tax avoidance on a massive scale. In many cases, they have claimed total tax wipe-outs. The sums involved have been conservatively estimated by the Taxation Office at $1.5 billion. The likeness between employee benefit arrangements and bottom-of-the-harbour schemes was identified by the Second Commissioner in the Australian Taxation Office, Michael D’Ascenzo, when he said:

... some of the arrangements that have emerged over recent years smack very much of the ingredients that were the tax avoidance paper scheme rorts of the 1970s and early 1980s.

The $1.5 billion estimate is little more than a guess, as at early 1999. When House of Representatives Standing Committee on Employment, Education and Workplace Relations member and Labor member for Lalor tabled at a reconvened hearing with the Taxation Office a scheme that has continued to be aggressively marketed, the tax office conceded that the $1.5 billion figure could have grown. They simply do not know. I believe Second Commissioner D’Ascenzo and Mr Michael O’Neill of the tax office, who gave evidence to our committee, to be honest officials who are genuinely frustrated about their inability to catch these tax cheats. Why wouldn’t they be frustrated? The government refuses to legislate against the abuse of employee share plans by company executives, despite knowing for more than four years that tax avoidance activity has been occurring on a massive scale. How did the government know? The tax office told it. I quote from evidence given by the tax office:

... we certainly would be providing advice to governments of the day on tax issues.

And:

We would have kept government informed all the way through the process.

The present Treasurer has known of this widespread avoidance activity, just as Treasury advised the Treasurer in the previous Labor government on 12 January 1994 that industry:

... says that it could envisage amounts in the billions of dollars being channelled through these sorts of arrangements.

Treasury would have provided the same advice to the present Treasurer. The Labor government moved quickly on the advice it received, three times introducing legislation to combat these schemes. Three times the shadow Treasurer at the time, Peter Costello, opposed Labor’s legislation, declaring the coalition would oppose this anti-avoidance legislation ‘root and branch’, describing the legislation as ‘atrocious’ and proudly boasting, on the third occasion, ‘Three strikes and you are out.’ With that declaration, he took a baseball bat to the income tax system for company executives, and now into his fifth year as Treasurer he still refuses to legislate.
There is a legal battle going on at the moment between the Taxation Office and the Remuneration Planning Corporation, a company we will be hearing a lot more of in coming days. I am advised that the tax office wrote to the Remuneration Planning Corporation more than two years ago telling them that their aggressively marketed executive share plans amounted to tax avoidance. The tax office told the committee that, if its court action against aggressive promoters of these schemes failed, it would recommend retrospective legislation to the government. I say to the tax office, ‘Don’t hold your breath about that legislation.’

Now we have a report from government members that recommends further increasing the tax generosity of executive share schemes. Their recommendations would allow company executives to defer tax indefinitely on their share options. David Murray, the managing director of the Commonwealth Bank, will be delighted. He has called for a more sympathetic tax treatment of his $40 million to $50 million in share options. The boardrooms of Australia will be celebrating today. I call on the Treasurer to reject these recommendations immediately and to introduce legislation to combat tax avoidance through executive share schemes without any further delay. This is not a Treasurer who was asleep at the wheel in his administration of the tax office. No, he has been driving the vehicle deliberately and the vehicle is named ‘Tax dodge: executive model’. The chair of the committee made major changes to the report after we were heading towards a bipartisan report with a few Labor reservations. For example, the word ‘abuse’ previously appeared 69 times in a preliminary agreed draft of the report. It has now been expunged and replaced with the word ‘misuse’. So there is no abuse of these schemes, just a bit of misuse. Conditions allowing for indefinite tax deferral by company executives have been weakened from an earlier version of the report to virtually no conditions at all. The chair of the committee, the member for Bradfield, has done this. He is recommending the legalisation of these schemes. He has done it under pressure from senior ministers in this government. That is why we are completely dissenting from this report.

Dr NELSON (Bradfield) (12.50 p.m.)—by leave—I reject forcefully the spurious allegation that this report of the Standing Committee on Employment, Education and Workplace Relations Shared endeavours: employee share ownership in Australia gives fresh hope to the tax avoidance industry. In fact, the facts tell quite a different story. The compliance powers enacted last year give any contrived scheme a very short life expectancy. Promoters and participants will be caught; in fact they will be prosecuted. It is claimed that we have tax avoidance today because the so-called loopholes which were just referred to were not closed in 1994. This is not only wrong but mischievous. In 1994, the Keating government tried to use the blunt instrument of fringe benefits tax to deal with tax avoidance schemes. This was a ridiculous approach. What employer would give shares to an employee so they may then have the privilege of paying fringe benefits tax? What emerged was division 13A, which taxes the recipient of the benefit. It taxes income. It is Labor Party legislation and it is supported by the coalition. It is interesting that, when the current member for Dickson was the Leader of the Australian Democrats, in her dissenting report she described the Labor Party’s proposals in 1994 in the following way:

... the proposed legislation appears to be a sledgehammer to crack a walnut.

The Australian Taxation Office has confirmed that:

The introduction of Division 13A required tax planners to contemplate other means for maximising the after tax returns for their clients.

In other words, 13A worked. Tax avoiders used other approaches, described by the tax office as:

... blatant, artificial and contrived, and designed to give a purpose other than intended by Parliament. But the committee was also advised by the tax office that, as a result of its activities, these blatant, artificial and contrived schemes were less attractive. The commissioner is currently paying special attention to these schemes, now the subject of recovery action. No-one in 1994, including parliamentarians, according to the Second Com-
missioner, Mr D’Ascenzo, could have anticipated the emergence of abusive arrangements. This is not a failure of the Australian Taxation Office, any government or parliament. Tax avoidance is never ignored.

Recommending that tax be payable on disposal of a share acquired in a plan is no special deal for executives. Taxation on disposal is ACTU policy. If you actually go to the ACTU’s document tendered to us during this inquiry, to ‘best practice’ check list, item No. 6 states, ‘Tax is only payable when dividends are received or shares are sold.’ The member for Rankin also made reference to the Remuneration Planning Corporation. I should also add that the member for Batman, when President of the ACTU, in writing the introduction, which was rather glowing, of this ACTU position, said:

This publication was produced with the assistance of the Australian Employee Share Ownership Association, in particular, Mr Geoff Price, the principal from the Remuneration Planning Corporation, who prepared the initial draft and provided ongoing advice.

He also added that the Lend Lease Corporation was particularly helpful. Some of the compliance measures that are recommended in this report are: an employee share plan regulatory agency that will be required to register and approve all plans, ensure compliance with relevant laws and deregister abusive arrangements; the collection of comprehensive data on all employee share plans; and review of the FBT treatment of employee share plans, low and no interest loans and salary sacrifice arrangements. As I said in introducing the report, it is an integrated package of measures. If you take the abolition of the 10-year cessation rule, for example, in isolation from the fact that we are proposing to cap the amount of salary that can be sacrificed into such schemes, to have an identifying number for each scheme, 13A or non-13A, and also to have a regulatory agency which will collect and monitor information which is available about these schemes, you will appreciate, if you then add further to that that forgone income will be taxed as such compounded over time, that this environment could hardly be described as being conducive to exploitation of the Australian taxation system.

Legislation to promote ESOPs will be most effective in attaining the public policy goals identified in our report if it is built on sound compliance infrastructure. So what we have is an integrated series of proposals, which means that we have legislative, administrative and regulatory infrastructure with a share plan regulatory agency, an employee share plan promotional unit to try to get an employee share culture into small businesses, medium businesses and start-ups. At the moment 95 per cent of everyday working men and women in this country work in businesses that employ fewer than 20 people. Instead of arguing about what is 3.5 per cent of total money invested in equity benefit arrangements, why not focus on things that are actually going to benefit everyday men and women in this country and bring them into an employee share ownership culture? (Time expired)

Ms GILLARD (Lalor) (12.55 p.m.)—The Labor members who participated in this inquiry think $1.5 billion hidden from taxation is worth arguing about, and we intend to argue about it in this place and outside it. Like my Labor colleagues, I was deeply concerned by the evidence of the Australian Taxation Office that more than $1.5 billion has been hidden from taxation. I am now also deeply disturbed by the fact that the government members of the Standing Committee on Employment, Education and Workplace Relations have ultimately refused to tackle the problem of tax avoidance head on. Indeed, a number of recommendations in this report, if implemented, will be rolled gold for the tax avoiders.

It is worth noting that at an earlier stage, about two months ago in early August, the committee—both government and opposition—was largely in agreement about a draft version of this report which did explicitly mention the tax avoidance problem. All that remained was to finalise that version by way of teleconference. However, three days before that teleconference, on 21 August, committee members were advised by email of a fundamental change of heart by government members which led to the report being completely redrafted. Perhaps the government members here might like to explain...
that change of heart—why, after more than a year of serving on the inquiry, in the time the report is being finalised there was a complete reversal in their approach. We do not know why they had that change of heart, but what we do know is that as a result of it we have a majority report which is deeply flawed. It is flawed in two major respects. First, it takes a John Cleese ‘don’t mention the war’ approach to tax avoidance so that explicit references to the tax avoidance problem no longer appear. Second, it contains redrafted recommendations which will make tax avoidance easier.

To highlight these problems let me refer to the following specific recommendations in the government’s majority report. With regard to recommendation 1, originally there was agreement that ATO-collected information about employee share schemes would be public. Now the government can determine to cover it up. Recommendation 14 no longer contains a firm statement that FBT applies to executive only salary sacrifice arrangements. Recommendation 15 no longer contains a firm statement that FBT applies where equities are allocated in employment unless clear exemption conditions apply. Perhaps most startlingly of all, recommendation 31 has been amended so that it now allows effectively unlimited deferral of the payment of tax on employee share benefits.

Dr Nelson—It is the ACTU position.

Ms Gillard—As I take by way of interjection, this desperate and somewhat ironic clutching for the cover of the ACTU in relation to this recommendation is completely misconceived, because the big change to this recommendation has been that the tax deferral benefit can apply in circumstances where you have an executive only scheme. In the earlier versions of the report, that was not the case, and government members cannot deny that. What you can do now is piggyback a generous executive-only share scheme on some token scheme for general employees and those executives will get the benefit of tax deferral forever. That is what this recommendation is about, and government members know it. That is not what the ACTU recommended. They were dealing with general employee share schemes, and you know it.

In respect of recommendation 34, we have seen a watering down so that now executive employees can carve up the equity of a company between a very limited number of them and they will still be entitled to concessional tax treatment. This government constantly tells the Australian people that it stands for ordinary Australians, for the battlers, for the mainstream. This report provides a test to see whether the rhetoric in any way matches the reality. The mainstream, the battlers who pay their fair share of tax, are advantaged if the privileged are required to pay their fair share too. That is what we believe in.

Mr Speaker—The allotted time for statements on this report has expired. Does the member for Bradfield wish to move a motion in connection with the report to enable it to be debated on a future occasion?

Dr Nelson—I move:

That the House take note of the report.

I seek leave to continue my remarks later.

Leave granted.

Mr Speaker—in accordance with standing order 102B, the debate is adjourned. The resumption of the debate will be made an order of the day for the next sitting and the member will have leave to continue speaking when the debate is resumed.

Migration Committee Report

Mrs Gallus—On behalf of the Joint Standing Committee on Migration, I present the committee’s report, incorporating a dissenting report, entitled Review of Migration Legislation Amendment Bill (No. 2) 2000, together with the minutes of proceedings and evidence received by the committee.

Ordered that the report be printed.

Mrs Gallus—The Minister for Immigration and Multicultural Affairs referred the Migration Legislation Amendment Bill (No. 2) 2000 to the committee on 12 April 2000. The committee received 31 submissions on this very specialised area of legislation; it
held public hearings in Canberra, Melbourne and Sydney, and heard evidence from 11 organisations. On behalf of the committee, I extend our appreciation for the assistance given to this review by all those who provided submissions and gave evidence to the hearings.

The bill’s broad aim is to reduce the opportunity for non-permanent residents to seek to use judicial review of migration decisions as a backdoor way to extend their stay in Australia. The committee considered the issues raised in connection with the bill and concluded that the bill’s aim was justified. In addition, having examined the evidence put to it, the committee concluded that the bill’s proposed restriction of access to class actions by non-permanent residents did not breach Australia’s international obligations.

The committee considered that the rejection by the courts of cases pursued through class actions in the migration jurisdiction did not necessarily indicate an abuse of the judicial review process. However, the committee believed that judicial review provided an opportunity for abuse, and there was persuasive evidence that this was occurring in the case of class actions. The opportunity for potential abuse arises because non-permanent resident applicants for judicial review automatically acquire bridging visas which entitle them to legally remain in Australia until 28 days after their case has been decided. Class actions can take an average of 18 months to resolve, compared with approximately five months for individual action. The potential duration of class actions can be the incentive to pursue them, rather than a desire to resolve a point of migration law or any expectation that a member of a class action will acquire residency in Australia as a result of the class action.

The fact that a large number of participants would not benefit from a positive decision in the class action which they had joined was a key determinant of the committee’s decision to support the bill’s aim of restricting access of non-permanent residents to class actions. The committee also found it significant that some involved in class actions might not have even applied for the visa which was the subject of the class action. These points are crucial. Although some participants in class actions have subsequently been granted permanent residency, not one person has done so as a direct outcome of the 10 class actions resolved between January 1997 and December 1999 which involved 4,458 individuals at a considerable cost to the Commonwealth.

Overall, the committee concluded that there had been an abuse of the judicial review and the class action process and that the proposed legislation would end the opportunity for that abuse. The committee believed that issues currently addressed by class actions could appropriately be handled by test cases. Test cases permit a number of cases to be resolved through the hearing of a single case and having the outcome apply to cases which have been identified as similar. This arrangement permits efficient use of the court’s resources. The committee noted that some of those commenting on the bill held that test cases would be precluded or that class actions in other non-migration jurisdictions would be prevented. The committee therefore recommended that these potential unintended consequences of the bill be clarified. With those provisions, the committee concluded that access to class actions should be restricted.

Class actions in the migration jurisdiction offer the opportunity for a number of cases to be resolved through the hearing of one appeal which represents many others. This considerably reduces the case load on courts. Although the committee supported the restriction of access to class actions in the migration jurisdiction, it considered that efficient use of the court system should be encouraged. Therefore, in addition to recommending the adoption of the bill’s proposals for restriction on access to class action, the committee also recommended steps to encourage more use of test cases. A test case will resolve a point of law in the migration area, and that decision will flow through to cover non-permanent residents to whom it is relevant. (Extension of time granted)

Although the committee concluded that there was evidence of abuse of the review process and that some people had joined class actions in order to obtain a bridging
visa, the committee also noticed that some of the perceived abuses of judicial review would have arisen because of the advice which applicants had received about seeking the review. The committee was critical of migration agents who encouraged non-permanent residents to participate in class actions without apparent regard for the specifics of the individual cases. When unsuccessful applicants for judicial review are advised, ‘You might be able to immediately qualify for a new class action and obtain a bridging visa,’ the potential for exploitation of both the legal system and the applicants is obvious. In response to such approaches to migration litigation, the committee has recommended that the activities of migration agents be brought under closer and continuing scrutiny.

Migration Legislation Amendment Bill (No. 2) 2000 also limits access to judicial review by more strictly defining those able to apply for judicial review. The proposed provisions are designed to ensure that only those who stand to benefit from the outcome of a review may bring a challenge to the Federal Court. The committee saw this as an important move to improve the operation of judicial review and recommended that the proposed changes to clarify who may commence or continue a proceeding in the Federal Court should be adopted. The bill proposes to impose time limits on applications for judicial review by the High Court. The committee noted that migration jurisdiction appeals to the Federal Court have to be undertaken within 28 days of a decision being notified. However, no such time limit applies to the High Court. That court, therefore, rather than the more appropriate Federal Court, was being required to determine migration matters.

The committee noted that there are already time limits imposed in other jurisdictions, and the committee concluded that there should be time limits placed on applications for judicial review of migration decisions. Although evidence was presented to the committee that the proposed time limit of 28 days was not unreasonable, the committee was nevertheless sensitive to the importance of the court as the last resort for people seeking review of their migration status. The committee was advised that decisions of the court could raise genuine life and death concerns. The committee therefore recommended an extended but still fixed period for appeal to the High Court of 35 days. The committee believed that, because the initial application to the High Court required only an outline of the grounds for appeal rather than a detailed argument, 35 days was a sufficient time period. The committee considered whether there should be an option for the High Court to waive the time limit but believed that this was against the intention of the bill and would simply raise another way of application. There was some confusion about witnesses’ beliefs about how this would limit non-permanent residents accessing the courts. There are restrictions, but individuals still have access to judicial review if they appeal within a reasonable time and stand to benefit from the outcome.

I would like to extend my thanks to the committee secretariat—Gill Gould, Steve Dyer, Emma Herd and Vishal Pandey. I thank them very much for the help that they gave me during the committee hearings. I commend this report to the House.

Mr ADAMS (Lyons) (1.09 p.m.)—Migration Legislation Amendment Bill (No. 2) 2000 was referred by the minister to the Joint Standing Committee on Migration for review on 20 April 2000. It seeks to restrict access to class actions in the migration jurisdiction in the High Court and the Federal Court; limit the time within which applications for judicial review can be made to the High Court; narrow the standing provisions for migration matters in the Federal Court; and clarify the minister’s power in applying the character test. There have been a number of public hearings, and witnesses from 11 organisations appeared. The opposition members welcomed the inquiry and the opportunity provided to test in the public arena a number of theories that have been promoted about how the system of judicial review was being abused and being used simply to delay a person’s departure from Australia. However, we were concerned that evidence to support or prove the theories was not presented to the inquiry, and it is for these rea-
sons that the opposition members dissent from recommendation No. 1 that the restriction of access to class actions in the migration jurisdiction be enacted.

The argument we offer is that class actions are an important avenue through which migration decisions can be challenged. They offer equity and efficiency. Equity comes from low costs to individuals and this permits access to the courts by those who might otherwise be deterred by the cost. So any restriction of access to class actions should only be contemplated if there are compelling arguments for such restrictions. If the compelling argument exists, we would be prepared to examine the issue further. However, I do not believe there are that many abuses of this clause.

There is probably more of an opportunity to straighten out the regulations governing migration agents and the way they advertise. These tend to go into advertising campaigns that are misleading. A better way is to clean up the act of these people and ensure that they are offering a service and a solution that is deliverable. Better access to lawyers and ethical migration agents would enable applicants for judicial review to obtain professional advice on the avenues of appeal and the prospects of their particular case. I am also very concerned that alternatives to the restriction of access to class actions have apparently not been canvassed. I am also concerned that the likely effects on the courts and on Commonwealth expenditure were not fully examined before the bill was introduced. We have a responsibility to ensure that anyone who is to be sent back from Australia as not being eligible under the refugee regulations has been able to present all the relevant information pertaining to his or her case, and this sometimes can be done only by pooling the collective information to come up with a valid judgment. This can be served by a class action and can help provide a better overall consideration of the case. Taking this option away does little for anyone, either the refugee or the government.

Mrs May (McPherson) (1.13 p.m.)—Australia faces a very serious and very expensive problem whereby non-citizens who have entered Australia illegally are misusing and abusing the judicial process to abusing the judicial process to prolong their inevitable departure from the country. The majority of Australian people are fed up with the people-smuggling rackets which have enabled thousands of illegal immigrants to breach Australia’s borders. And the Australian people support this government’s policy of restricting the ability for non-citizens to initiate court action at taxpayers’ expense. The government’s aim is, quite rightly, to prohibit class actions in migration jurisdiction in line with our policy of restricting access to judicial review in visa related matters in all but exceptional circumstances. Migration Legislation Amendment Bill (No. 2) 2000 will deliver these important outcomes.

A trend has emerged whereby people who have entered this country illegally, who have no lawful authority to remain here and who have repeatedly refused to leave, are initiating class action litigation to further delay their departure, often by several years. This abuse of process whereby a group of non-citizens approaches the courts to challenge the laws of the land also raises serious problems about the escalating cost of migration litigation. Last financial year Australian taxpayers shelled out more than $11 million to fund these law suits. Next year those costs are expected to reach $20 million—almost a 100 per cent increase in just two years. Of course, that does not even take into consideration the associated delays and operating costs of the courts.

After these non-citizens have spent such exorbitant sums of Australian taxpayers’ money, how many of their cases are actually successful? In the last three years, 10 such class actions, involving around 4,000 participants, have been dismissed by the courts; another 3,500 illegal immigrants are awaiting decisions on a further four class actions currently before the courts; and all the while the courts are deliberating the matter the participants are able to obtain bridging visas to remain in Australia. So where are the deterrents to launching a class action? At the moment, there are none. In fact, there is evidence that these sorts of migration class actions are being used by unscrupulous migration agents and lawyers to encourage people to litigate in order to obtain a bridging visa.
Advertisements have even been placed in ethnic community newspapers, urging illegal immigrants to join a class action.

Maintaining Australia’s border security necessitates a crackdown on illegal immigration at every level. Putting a stop to this exploitative class action litigation is an integral step. Let it be quite clear: these people have absolutely no legal entitlement to remain in Australia. If it were not for litigation and the associated bridging visas, these illegal immigrants would have no other way of obtaining authority to stay here. It is a last-ditch effort to rort the system and delay their inevitable departure. Therefore, as a member of the Joint Committee on Migration and an Australian who believes in fair practice and proper process, I urge the parliament to support the Migration Legislation Amendment Bill (No. 2) 2000 and its measures to prohibit class actions in visa related matters before both the Federal Court and the High Court. I commend the report to the House.

Mr RIPOLL (Oxley) (1.16 p.m.)—Putting your name to any report is a very conscious act of agreeing with that report. It is not always agreeing with all the contents but is, at the very least, agreeing with the spirit and intent. I find that I disagree not only with recommendation No. 1 in the report but also with the spirit and intent. It is for these reasons that I have chosen to support instead the minority report of the Joint Standing Committee on Migration on the Migration Legislation Amendment Bill (No. 2) 2000. Since the time of the hearings, the government has made its intentions and thinking on the issue of human rights and refugees abundantly clear. The government is walking away from treaties and conventions that do not suit its agenda. Forget about our obligations and our part in world affairs: if the government does not like the criticism, then it turns its back and changes the rules. The government puts on the blinkers when it comes to the stolen generation. It criticises other countries’ records but refuses to accept our own. In the case of refugees and asylum seekers, the government has made it clear that the road to freedom is tougher in Australia for these families than it was to escape the brutal and murderous regimes they fled from.

The changes proposed by this report are about taking away rights to fair hearings and judicial review in relation to class action. The government claims that people are using our system to extend their stay in Australia—I do not agree—but at no time was any evidence brought to the committee that indicated this to be the situation. In fact, what the committee found in the evidence brought to it by the Department of Immigration and Multicultural Affairs was contradictory and not supportive of their own claims. DIMA claims that there is substantial money to be saved by these amendments—contrary to the view of the minister, who stated that these changes may actually cost more money. Of concern to all members of the committee was the potential for these changes to breach our commitments to the International Covenant on Civil and Political Rights, the Convention Relating to the Status of Refugees, the Protocol Relating to the Status of Refugees, the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment and the Convention on the Rights of the Child.

Some in government have decided that a few non-genuine refugees should be the basis for the harsh treatment of all. On the issue of class action being used solely as a mechanism to prolong stay in the full knowledge it will not be granted, that is completely misguided. Again, no evidence was brought before the committee to substantiate this claim. DIMA believes that, by restricting class actions, all problems will be solved. On the contrary, new and more serious problems are created that will actually cost taxpayers more and create a less efficient court system. The problem with this solution is that it treats the refugees as the cause of the difficulties in the system when it is not the case. The great irony of these recommendations is that they will make no difference in the numbers of people who stay or otherwise—because in the end the vast majority are found to be genuine.

A good example is the new bogus three-year temporary visa. After the three years have expired, the government will end up granting permanency but will have made it as harsh as possible along the way. By re-
stricting class action, the government is only shifting the goalposts. It will cause bigger administrative problems and a judiciary unable to cope with the work created by the difficult and cumbersome process put in place. I would ask the Minister for Immigration and Multicultural Affairs to actually not accept recommendation No. 1 in the report, on the basis that it is not supported by the committee and that it will not achieve any gains for the government or for the refugees.

I would also like to take the opportunity to thank the committee chair, the deputy chair, the members and the secretariat for their very hard work in putting both of these reports together and assisting the opposition members. (Time expired)

Mr DEPUTY SPEAKER (Mr Nehl)—Order! The time allotted for statements in this debate has expired. Does the member for Hindmarsh wish to move a motion in connection with the report to enable it to be debated on a future occasion?

Mrs GALLUS (Hindmarsh)—I move:

That the House take note of the report.

I seek leave to continue my remarks later.

Leave granted.

Mr DEPUTY SPEAKER—in accordance with standing order 102B, the debate is adjourned. The resumption of the debate will be made an order of the day for the next sitting and the member will have leave to continue speaking when the debate is resumed.

Communications, Transport and the Arts Committee

Report

Mr NEVILLE (Hinkler) (1.20 p.m.)—On behalf of the Standing Committee on Communications, Transport and the Arts, I present the committee’s report entitled Beyond the midnight oil: an inquiry into managing fatigue in transport, together with the minutes of proceedings and evidence received by the committee.

Ordered that the report be printed.

Mr NEVILLE—Fatigue is probably the biggest safety issue facing the transport industry. Australian research indicates that fatigue is four times more likely to contribute to workplace impairment than drugs or alcohol. The title of the report, Beyond the midnight oil, reflects the fact that many of us are already burning the midnight oil by regularly working long hours. But in the transport industry many workers are working way beyond even what would be considered unreasonable and unsafe hours of work—often with tragic results.

Between 20 and 30 per cent of road accidents involve driver fatigue. The marine pilotage industry estimates that 10 to 25 per cent of incidents in the Great Barrier Reef are fatigue related. In aviation, about seven per cent of accidents are fatigue related. Experts agree that these are conservative estimates: they may even be higher. Based on figures from the BTE, fatigue related road accidents alone could be costing the community up to $3 billion per year, with heavy vehicle fatigue related accidents costing around $300 million annually. This says nothing of the enormous human and emotional cost of fatigue related accidents.

In this report we looked at the current developments in fatigue management. Regulators such as CASA and the NRTC are developing more flexible ‘outcome’ oriented regulations which recognise the need to properly manage fatigue, while in rail and marine pilotage national codes of practice are being developed. However, improvements can always be made and we have put forward a significant number of recommendations aimed at improving these approaches and strategies. The NRTC needs to take more notice of ‘time of day’ effects, ensure that there is broad participation in fatigue management programs and allow for an increase in minimum rest periods. CASA must dramatically improve its auditing and surveillance functions. Similarly, regulators in the rail and marine pilotage sectors need to incorporate clear and more sophisticated fatigue management provisions in the proposed
national codes of practice for their respective industries.

Various non-regulatory fatigue management initiatives have also been introduced around the country, including by companies incorporating fatigue management plans in their operations and industry based voluntary safety accreditation programs. Improvements required in this area include the need for more and better quality heavy vehicle rest areas on our national highways. We are particularly interested in the potential of technology to help support broader fatigue management initiatives such as computer based fatigue modelling systems for testing work schedules and rosters, the Safe-T-Cam system, fatigue testing devices—particularly those which might be used at the roadside and in the workplace—and also car cabin gas monitors and driver vigilance systems. Government and industry must focus on further developing and refining these technologies.

We were particularly interested in how to carry forward fatigue management in the transport industry. While there is little doubt that increased competition in the Australian transport industry has resulted in lower transport costs for consumers, we are fast approaching the point where best practice in efficiency is jeopardising best practice in safety. It is clear that operators struggling to remain commercially viable are exposed to the greatest risks. In this regard, companies, customers and freight forwarders have a collective responsibility to address key concerns, such as freight and payment rates, as these have imposed unrealistic delivery and price expectations while the beneficiaries enjoy the benefits of reduced freight rates. The Productivity Commission should also incorporate fatigue and fatigue management as key criteria when looking into future transport industry issues.

Governments should support the industry by assisting in developing transport-operator business education programs and establishing a training development fund for owner-operators. While a great deal of valuable work is being done to improve current regulatory regimes in all sectors, more and clearer guidance must be provided to the transport industry on what constitutes a ‘safe’ system of work through a huge range of complementary measures. These could include occupational health and safe standards and codes of practice on fatigue, industry codes of practice on safe working and fatigue management and a more comprehensive use of quality assurance accreditation.

The road transport sector should also catch up with the rail and aviation sectors and establish requirements that must be met for entry into, and continued operation within, the industry by introducing a system of mandatory operator accreditation. The scheme should cover the entire road transport industry—drivers, companies and customers—and require the demonstration of fatigue and fatigue management knowledge, strategies and business management skills. This would also provide a mechanism for removing from the industry those who continually breach the regulations and who pose a threat to public safety and to themselves.

The fundamental problem is this: operating a vehicle while fatigued is not an offence, as such. Consequently, it is difficult to deter people from working while fatigued. Legislators and the general public have in the past made tough decisions in regard to other critical road safety issues such as drink-driving, speeding and seatbelts—often against strong opposition—which ultimately have resulted in appreciable improvements in road safety. These measures are now widely accepted as being necessary. The issue of driver fatigue requires a similar approach.

In the light of advances in our understanding of fatigue, and the technology to accurately detect and measure fatigue, we believe that driving while fatigued should be made an offence, with both the driver and the owner of a vehicle being culpable for a fatigued related offence. The use of drugs in the transport industry, particularly in road transport, is a serious problem. It is unconscionable that drivers are taking drugs in order to do their job. We have proposed that the road transport companies adopt a drug-free policy and implement a mandatory drug testing regime and that a nationally consistent and broad ranging drug education and counselling program be required for both
employees and managers in all transport sectors.

Fundamentally, all in the transport industry share responsibility for fatigue. Individuals have a responsibility to manage their fatigue and to use rest periods so that they are fit for work. Companies have a responsibility to manage the transport task properly to mitigate the effects of fatigue. Customers have a responsibility to recognise their role in fighting fatigue and to ensure that their demands and expectations are realistic. This requires the development of basic, nationally consistent fatigue awareness and education programs that can be used as the foundation for modal specific education regimes for all those in the transport industry. Government has a responsibility to provide a framework that assists and encourages the transport industry to properly manage fatigue. I think we have progressed towards achieving that goal with this report.

Finally, I would like to thank my colleagues for their hard work and commitment over 16 months. This inquiry attracted a great deal of attention and support from the transport industry, and I thank all those from that sector who made a contribution. We also appreciate the valuable input we received from the Australian and overseas experts, particularly Professor Drew Dawson of the Adelaide Centre for Sleep Research, Professor Woltec Wlodarski of RMIT, Professor David Dinges from the University of Pennsylvania and Mr Sesto Vespa from Transport Canada. I would also like to thank the current secretary of the transport committee, Mr Grant Harrison; the former secretary, Meg Crooks; and in particular the inquiry secretary, Adam Cunningham, for outstanding dedication to the task at hand.

In summary, the subject of fatigue is now well understood. We have the capacity to accurately measure and monitor fatigue, and we have increasingly sophisticated methods and systems to manage fatigue. A 20 to 30 per cent drop in accidents in land transport alone could be achieved through proper fatigue management. (Time expired)

Mr GIBBONS (Bendigo) (1.31 p.m.)—I rise to endorse the remarks of the previous speaker and thank the Standing Committee on Communications, Transport and the Arts which has worked so hard in producing this report, Beyond the midnight oil: an inquiry into managing fatigue in transport. I would also like to thank the secretariat, in particular Adam Cunningham, who has done a superb job of drafting this report. The problems of fatigue in our transport industry have been in existence since the industry first commenced to operate. I think it is fair to say that the problem has worsened considerably over the past 10 or 15 years to the dangerous levels we see today. Regional Australia in particular rely heavily on the transport industry—air, sea, road and rail—for the goods we need in our everyday lives. The ever increasing drive for delivery efficiency by producers, distributors, wholesalers and retailers of goods has placed an enormous strain on the transport industry, and fatigue for those involved in operating or maintaining virtually every aspect of transport equipment is a major consequence, often with tragic results.

This report identifies the fact that there is a major problem and provides a series of recommendations that are designed to begin the process of managing fatigue across all aspects of our transport industry. There are 41 recommendations in this report—a large number by any standard. However, given the complexity of the problem and the diverse nature of the industry, covering four sectors—that is, air, sea, road and rail—the committee felt that 41 recommendations were appropriate. In the chairman’s foreword, 11 key recommendations which cover all sections of the industry, have been prioritised. As I said in my opening remarks, this important report covers all sections of the industry. I note that we have people from the transport industry visiting the House in Canberra today. I am referring to Judy Penton and Coral Davidson from the Concerned Families of Australian Truckies Association, Andrew Whale and Mark Crossdale from the Transport Workers Union’s New South Wales and ACT branches and a delegation of drivers and family members from the long-distance trucking industry.

The transport industry is obviously much affected by the fatigue problem, but there are other industries which are equally affected
with equally devastating consequences—aviation, for example. The report states:

We support the steps currently being taken by the Civil Aviation Safety Authority to develop ‘outcome’ based regulatory regimes for:

• air operator certification;
• flight and duty times for air crew and cabin crew;
• duty times for aircraft maintenance engineers; and
• air traffic control service providers.

It is, however, essential that these regimes demand the implementation of sound fatigue management practices as a basic requirement for operating in the Australian aviation industry.

We are especially concerned to see that sound fatigue management practices are embedded in the aviation maintenance sector of the industry. A recent survey revealed that fatigue is the second most cited causal factor when respondents were asked the reasons for a safety occurrence or incident. Because the commercial realities of the industry require regular night and shift maintenance work, aircraft operators and the Civil Aviation Safety Authority should pay special attention to fatigue management in this sector.

It stands to reason that even the most alert and mentally and psychologically fit air crew in a 737 cannot really do a lot if both engines fail, so safety in air maintenance is absolutely crucial. The report goes on:

... there is a need for better fatigue management practices to be required of air traffic service providers, especially as moves are made to de-regulate this part of the industry.

We are alarmed at the state of the current system of regulating flight and duty times for air crew.

The current system, as provided for by Civil Aviation Order Part 48, is universally regarded as being anachronistic and deeply flawed. The Civil Aviation Safety Authority must take urgent action to ensure that the current system operates in a safe and efficient manner while the new regulatory regime is being prepared.

Disturbing questions have also arisen about the frequency and quality of the Civil Aviation Safety Authority’s surveillance and auditing practices. Effective surveillance and auditing is essential if safety standards are to be maintained and if sound fatigue management practices are to be embedded in the industry. The need for effective auditing will become even more pronounced when the new ‘outcome’ based regulatory regimes are implemented.

They are just two areas where fatigue is a major problem in our transport industry. This is a very good report. I thoroughly recommend that all honourable members get it, read it and help start to turn around what is becoming a major problem throughout our transport industry.

Mr ST CLAIR (New England) (1.36 p.m.)—I would like to endorse the comments made on both sides by the previous speakers and also congratulate the Standing Committee on Communications, Transport and the Arts and its committee members. Again, in a bipartisan committee—as it is in the House of Representatives—it is certainly good to have the input of both sides and an understanding of the perspectives that come from both sides of politics, particularly around the table. The committee has produced a report that I, in the 32 years that I have been involved in and around the transport industry, really believe is quite a milestone in the delivering of reports. I know reports have come down before in this industry, but never before has the question of fatigue been addressed across all four modes of transport, in particular in road transport. I think some of the recommendations have been particularly courageous. I again congratulate the committee for making those hard decisions and having the very robust debates that we do within these committees to make sure that the good recommendations get through.

I want to touch on only a couple of issues today and I want to leave time for my colleague. One of the major recommendations that affects the road transport industry recommends the promotion through Australian transport of the development of state and territory laws making driving while fatigued an offence. This parliament and many others have addressed the issue of speed, have addressed the issue of vehicle design and have addressed the issue of alcohol in connection with driving. It is time now that parliaments around Australia address the issue of fatigue within the transport industry, because it is becoming a major killer. Another recommendation was that the Minister for Transport and Regional Services should work with the Australian Transport Council, transport industry representatives and occupational
health and safety specialists to develop workplace safety codes of conduct for each of the sectors in the transport industry to provide guidance on how best to manage fatigue and ensure that these codes are national in application, complement existing regulatory and occupational health and safety requirements where appropriate and are given the status of being referenced in relevant transport or occupational health and safety.

As has been mentioned, there are many recommendations. I want to touch on two particular issues of great concern to me and, I believe, also to the committee. Yesterday, there was a release of an industry based code of conduct for the road transport industry, and I would like the House to be aware of what is in the report and what has been written:

We support strongly the moves by the transport industry developed voluntary codes of practice. While the impetus for such codes needs to come from industry, the Commonwealth can make a valuable contribution by providing expertise, advice and a forum for sectors of the industry to develop effective codes of practice or conduct. However, industry codes of practice or conduct are only effective if they are recognised and accepted by all players concerned and there is some positive reward for complying with the code and negative sanctions for non compliance. This is particularly so for codes that are not associated with a body of legislation. Accordingly, industry needs to pay close attention to establishing suitable incentives for compliance so as not to diminish the effectiveness of a code of practice or conduct. That being said, we fully support codes of practice or conduct being given status by being referenced in appropriate transport or occupational health and safety legislation as a way of ensuring that they have authority and recognition.

That is absolutely vital. The other issue is slotting—those in the industry will know exactly what I mean—and it is one of the greatest contributing factors to fatigue in the road transport industry. Many of the customers do not understand legislation governing driving hours or understand liability issues, and customers need to progress past the untenable attitude that fatigue is not their problem. It is their problem.

Mr MOSSFIELD (Greenway) (1.40 p.m.)—All sections of the transport industry have considerable interest in the report of the Standing Committee on Communications, Transport and the Arts entitled Beyond the midnight oil: an inquiry into managing fatigue in transport. I would like to acknowledge in the parliament today a number of people who my colleague the member for Bendigo has already mentioned, and they are Judy Penton and Coral Davidson from the Concerned Families of Australian Truckies, Andrew Whale and Mark Crossdale from the Transport Workers Union’s New South Wales and ACT branches and a delegation of drivers and family members from the long-distance trucking industry.

This is a very timely report. We are moving into a global economy where the information age is taking over. We hear the phrase ‘the world is shrinking’ more and more. Distance is no longer a factor in doing business. Phones, faxes, emails and the Internet allow businesses to expand their areas of operation as they have never been able to in the past. I say that distance is no longer a factor in doing business—this is not strictly true of course. The world may be shrinking in a business context, but of course in a physical context it is not. Perth may be only a phone call or an instant email message away from Sydney, but it is still 3,284 kilometres as the crow flies, and no amount of technology will shorten that distance.

Australia is a vast continent and transport by this very fact is by and large long haul. The nature of business today is instantaneous. Customers have come to expect overnight delivery. They can order a product from a thousand miles away in an instant by the click of a mouse and they are increasingly expecting delivery to be instantaneous as well. Unfortunately, it is not. The physical distances still need to be covered and, while there are faster planes, better trains and straighter, smoother roads than there were only a few years ago, this does not change the essential problems of long haul transport. We are told that we must cut the cost to business and that means we must cut transport costs. We must find efficiency in the transport industries and increase productivity. The
pressure is on and, unfortunately, that means that many people in the transport industry are working longer hours than they ever have in the past. This is a dangerous practice. Fatigue is a massive problem that can and does result in the loss of life. Is this an acceptable business cost? I do not think so.

It is a fine balance that we must find between protecting the workers in the transport industry as well as other members of the community and the interests of business in keeping their costs at a reasonable level that will still allow them to conduct their business profitably. Let us also not forget that it is not only the drivers who are affected by fatigue; there is a pressure on the mechanics who keep the trucks, trains, ships and planes working. Changes in the employment environment over the last decade have seen the numbers employed in this area diminish. Fewer people are now trying to do the job of more. This again leads to longer hours and fatigue, where one missed bolt or nut can make all the difference. This report addresses many of these concerns and sets out some 41 recommendations to achieve the objectives that we all would want to see. I do not intend to go into detail regarding these recommendations. I will save that for the Main Committee, where I am afforded more time to discuss the issues at length.

While not an explicit recommendation, the report also raises the issue of maintenance and, particularly, the lack of apprenticeships in the aviation industry. The report refers to this issue in section 2.116:

On a related matter, we are most disturbed to learn that both major airlines have dramatically reduced their intake of aircraft maintenance apprentices. This is leading the airlines to recruit engineers from overseas and to ‘poach’ qualified staff from elsewhere in the industry. This practice, if continued, will:

- place at risk the strong corporate and safety cultures that the airlines have established and maintained by training their own staff;
- reduce Australia’s capacity to be self-sufficient in this important part of the industry; and
- reduce the number of qualified staff in other parts of the industry, particularly in regional areas.

I am pleased that the chairman of the committee, the member for Hinkler, has drawn this issue to the attention of the Minister for Transport and Regional Services and the Minister for Education, Training and Youth Affairs. Without more apprenticeships, the level of pressure on existing maintenance engineers will increase and so too will the level of fatigue. (Time expired)

Mr SPEAKER—Order! It being 1.45 p.m., the time allotted for statements on this report has expired. Does the member for Hinkler want to move a motion in connection with the report to enable it to be debated on a future occasion?

Mr NEVILLE (Hinkler)—I move:

That the House take note of the report.

I seek leave to continue my remarks later.

Leave granted.

Mr SPEAKER—I thank the member for Wills. In accordance with standing order 102B, the debate is adjourned. The resumption of the debate will be made an order of the day for the next sitting, and the member will have leave to continue speaking when the debate is resumed.

STATEMENTS BY MEMBERS

Republic Referendum: Labor Proposal

Mr LATHAM (Werriwa) (1.45 p.m.)—I rise to lend support to the timetable for an Australian republic outlined by the Leader of the Opposition last weekend. As a direct electionist I feel this is the best way to proceed. The republic debate needs to be turned over to the Australian people, and this is what the Leader of the Opposition is putting forward. I am confident that at the first stage the Australian people will vote in principle for an Australian President. I am confident that at the second stage they will opt for the direct election model. People want to take more political power into their own hands. They want to bypass this parliament and directly decide themselves on the election of an Australian President. I am confident that at the third stage the Australian people will endorse a constitutional referendum along those lines.

I call on all direct electionists to support Mr Beazley’s model. In particular, there is a
notable direct electionist on the front bench of the government, the member for Flinders, Mr Reith. He has said that this is a strong matter of principle for him to support direct election. Here is his big chance to put his principles into action, his big chance to put his principles on the line and support the schedule for an Australian republic put forward by the Leader of the Opposition. If Mr Reith is truly a direct electionist he will realise that this three-stage program is the best way—perhaps the only way—in which a direct election republic will ever be carried in this country. It is a proposition to put the whole republican issue over to the Australian people—not one vote, not a sham constitutional convention, but three votes and a direct election President. *(Time expired)*

Republic Referendum: Labor Proposal

Telstra: Sale

Mr BILLSON (Dunkley) (1.47 p.m.)—I lend support to some of what the member for Werriwa had to say. I think a direct election model for our head of state is a good model to pursue. It is just a shame that Kim Beazley has reached for something in a desperate hour when Labor has been sprung playing funny buggers over the future of Telstra. Today’s editorial in the *Herald Sun* outlines:

The truth has emerged that the Federal Opposition has played a secret game over the future of Telstra. The editorial goes on to say:

Labor’s secret option appears to have been one where the telecommunications network would stay in public ownership while the rest of the company would be privatised.

This is a radically different strategy from that which Labor has previously put to the parliament. That is an absolutely true reflection of what has gone on here. The *Herald Sun* has recognised that the Australian electorate and this parliament have been deceived by the doubletalk coming from the Labor Party in relation to the future of Telstra. What we are seeing is the old ALP three-card trick. The first card: whatever Labor needs to say, whatever it thinks it can get away with before an election it will say—and using language with enough wiggle room to go and do something dramatically different from what it told the electorate. The second stage: Labor goes ahead and says, ‘Well, we are not going to sell all of it; we are just going to take all of the hardware out and put that in a little bundle on the side and we’ll flog the rest of it. We’ll flog the call network, we’ll flog *Yellow Pages*, we’ll flog off the Internet business. Gee, haven’t we stuck with our policy!’ That is the second card. What is the third card? ‘Gee, we’re three-quarters pregnant now, we may as well sell the lot.’ They have been found out, and Labor should come clean. *(Time expired)*

Maher, Mr Michael, OAM

Mr MURPHY (Lowe) (1.48 p.m.)—A few weeks ago the former Labor member for Lowe from 1982 to 1987, Mr Michael Maher, OAM, and his wife Margaret travelled to Ireland for a short holiday. Unfortunately for Mr Maher he broke his hip whilst in Dublin—which, coincidentally, is the birthplace of my grandfather. Last night my wife Adriana and I paid Mr Maher a visit in his home in Five Dock where he is convalescing after a successful full hip replacement operation which was performed in Dublin.

As you know, Mr Speaker, the former occupier of your chair, the Hon. Bob Halverson, is Australia’s Ambassador to Ireland. The purpose of this report to the House today is to express on Mr Maher’s behalf his deep appreciation of the visit by His Excellency to him whilst he was in hospital. As you know only too well, Bob Halver-son is from the opposite side of politics to Mr Maher, and it just demonstrates that when someone needs support, politics takes second place. We all know that Michael Maher was one of the most genuine and most loved members to grace this House. I know that I speak for all members in wishing Michael Maher a speedy and full recovery.

Honourable members—Hear, hear!

Mr SPEAKER—I thank the member for Lowe. I am sure that the Chief Opposition Whip and the member for Cunningham would expect that of the fraternity of former Speakers.
World Economic Forum: Protests

Mr McARTHUR (Corangamite) (1.50 p.m.)—Last month’s S11 protestors in Melbourne had one aim—to close down a peaceful legal gathering of the World Economic Forum. Similar violent tactics were seen at the WTO gathering in Seattle and in anti-globalisation demonstrations at the IMF meeting in Prague. I saw for myself this kind of violent demonstration—which attacks police—in the city of Philadelphia whilst the Republican national convention was taking place. Protestors in Melbourne used physical force in smashing through the barricades. Their one aim was to invade the conference and shut it down. No-one has the right to violently break the law in this way. Peaceful protest has a place in a democratic society. The Vietnam moratorium marches are an example.

The Victoria Police did their job—to ensure that a legal gathering, a peaceful conference, proceeded. For that they are to be highly commended. Their tactics in protecting public safety and the safety of forum participants were justified. Herald Sun journalist Andrew Bolt has written a human account of a police sergeant beaten by protestors in his battle to protect a two-year-old child caught in a stampeding crowd. Police had to fight off protestors just to protect the sergeant after he was repeatedly kicked and beaten—hardly a peaceful protest. I want to pay tribute to the Victoria Police Force—in particular, Geelong’s Commander Bill Kelly and his police officers—for an outstanding performance in advancing the police motto ‘uphold the law’.

Health: Cystic Fibrosis

Mr RIPOLL (Oxley) (1.51 p.m.)—I recently had the privilege of attending the cystic fibrosis 12th annual black tie charity ball and auction in Brisbane. The annual event has gained fantastic support from the broader community and has done a great job in raising not only much needed dollars but also awareness of this crippling disease and the effects it has on so many of our young people. The fundraising event over the weekend collected $105,000 that will go into research and support for the sufferers of CF and their families. The dedication of Rick Nelson, Denis Roel, Jewel and Ross Metcalf, Mark Sachs, Kerry Green, Mike Reedy, Wavell Smith, Carol Shorto and Liza Fairbairn, the organisers of the ball, is indicative of the need to help people with CF and their families and the support needed to treat the disease.

The cruel part of this disease is that there is no cure. Unfortunately, most sufferers of CF have short lives. The money raised by events such as the charity ball will hopefully help alleviate some of the pain and anguish these brave people endure. Much more funding is needed and more work needs to be done to find a cure for CF and to help the sufferers and their families. I am grateful that I was able to assist in a small way by attending the CF charity ball. I commend the endurance of the CF charity ball and wish to acknowledge the hard work undertaken by all those involved.

Burton, Professor John

Mr ST CLAIR (New England) (1.52 p.m.)—New England has lost one of its favourite sons. Professor John Burton was a man of high intelligence, integrity and great humour. Professor Burton graduated from Sydney University in 1952 with a degree in engineering. In 1971 he became the foundation Professor of Natural Resources at the University of New England in Armidale. He continued at the university until his retirement in 1994, when he retired as the head of the School of Engineering.

Along with his long and distinguished career at the University of New England, he had a number of roles as a consultant to both governments and communities. These included appointments such as Chairman of the Murray-Darling Basin Advisory Committee, chairman of the Commonwealth government Lake Pedder inquiry and Deputy Chairman of the New South Wales Water Resources Council. As well, he was a director of the New Zealand Agricultural Engineering Institute. He was a member of the Rotary Club of Armidale from 1971, where he served as a director, and he was elected president of the club for the 1999-2000 year.

I extend my deepest sympathy to his wife, Barbara, and to his three daughters, Robyn,
Susan and Jayne. His determination, positive outlook and ever-present humour were an inspiration to all those who came in contact with this great man.

**Bendigo Stock Exchange**

**Mr GIBBONS (Bendigo) (1.54 p.m.)**—
Last Friday the Bendigo Stock Exchange was granted approval to operate a new stock market for small and medium enterprises in rural and regional Australia. Regional Australians contribute hundreds of millions of dollars each year in superannuation with very limited prospects of seeing that money invested back into their region. Aside from direct investments in the handful of listed regional businesses, including the Bendigo Bank, there was no prudential framework through which fund managers could invest in regional Australia. The Bendigo Stock Exchange will provide such a mechanism. The Bendigo Bank’s Regional Investment Fund provides a similar framework. I will have a lot more to say about this innovative, regionally based banking group at another time.

Bendigo Stock Exchange is an Internet based exchange to facilitate the flow of investment capital to small to medium enterprise, particularly in regional Australia. Initially it will concentrate on equity matching—in other words, putting investors in touch with businesses worth investing in—and in the longer term will develop a full trading platform to enable share trading. This is an exciting project which was conceived by a group of innovative people from Bendigo, all with a burning desire to see our region grow and prosper. I congratulate BSX Chairman, Mr Michael McCarthy; his board of directors, including the Bendigo Bank’s Chairman Richard Guy and CEO Rob Hunt; the City of Greater Bendigo; and all who have contributed towards this venture.

If the Howard government demonstrated a tenth of the commitment to rural and regional Australia as have the Bendigo Bank, the Bendigo Stock Exchange and the people I have just mentioned, regional and rural Australia would not be in the difficulties it is in at the moment.

**Cook Electorate: Surf Lifesaving Clubs**

**Mr BAIRD (Cook) (1.55 p.m.)**—I rise today to express my disappointment with the decision of the Sutherland council last week in relation to the redevelopment of the surf clubs in the area. Agreeing to the state government’s LEP means that redevelopment of the surf clubs will not be within the actual footprint of the clubs but rather within the envelope of the clubs, which does not allow for further development of the areas. This means that the opportunity for the clubs to be self-reliant is taken away and that they will continue to rely on the community for handouts as they have in the past.

The surf clubs in the area do a fantastic job for the community. In particular, Wanda and Elouera clubs and North and South Cronulla clubs are out there all the time looking after the community and saving lives. I believe this decision by the council is a very retrograde one. I would ask them to reconsider it in the light of the needs of the surf clubs.

**Hospitals: South Australia**

**Mr COX (Kingston) (1.56 p.m.)**—The number of South Australians on waiting lists for elective surgery in public hospitals is continuing to grow. That means that without additional resources more patients will have to wait longer than is clinically desirable for treatment. In March 1998 there were 7,535 patients on the waiting list, a year later there were 8,800 and by March 2000 there were 10,052. That represents a lengthening of the queue by almost 17 per cent in the year to March 1999 and a further 14 per cent in the 12 months to March 2000. The waiting list has continued to grow this year: by June, by a further 414 and by another 99 in July—bringing the total number of patients waiting for elective surgery in South Australia to 10,565. This makes the waiting list for elective surgery 40 per cent larger today than it was in March 1998, and there is no sign that that growth will slow.

Labor has a solution to that problem: our Medicare alliance signed between federal, state and territory Labor leaders. It will deliver certainty and a decade of real funding growth for our public hospitals. The pres-
sures on public hospital emergency departments will ease with the additional funds and Labor’s Medicare after-hours program. South Australia will be a clear winner and, in particular, hospitals like Flinders Medical Centre will benefit from funding targeted to areas like Adelaide’s south, where the population is both growing and ageing.

**Roads: Scoresby Transport Corridor**

Mr BARRESI (Deakin) (1.58 p.m.)—On behalf of the Victorian state Labor government, VicRoads recently released a list of proposed road projects for our wonderful state. VicRoad’s document is a veritable shopping list of billions of dollars of vital transport infrastructure spending. The Scoresby Transport Corridor is one of the projects listed, but it does not receive the number one priority it deserves. The RACV, business and municipal councils in eastern Melbourne all want the Scoresby built, and at least the RACV document places Scoresby as number one.

After the Bracks government’s initial rejection, months of constant lobbying have paid off. After a policy backflip caused by the constant agitation of members on this side from the eastern suburbs, Labor apparently supports the project. But many questions remain. VicRoad’s colourful wish list is not enough. The chameleon Premier Bracks and Minister Bachelor must urgently act. They must allocate the necessary funding and, importantly for residents in the Deakin electorate, extend the Eastern Freeway to Ringwood with at least an arterial connection to Canterbury Road as a precursor to building the Scoresby. Ringwood residents, along with those living in Nunawading, want action not just fine-sounding words. Political scams are not well received; memories of past events in Nunawading linger on. Melburnians remember the debacle of the south-east arterial—a freeway style road with traffic lights! The last thing Ringwood residents want is another traffic nightmare designed and built by the Labor Party.

**Goods and Services Tax: Savings Bonus**

Mr QUICK (Franklin) (1.59 p.m.)—I have received a letter which says:

Dear Harry,

The Prime Minister, Mr Howard, said that all pensioners over 60 years of age would receive $1,000 to help with the GST and we would not be out of pocket.

Since January 2000 I have paid GST on my house insurance, car insurance and car registration and the $24 does not cover these items. All the above were due before 1 July 2000. I only have the age pension to live on and therefore am unable to save money as I have paid for my own home. I have no income from investments. I am 70 years of age.

Mr SPEAKER—Order! It being 2 p.m., in accordance with standing order 106A, the time for members’ statements has expired.

**MINISTERIAL ARRANGEMENTS**

Mr HOWARD (Bennelong—Prime Minister) (2.00 p.m.)—I inform the House that the Deputy Prime Minister and Minister for Transport and Regional Services will be absent from question time today and possibly for the rest of the week due to continuing ill health. The Minister for Agriculture, Fisheries and Forestry will answer questions in the House on his behalf until he is able to resume his ministerial duties.

**QUESTIONS WITHOUT NOTICE**

**Education: Funding for Non-government Schools**

Mr BEAZLEY (2.00 p.m.)—My question is to the Prime Minister. Prime Minister, is it correct that under your new system the King’s School, with its magnificent facilities, gets an extra $1.4 million a year and does not even make your list of the 130 wealthier schools in Australia? Is this because, as Dr Kemp told both the *Daily Telegraph* and the *Herald Sun* recently:

... millionaires living in low income areas get the SES score of a low income area.

Are you aware of the comments of two Parramatta High students on *A Current Affair* last Friday who said:

It is not fair; they should not get the money. We need it; they do not.

How do you explain to them why their school gets only $4,000 and the King’s School gets an extra $1.4 million a year?

Mr HOWARD—I thank the Leader of the Opposition for the question. Could I take the last part of his question first and say to the
Leader of the Opposition that a straight dollar comparison between amounts paid by the federal government to independent schools and amounts paid by the federal government to government schools is fundamentally dishonest. As he well knows, as a former education minister, historically the great bulk of the funding of government schools has been borne by state governments and the great bulk of the funding of independent schools has been borne by the federal government. I think, roughly speaking, of the total amount paid by all governments to government schools around Australia, 88 per cent of the cost of that funding comes from state governments—which in turn get about 42 per cent of that money or thereabouts from the federal government through financial assistance grants—and only 12 per cent of the cost of that funding comes from the federal government.

Therefore, if you make any straight dollar comparison between increases going to independent schools from the federal government with increases going to government schools from the federal government, the amount going to independent schools will always, in dollar terms, be much higher. The Leader of the Opposition ought to know that because that is the system that obtained in the whole 13 years the Hawke-Keating government was in office and, historically, that has been the arrangement. As the Leader of the Opposition knows, for many years—until the early 1960s, when the change came under the Menzies government—no assistance was given by governments to independent schools in this country. So those dollar comparisons are intellectually dishonest, and the Leader of the Opposition and the member for Dobell know that.

The other part of the question referred to millionaires living in low income areas. The basis of that assertion is this notion that all independent school parents are millionaires. That is, intellectually and in practice, fundamentally dishonest as well. This government is interested in providing Australian parents with choice. The Leader of the Opposition mentions the King’s School, which has been a convenient example for the opposition to light upon. I remind the Leader of the Opposition that every reputable spokesman from all of the non-government school bodies in Australia has said that the old EOAR system adopted by the Hawke-Labor government in 1985 was becoming increasingly inequitable and that the new SES system, which reflects far better the fee paying capacity of parents sending their children to independent schools, is a much fairer measure. An intellectually dishonest comparison with direct funding of government schools, when the federal government provides only 12 per cent of that funding, reveals the absolutely facile approach of the Labor Party on this issue.

Solomon Islands: Peace Process

Mr LINDSAY (2.05 p.m.)—My question is to the Minister for Foreign Affairs. Would the minister update the House on progress in the peace process in the Solomon Islands and on the meeting to begin in Townsville later today.

Mr DOWNER—First, I thank the honourable member for Herbert for his question. It is particularly relevant that he should ask that question today as Townsville is to host the Solomon Islands peace talks, which we hope will begin with a dinner tonight and continue during this week. I acknowledge the enthusiasm of the people of Townsville and the member for Herbert, as their federal representative, in encouraging the talks to take place in their fair city. As I speak, Australian and New Zealand C130s are embarking Solomon Islands delegates for this round of talks. The government regards these talks as a very important opportunity for all the parties from the Solomon Islands to get together to develop a solution to the ethnic tensions that have caused so much harm to their country in recent times. From the signing of the cease-fire on board HMAS Tobruk on 3 August there has been a very major effort by many parties in the Solomon Islands and by Australia and New Zealand to get the peace process going. That cease-fire has, one would say, roughly held, but there has been a continuation of conflict and disorder, and that is doing enormous damage to the Solomon Islands.

This evening I will be flying to Townsville to meet with the parties. I will be encourag-
ing all of the participants in this week’s peace talks to take bold steps to end this conflict as quickly as possible. These talks mark only the most recent stage in the very substantial support for the Solomon Islands peace efforts that the Australian government has been providing. Our ships have provided a venue for preparatory discussions for the Townsville meeting, assisted by a New Zealand ship as well. We provided very substantial support for the Solomon Islands Cease-fire Monitoring Committee to help with the implementation of the cease-fire. We are also providing support for the newly established Solomon Islands Ministry of National Unity, Reconciliation and Peace and for Solomon Islands non-government organisations that are working for peace. These talks have a particular importance. If peace is not brought to the Solomon Islands quickly, the country faces economic and social disintegration. We will do all we sensibly can to support peace efforts, but, ultimately, the success of the Townsville talks and the future of the Solomon Islands itself must lie in the hands of its own people. I know I speak on behalf of all members of the House when I say that we wish the Solomon Islands delegates well for the talks ahead.

**Education: Funding for Non-government Schools**

**Mr LEE** (2.08 p.m.)—My question is addressed to the Prime Minister. I refer the Prime Minister again to the statement that under his new school funding system ‘millionaires living in low income areas get the SES score of a low income area’. That statement was not made by us; that was a statement made by your minister for education. Prime Minister, is it correct that your new school funding system gives more than $27 million a year extra to just 12 very wealthy category 1 schools, including Geelong Grammar, Prince Alfred College in Adelaide and the King’s School in Sydney? Is it also correct that last year your enrolment benchmark adjustment policy cut funding for government schools by the same $27 million? Why is your government taking $27 million a year from 7,000 government schools and giving it to 12 of the richest schools in Australia?

**Mr HOWARD**—The answer to the honourable gentleman’s question is that it is not. One of the many distortions peddled by the Labor Party on this issue is the claim that the enrolment benchmark adjustment takes money from government schools and gives it to independent schools. It does not take money from government schools and give it to independent schools. The reality is that as children transfer and parents exercise a choice which is increasingly available under our policies—and if the Labor Party wants to analyse the enrolment figures of independent schools, it will find this—the growth sector has not been in what the Labor Party chooses to categorise as the wealthy schools.

**Mr Beazley interjecting**—

**Mr HOWARD**—The Leader of the Opposition always interrupts when there is a relevant point being made in relation to a question asked by one of his colleagues. The growth sector in independent schools—and not the so-called wealthy schools referred to pejoratively by the member for Dobell—has been in the low fee structure independent schools. As parents exercise their choice to take their children from government schools to independent schools, the cost burden on state governments is thereby reduced. I would remind the House that 88 per cent of the total cost of running government schools is borne by state governments while only 12 per cent is borne by the federal government. It stands to reason that, if there are fewer students in the government schools, the cost of running those schools is markedly lower. The enrolment benchmark adjustment only makes an adjustment in relation to half of the notional cost saving, and the argument that it goes into independent schools is completely false.

The member for Dobell asked me why it was that certain funding for particular schools had been increased. The reason is that, under the new fairer system, it was found that under the funding levels given the socioeconomic measurement according to census data of the parents sending their children to those schools, those schools were entitled to additional funding. The old system had failed. The old system was judged by every spokesman for independent schools...
to be an unfair, inequitable system and, in those circumstances, the government changed it. No amount of dishonest comparison of figures by the Labor Party can alter that fundamental fact.

We are providing significant increases for government schools. We are providing very significant increases for the low fee independent schools. When you take into account the existing level of funding being received by the low fee schools, it can be seen that in the long run the real winners out of this new policy are Australian parents who want to exercise choice. The Labor Party is interested in an ideological battle; we are interested in giving working-class parents choice. That is why this system is increasingly winning support within the Australian community, because we give working-class families choice while the Labor Party wants to take it away from them.

**Telstra: Sale**

Mr PYNE (2.13 p.m.)—My question is addressed to the Minister for Finance and Administration. Would the minister inform the House of recent revelations of a plan to sell Telstra? Do these revelations impact on the government’s stated policy positions?

Mr FAHEY—I would like firstly to refer to the latter part of the honourable member for Sturt’s question in respect of the impact on the government’s policy. The government’s position on the full sale of Telstra at an appropriate time is unchanged. We have been open, upfront and consistent with the Australian people on this issue. In fact, the government have a clear policy. It is now clear that the opposition, the Labor Party, has secret plans. I am aware of the Leader of the Opposition yesterday denying statements made by one of Australia’s leading investment houses, Macquarie Bank, that senior members—that is ‘senior members’ plural—of the opposition have indicated that Labor is considering the break-up and the sell-off of Telstra. The Leader of the Opposition defended his spokesman on finance by claiming that he was verballed. It was fairly clear to me, listening to the Leader of the Opposition yesterday, that it was Macquarie Bank that was being verballed.

But we have heard nothing from the spokesman on finance, the member for Melbourne. This is the man who was willing to write about Telstra in his book, *Open Australia*, the man who was willing to talk to Macquarie Bank about the breaking up and selling off of Telstra, the man who is responsible for Labor’s policy on privatisation. But all of a sudden he is saying nothing. We know that he visited the Macquarie Bank; but what other investment houses has he visited and discussed this issue with? The fact is that the Leader of the Opposition’s public stance on Telstra is untenable. The Leader of the Opposition knows this. The member for Melbourne knows this. The entire front bench of the Labor Party know this. The Leader of the Opposition continues to state his public opposition to the further sale of Telstra—

Mr Beazley—Mr Speaker, we have raised as a personal explanation—

Mr SPEAKER—Is the Leader of the Opposition raising a point of order?

Mr Beazley—I am, and it goes to the truth of this answer. We have raised repeatedly in this House, both I and others here, the fact that our intentions are—as we have stated publicly on Telstra—that we are not going to privatise it further.

Mr SPEAKER—The Leader of the Opposition will resume his seat. The Leader of the Opposition raised a point of order embracing what was an earlier personal explanation brought into the House first thing today by the Deputy Leader of the Opposition.

Mr Crean—And by the Leader of the Opposition last week.

Mr SPEAKER—I unwisely pick up the point fairly made by the Deputy Leader of the Opposition—and the Leader of the Opposition. It is reasonable, therefore, to presume that any suggestion that the Leader of the Opposition or the Deputy Leader of the Opposition have been suggesting that there be a full sale of Telstra should not be entertained because they have indicated that that is not their intent.

Mr FAHEY—What the Leader of the Opposition should explain to the House is whether or not he authorised the member for Melbourne or the member for Perth to go
and visit Macquarie Bank. What this demonstrates is the inability of the Leader of the Opposition to control his frontbench. It is time that the Leader of the Opposition demonstrated some leadership, because the member for Melbourne cannot remain on the frontbench when he does not support his leader’s publicly stated position on Telstra. This is a test of leadership. He should demonstrate his leadership by removing the member for Melbourne from the front bench. The Leader of the Opposition has no choice. He either backs the member for Melbourne or sacks him.

Education: Funding for Non-government Schools

Mr LEE (2.18 p.m.)—My question without notice is again to the Prime Minister. Is the Prime Minister aware that Geelong College, a category 1 school which charges fees of $10,860 a year, advertises its facilities in the following way:

... two magnificent ovals, an all-weather synthetic hockey field, tennis courts, netball and basketball courts, and squash courts. In addition the new Recreation Centre ... features a 25 metre indoor swimming pool (8 lanes to FINA standards), a separate diving pool, a fully equipped gymnasium with a weights room and an aerobic studio.

Prime Minister, do you stand by your claim that your new system ‘provides more resources to those that are more deserving of assistance’? Prime Minister, why does Geelong College deserve more than $2 million a year extra?

Mr HOWARD—I will check the claims that have been made by the member for Dobell. I never accept them at face value. I do not know why, but I suppose it is a natural caution that has been bred into me that I never accept them automatically. But I do know what is contained in this letter that is in front of me, and I can read from it. Perhaps it has been provoked by this debate, but it was written to the federal member for Adelaide and it is from the Greek Orthodox St George College. This is a school—

Mr Crean—What does that have to do with Geelong College?

Mr HOWARD—Well, it has got to do with school funding, and I thought the question was about school funding. But, if it is not—

Mr SPEAKER—The Prime Minister is entirely in order and will continue.

Mr HOWARD—The letter is written by Mr Basil Taliangis, the Chairman of the Board of Governors at St George College, which is a school under the auspices of the Greek Orthodox Archdiocese of Australia, Community and Parish of St George. It says:

Dear Trish,

As our Federal Member of Parliament I thought it appropriate to send you a short note to say how better off St George College is as a result of the proposed new SES funding arrangements.

St George College, as you are aware is a low fee based school with many needs. The new funding, when it peaks in 2004, will be of great assistance and enable us to offer and manage expanding programs and curriculum.

The question asked by the member for Dobell of course is of the same genre as a whole long list of questions that seek to establish that a funding formula based not on historic need—

Mr Lee—Mr Speaker, on a point of order: my question was about whether Geelong College deserves an extra $2 million a year—

Mr SPEAKER—Does the member for Dobell have a point of order or does he not?

Mr Lee—nothing about St George.

Mr SPEAKER—The member for Dobell will resume his seat. By any measure applied by any occupier of this chair at any time I have been in this parliament, the question asked by the member for Dobell included a comment about the equitable nature or otherwise of the funding system, and the Prime Minister’s answer is relevant.

Mr HOWARD—The new system more accurately measures the capacity of parents and therefore the long-term viability of schools. It is a fairer, more equitable system. It replaced a system that worked very, very unfairly, particularly in relation to many independent schools in rural and regional areas of Australia that were lumbered with a funding formula that assumed a position of wealth and affluence that had years ago vanished. That is why the new funding system in
the long run is going to work to provide a much fairer distribution. The attempt by the Labor Party to generate the politics of envy will be seen by the Australian people for what it is.

**Telstra: Share Ownership**

Mr BILLSON (2.22 p.m.)—My question is to the Treasurer. Treasurer, could you provide an update to the House on the extent of share ownership in Australia and the extent to which the sale of Telstra aided the growth in share ownership? Is the Treasurer aware of any alternative policies in this area?

Mr COSTELLO—I thank the honourable member for Dunkley for his question. I can tell him that, largely as a result of the sale of the first and second tranches of Telstra, Australia has become one of the largest share owning democracies in the world. The first tranche added 560,000 new investors into the share market and the second tranche added 320,000 first-time investors. A number of members of the Australian Labor Party took up the offer to become shareholders, and we congratulate them for doing so.

I am asked about any alternative policies in relation to Telstra. Of course there are now alternative policies that are being put forward not only by the Australian Democrats but also by members of the Australian Labor Party in relation to the privatisation of Telstra. You can imagine my surprise when I saw the Leader of the Opposition interviewed on Sunday, defending the situation of 49 per cent private ownership and 51 per cent government ownership in Telstra by saying, ‘The position Telstra is in now is the position of virtually every European telco.’ I wondered what telcos he had in mind that had 49 per cent private ownership and majority government ownership in Telstra by saying, ‘The position Telstra is in now is the position of virtually every European telco.’ I wondered what telcos he had in mind that had 49 per cent private ownership and majority government ownership—certainly not the United Kingdom, which has a privatised telco; not the Netherlands, which has majority privatisation; not Denmark, which has majority privatisation; not Spain; not Portugal; not Hungary; not Ireland; not Italy; not Lithuania. Of course Germany is privatising its telecommunications. The only European economies that I could find that had minority private ownership and majority government ownership were the former communist states: the Czech Republic, Slovakia, Kazakhstan, Kyrgyzstan, Uzbekistan, Serbia and Montenegro—apparently they are the European telcos that the Australian Labor Party wants to model itself on. I was also quite amazed when, after a long diatribe on how Australia should become a new economy, the Leader of the Opposition declared that part of being a new economy would somehow be a nationalised telephone company, which raised a few eyebrows amongst the interviewers.

But of course there are some thinkers in the Australian Labor Party who are preparing to put forward views on the privatisation of Telstra. We know about the member for Melbourne, who has a view that the network should be separated and the business floated—a view which he put in his book. But we also know that he was not alone when he went to Macquarie Bank. He would have you believe he did not go to Macquarie Bank to discuss Telstra; no, he just went to Macquarie Bank to discuss his book. You can imagine Macquarie Bank saying to him, ‘Please come in and discuss your book. We are avid readers of the works of the member for Melbourne.’ But also there with him, whom we have not heard from yet, was Mr Smith. He was also apparently doing the rounds of the banks. We read in the Canberra Times: ‘A spokesman for Mr Smith said yesterday that nothing Mr Smith said to the bank would have suggested he wanted to split up Telstra.’ But he was certainly at the bank. What a great surprise! ‘We don’t go to merchant banks to discuss privatisation; oh, no, we just go to discuss our books.’ We have not yet heard an explanation as to why Mr Smith and the member for Melbourne were at Macquarie Bank. They just decided there was a good lunch on that day or they liked the wine, I suppose. But we now have the member for Melbourne and the member for Perth—wasn’t this lucky: the spokesman on privatisation and the spokesman on communications! But another part of the jigsaw came into being when the Australian Financial Review on Friday reported:

Senior Labor figures last night rejected suggestions the Opposition was actively considering such a strategy—that is, privatisation—
Despite this, senior ALP figures have privately admitted Telstra’s ownership structure, with the Government owning 50.1 per cent, is untenable.

I wondered to myself: what senior figures would go off the record to discuss Telstra? My mind went back to that favourite cutting of mine that I always keep very close to my chest: ‘Simply Simon’.

Mr Crean—Mr Speaker, you are aware, because you were in the chair when I made a personal explanation on this very point—

Mr SPEAKER—The Deputy Leader of the Opposition has a point of order?

Mr Crean—The point of order is that he is defying your ruling. You have said it is not appropriate for him to—

Mr SPEAKER—The Deputy Leader of the Opposition will resume his seat. I will listen to the Treasurer’s comments and he will of course abide by my earlier ruling.

Mr COSTELLO—I will, Mr Speaker. I just draw your attention to the fact that the *Australian Financial Review* reported on Friday that senior ALP figures have privately admitted Telstra’s ownership structure is untenable. That was written—

Mr Crean—I raise a point of order, Mr Speaker. That is one of the allegations I have precisely denied today. He is going on—

Mr SPEAKER—The Deputy Leader of the Opposition will resume his seat. The Treasurer has the call and is thus far in order.

Mr COSTELLO—that is on the record. That was written by Steve Lewis and Christine Lacy. There was another article in the *Financial Review* by Steve Lewis and Tony Walker entitled ‘Simply Simon’. It said:

... grappling with contradictory elements of Labor policy such as those relating to the sale of Telstra and GST—

And listen to this:

He goes off the record quite often to express a personal view ...

Opposition members interjecting—

Mr SPEAKER—The Treasurer should resume his seat. Any reference by the Treasurer to the Deputy Leader of the Opposition about the sale of Telstra is of course running counter to the earlier comment I made, but the comment made about senior members of the opposition was in order.

Mr Reith—I raise a point of order, Mr Speaker. I am only seeking a clarification; our view is that the Labor Party is secretly planning to sell Telstra.

Mr SPEAKER—The Leader of the House will come to his point of order.

Mr Reith—I put it to you that we are perfectly entitled to say that.

Mr SPEAKER—The Leader of the House will resume his seat.

Mr Crean interjecting—

Mr Crean interjecting—

Mr SPEAKER—The Deputy Leader of the Opposition!

Mr Crean interjecting—

Mr Crean interjecting—

Mr SPEAKER—The Deputy Leader of the Opposition is now defying the chair. The Leader of the House will come to his point of order. The Deputy Leader of the Opposition and the Leader of the Opposition have distanced themselves from those references and that therefore they ought not to be implicated in an answer. If anyone has a point of order they may raise it.

Mr COSTELLO—I just want to put the facts before the House. The shadow finance minister goes to Macquarie Bank to discuss his book, the shadow communications minister goes to Macquarie Bank for a good lunch, the Deputy Leader of the Opposition goes off the record to discuss Telstra, and senior figures of the ALP admit that the government owning 50.1 per cent of Telstra is untenable. I also table a *Bulletin* article of 18 April 2000; I will read the relevant part. It has a picture of the shadow minister for communications and Mr Swan under the heading of “The new adventures of the Bobbsey twins”. It says:

While Smith sounds strong in his opposition to the further sale of Telstra, some of his colleagues believe he would be prepared to sell it in office. And how right they are. The Leader of the Opposition may have what he believes to be a policy; it is not a policy which is shared by
his economics spokesmen. They are doing the rounds of banks, they are actively discussing—

Mr McMullan—What a lie!
Mr Crean—What a lie!
Mr COSTELLO—I am sorry, but it is the truth to say that they are doing the rounds of banks.
Mr SPEAKER—The Treasurer will resume his seat. The Manager of Opposition Business and the Deputy Leader of the Opposition know that that sort of interjection is quite out of order.
Mr COSTELLO—As I said, they are doing the rounds of banks, and they are actively discussing Telstra, and that ought to be made plain to the backbench of the Labor Party.

Education: Funding for Non-government Schools

Mr LEE (2.34 p.m.)—My question is again to the Prime Minister. It refers to his claim in his last answer that, under his new school funding system, the government more accurately measures the capacity of parents to pay, and to his reference to St George College, the Greek Orthodox church school in Adelaide. Can the Prime Minister explain why the low fee St George College in Adelaide receives a mere $253 a year extra, while Geelong College gets an extra $2 million a year? Prime Minister, why is the low fee school getting an eighth of the increase of the wealthy school with the best facilities?
Mr HOWARD—I will check the figures, but—

Opposition members interjecting—

Mr HOWARD—No. I will check the figures, but I will hazard the explanation: one of the reasons is that the existing funding provision for the St George College is on a per capita basis higher than that of the other school. I hazard that that is probably the explanation. If St George College is in fact a school that has been started fairly recently and is a low fee school, its per capita funding already is probably much higher than that of the other school referred to in the question asked by the honourable member. It stands to reason therefore that that would be the situation. I do not know that the exhilaration and the excitement evinced on the other side of the House on this question is justified.

I say to the member for Dobell that under the present arrangement, which is essentially a product of the application of policies pursued over quite a long period of time, the per capita funding of what are generally accepted as the poorer non-government schools is much higher in percentage terms than that of the others. It stands to reason that, if when you introduce a new system you make direct dollar comparisons, those comparisons can be quite misleading and quite dishonest, just as they are in relation to direct dollar comparisons between government schools and non-government schools.

In the end, we have introduced a system that more accurately measures parental capacity than did the old system. If you want to get a true yardstick of whether that is a correct statement, you do not selectively quote dollar increases without acknowledging the base to which those increases have been added. If you include the base, you will find that the relative outcomes are fair and equitable and not as suggested by the member for Dobell.

Telstra: Privatisation

Mr HAASE (2.37 p.m.)—My question is addressed to the Minister for the Arts and the Centenary of Federation representing the Minister for Communications, Information Technology and the Arts. Would the minister advise the House of the benefits to rural Australians from the part privatisation of Telstra? Is the minister aware of any alternative plans for the privatisation of Telstra?

Mr McGAURAN—I thank the member for Kalgoorlie for his question. He well knows how his rural constituency and so many others have benefited in very tangible and concrete terms from the part privatisation of Telstra. Hundreds of millions of dollars have been invested in upgrading telecommunications infrastructure, whether it be with regard to mobile telephone services or television reception, and there is much more to come. It is the same with the Natural Heritage Trust: we have seen the restoration and refurbishment of the environment in
quite unprecedented ways. And they are both programs which the Labor Party totally oppose. But they are not so opposed to the full sale of Telstra, are they, Mr Speaker, because we know that it is not just a solo effort by the shadow minister for finance in his discussions with Macquarie Bank. We know that several other frontbenchers as well as their state counterparts have signalled their intentions on coming to government for the full sale of Telstra.

With regard to state governments, Labor’s Carl Scully, the New South Wales Minister for Transport, told us a short while ago to hurry up and sell Telstra and distribute the funds. On 17 March on ABC radio, when at Coffs Harbour, he said: Hand over three hundred million to the people of Coffs Harbour for that Telstra sale and we’ll build a western bypass.

Tasmania’s Labor Premier Jim Bacon refers to the sale of Telstra as a ‘once in a lifetime opportunity’ to deliver infrastructure and telecommunications funding. So what about the federal Labor Party? The most fascinating thing about the Leader of the Opposition is that he does have form on this issue. On 5 June 1994 he did a Meet the Press interview. Remember that he is the old champion of privatisation: from when in government he has a string of notches on his gun belt. He said:

Privatisation in the limited sense would work. I mean, you could privatisate Telecom if you set your mind to it.

In other words, ‘If you had the ticker you would do it’; but he does not have the ticker or the resolve. The shadow minister for finance’s book—that bestseller, I do not think—Open Australia in 1999 has been much quoted. But you have to put the whole quote in context to understand his resolve and determination to privatise Telstra:

Part-private ownership of Telstra creates internal tensions and contradictions and inhibits the extent to which social value can be obtained from a huge investment of public capital. If the balance of Telstra is not sold, it may be desirable to restructure its core infrastructure functions into complete public ownership and fully privatise some of its service provision functions.

So now we know on whom the Financial Review based its quote last Saturday when it said:

Senior ALP figures have privately admitted Telstra’s ownership structure, with the Government owning 50.1 percent, is untenable.

That is exactly what Mr Tanner has been writing and saying for a good while. Senator George Campbell looms large in this debate with his influence on the Labor Left, although not so much in policy development. In the Financial Review in 1998 he said this:

I have heard arguments—they have some merit—that we ought to consider breaking up Telstra into a number of separate identities servicing specific regions within Australia.

So he is firmly in the camp of the shadow minister for finance. So it has been revealed that there are a number of Labor frontbenchers and a number of their state colleagues who are in support of Telstra; they are gradually being revealed to be so. Before long it will be a question of who on the front bench is not in support of Telstra privatisation. The final word should go to the member for Dickson. Who will ever forget those immortal words when, in the Melbourne Age of 22 February 1996, she said:

I think Labor in opposition won’t sell Telstra but I’m more worried about Labor in government.

Are you still worried about Labor in government? No, you are not worried because you know they will sell Telstra in government.

Goods and Services Tax: Petrol Prices

Mr CREAN (2.42 p.m.)—My question is to the Prime Minister. In light of the continuing protests over the pain being caused by higher petrol, diesel and LPG prices, Prime Minister, will you now adopt Labor’s plan to reduce the petrol excise by 2c a litre by taking the GST inflation spike out of the next fuel indexation increase?

Mr HOWARD—I notice a reference in the Deputy Leader of the Opposition’s question to ‘Labor’s plan’. That is really a triumph of hope and baloney over reality if ever I heard it, because if there is one thing we have not had from the Labor Party in the now more than 4½ years that they have been in opposition it is a credible alternative eco-
economic plan. The reality is that the Labor Party’s economic policy is a litany of contradictions. The Labor Party’s economic position will tell you that they will roll back the GST, although they are now very shy about giving us details. The Leader of the Opposition could give you a 10-year plan for something else that starts with R, but he cannot give you 10 details of the roll-back that the Labor Party will introduce when they come into government. Of course, every single so-called plan that the Labor Party produce on any issue has to be set against the background of what will be the cost of roll-back. Will roll-back cost half a billion dollars; will roll-back cost $2 billion, $3 billion, $4 billion or $5 billion? It still remains the policy of the Leader of the Opposition—he dare not mention the word, he dare not give any detail, but it is still the policy of the Labor Party—to roll back the GST. But I say to the Deputy Leader of the Opposition: until such time as you detail how and when you will roll back the GST you have no credibility to talk about alternative economic programs.

Education: Funding for Non-government Schools

MRS DE-ANNE KELLY (2.45 p.m.)—My question is addressed to the Minister for Education, Training and Youth Affairs. Would the minister inform the House of the benefits to disadvantaged and special needs students under the government’s new funding policy for non-government schools? How does this compare with previous policies?

DR KEMP—I thank the member for Dawson for her question. We have heard a lot from the opposition about fairness and equity in schools funding in recent days, but an examination of the record shows the utter hypocrisy of the claims that it is making. Labor’s policy essentially was to keep fees at the best resourced private schools high and to stop new low fee schools coming into existence. Labor politically manipulated schools funding for 15 years. In pursuit of its high fee policy, 107 schools with 90,000 students received no real funding increase for 15 years; and a further 75 schools with over 50,000 students have not received any real funding increase since 1993. Students with disabilities were particularly disadvantaged by Labor’s policy because, under its ERI policy, schools which Labor classified as the wealthiest received nearly $3,200 extra per secondary student with disabilities, while the neediest schools received nothing—not one extra dollar.

The government’s funding model redresses Labor’s discrimination against the needier schools by providing funding for special needs students that Labor never provided. Under our policy we will be providing a flat per capita rate of $527 per special education student, while ensuring that no school loses out by maintaining such students at their current levels. This means, for example, that the Gawler River school in Bonython will be entitled to an extra $4,200 for special education, compared with zero under Labor; Kormilda College in the Northern Territory will be entitled to an extra $23,700, compared with zero under Labor; St Charbel’s College in Blaxland, New South Wales, will be entitled to an extra $13,700—

Mr Lee interjecting—

Mr SPEAKER—The member for Dobell is warned.

DR KEMP—compared with zero under Labor. The hypocrisy of Labor in this area knows no bounds. Our policies are designed to put a downward pressure on school fees. We want more families to have the kinds of educational choices which were exercised by Bob Hawke, Paul Keating, Kim Beazley and Simon Crean. Why shouldn’t more families have the opportunity to choose the kinds of schools which the Labor leaders send their children to? Why is Labor’s policy designed to keep pushing up the fees for these schools, making them less accessible to families, whereas our policy is designed to make schools—all schools—more accessible and to give low income families more choice than they have ever had before? Ours is a low fee policy; yours is a high fee policy. Stop this hypocrisy of taking advantage of the system for yourselves and not being prepared to give it to other families!

Economy: OECD Report

DR LAWRENCE (2.49 p.m.)—My question is addressed to the Prime Minister. I re-
fer to your claims that Australia is not an old economy because of our high take-up of new technologies. Have you seen the recent OECD report which notes that Australia has the smallest value added in information and communications technology as a share of its business sector and which ranks Australia as a ‘low ICT intensity country’? Doesn’t the report also say that the value added contribution of the ICT sector to the economy has actually fallen under the coalition? Isn’t this failure to make Australia a knowledge nation one of the prime reasons why our dollar is being marked down?

Mr HOWARD—I am not sure whether the question is about the knowledge nation or the so-called divide between the old and the new economy. But let me say to the honourable member that the point that I sought to make in the remarks to which she has made reference is that the measurement of whether an economy is in the current language ‘old’ or ‘new’ is, in my view, overwhelmingly determined by the capacity of an economy to use the benefits of technology, particularly information technology. On that basis, if you look at Internet usage, computer usage and productivity, ultimately you survive or perish in this world on your capacity, your productivity capacity—

Mr Crean interjecting—

Mr HOWARD—I am glad the Deputy Leader of the Opposition interjects and nods his head, because our productivity capacity has shot up dramatically, under this government.

Mr Costello—Higher than the United States.

Mr HOWARD—In fact, our productivity measurement over the last few years, as the Treasurer reminds me, has been higher even than that of the United States.

Mr Crean interjecting—

Mr HOWARD—One of the reasons—and I warm to my task through the interjections of the Deputy Leader of the Opposition—that over the last four years we have been able to increase the real incomes of Australian workers is that productivity has gone up. You had to resort to boasting about how you cut wages: you cut wages in your 13 years in government, and you boasted government, and you boasted about it. You not only cut them but also boasted about how you would reduce wages. You could never bring about the productivity improvements that have been brought about under this government. So, if you look at the runs on the board as far as the performance of the economy is concerned, and the measurement of that according to productivity gains, this is in fact an economy that has been greatly aided by an intelligent usage of information technology.

The other point I would make to the honourable member for Fremantle is that measuring the capacity of economies to use technology is really, in my opinion, to demolish this false dichotomy between the old and the new within an economy. Just because a nation has a large dependence on agricultural and mining exports—and I am very proud of the fact that this country has highly efficient farms and highly efficient mining industries—

Mr Crean interjecting—

Mr SPEAKER—The Deputy Leader of the Opposition.

Mr HOWARD—It is the application of information technology to produce which is important. When you look at the application of information technology—

Mr Crean interjecting—

Mr SPEAKER—The Deputy Leader of the Opposition is warned!

Mr HOWARD—to the industries of this country, you find by our general economic performance that that is one of the reasons why we have outperformed just about every economy in the Western world over the last 4½ years.

Visas: Visitors

Mrs MAY (2.53 p.m.)—My question is addressed to the Minister for Immigration and Multicultural Affairs. Tourism is a major industry for Australia. So could the minister inform the House whether the government’s approach to visitor visas has encouraged growth in the number of tourists coming to Australia? Is the minister aware of other policies in relation to processing applications from people wishing to visit Australia?
Mr RUDDOCK—I thank the member for McPherson for the question. I know of her very considerable interest in the welcoming of bona fide tourists to Australia as visitors. We do have a system designed to facilitate the entry of genuine tourists while, at the same time, maintaining the integrity of our border arrangements and our immigration program. It is a balanced approach. It is one which saw a record number of visitor visas, as well as working holiday visas, being granted by Australian officers overseas, in the year 1999-2000. Visitor grants rose by 7.3 per cent compared with the previous year—and this at a time when integrity was maintained because the non-return rate over the same period from the previous year has reduced significantly. Just to give you an idea of what has been happening in important emerging markets in China and India, for instance, visitor visa grants increased by over 36 per cent and 28 per cent respectively.

There are a number of tools that are used to identify areas of risk. We use objective measurement for that purpose where there is evidence of overstay. What that means is that further inquiries are made by our officers to ascertain whether or not a visit is genuine. We do maintain certain risk profiles. The risk profiles are not an invention of this government; they were introduced by the previous government. They were reviewed in 1995-96 by the Joint Standing Committee on Migration, chaired by Senator McKiernan. In its report, that committee commented:

... the Committee supports the principle of the risk factor profile ... While the visitor visa refusal rates from posts in certain risk factor countries are high, large numbers of visitor applicants at such posts are approved.

It needs to be clearly understood that the risk factor list does not automatically exclude anybody from entry to Australia; it simply points to those people to whom further questions might be directed to ascertain that a genuine intention to visit is there.

I am surprised at reports that suggest that some members in the Labor Party question the use of the risk profile. It has been reviewed. I notice that in one of the more colourful comments—perhaps designed to get publicity—an Olympian, Tatiana Grigorieva, was brought into question. Let me make it very clear: nobody’s migration or entry to Australia is usually introduced, for privacy reasons, into debate. But I might say that anybody coming to participate in the recent Olympics was, even when risk factors might have been involved, judged to be a bona fide visitor.

I might also say that under the risk profiles that existed under the former Labor government for the former Soviet Union, the Russian federation, it was not only females of 20-plus but also males of 20-plus who were included in the risk factors. If you go through many of the other categories to which the honourable member referred, you will find that the more recent data that is being used has been considerably refined, and numbers of groups that were, under the risk profiles, identified when you were in office are no longer identified. This system is a very important system for tourism in Australia. It ensures bona fide visits. It ought not to be brought into question by cheap comments designed to get publicity.

Forest and Wood Products: Action Agenda

Mr LAURIE FERGUSON (2.58 p.m.)—My question is directed to the Minister for Forestry and Conservation. Did the minister recently claim that the Action Agenda for forest and wood products is aimed at maximising sustainable and profitable tree growing, value adding and marketing? Is the minister also responsible for the publication entitled RFA Forest News, published by the Commonwealth Forests Taskforce? Can the minister confirm that this large print-run broadsheet was actually printed for the Commonwealth on imported Italian paper? In view of his repeated promises to tackle Australia’s $2 billion trade deficit in wood and paper products, why did the minister not ensure that RFA Forest News was printed on Australian coated paper, such as that produced at Wesley Vale using timber sourced from Tasmanian RFA forests?

Mr TUCKEY—Thank you, Mr Speaker. Mr Zahra interjecting—Mr SPEAKER—The member for McMillan is warned!
Mr TUCKEY—The first bit of ignorance betrayed in the question is that Australia is a substantial importer of paper. There is an aspect of simple arithmetic that says that if one party uses an Australian product then somebody else has to use an imported product. Why are we importing paper? Because a previous Labor government shut down Wesley Vale. I can assure you that we would not have to go looking for paper to print something on if Wesley Vale were producing paper today at the rate that it would have done. Furthermore, there is a very good chance that we would have people constructing new paper manufacturing facilities in Australia today if the Labor Party would pass a regional forest agreement piece of legislation that would give those investors the certainty of resource they need for that purpose. The whole fact of life is that various people are using millions of dollars—in fact, about $1,500 million—of imported paper every year. We do not instruct private enterprises as to which they use because we have not got enough Australian paper, and all the reasons for that situation are the result of the previous policies of the Labor Party.

Rural and Regional Australia: Financial Initiative

Mr FORREST (3.01 p.m.)—My question is addressed to the Minister for Financial Services and Regulation. Would the minister inform the House of any new initiative in Australia’s financial markets that may assist rural and regional Victorians?

Mr HOCKEY—I thank the member for Mallee for his question. I am pleased to advise the House that the government has approved the Bendigo Stock Exchange to form and receive a licence under the Corporations Law. The Bendigo Stock Exchange proposes to operate a market tailored to meet the needs of smaller companies across a range of industries, in particular those industries servicing rural and regional Australia. What this does is help smaller businesses to raise the capital to develop new ideas and to promote them, particularly at a time when Australia is a very attractive export oriented nation. It is good news for regional Australia because it creates a link between metropolitan Australia and rural and regional Australia so that businesses setting up in rural and regional Australia have the opportunity to expand. This sort of initiative has been supported by the Commonwealth not only through the licensing procedures but also through the $400,000 we have spent through the Department of Industry, Science and Resources. My colleague Senator Nick Minchin has supported this proposal with a view to supporting rural and regional Australian businesses which are looking to raise additional money.

We have created an environment of self-help for Australian businesses. We have helped to stimulate and build new exchanges, including this exchange and the Newcastle Stock Exchange, to create an environment where smaller businesses can go to list and raise the money to support new ventures. The backers behind BSX include the Bendigo Bank group—which I understand has set up two community banks in the member for Mallee’s electorate at Minyip and Rupanyup—and Computershare and the Small Cap holdings group. This is another step forward in the government’s determination to try to help businesses, particularly in rural and regional Australia, to raise the money to expand their businesses and to create more jobs for people right across Australia.

Nursing Homes: The Oaks

Mr SWAN (3.04 p.m.)—My question without notice is directed to the Minister for Aged Care. Minister, is it a fact that on 21 September your department was notified that residents at The Oaks Nursing Home in South Australia were known to be ‘at serious risk of suffering unnecessary pain, illness, injury or death’? Minister, is it also a fact that it was not until 29 September that sanctions were imposed and not until 5 October, some two weeks later, that your department actually sent someone into that nursing home to monitor the care of residents? Minister, how do you explain this unacceptable delay? Why wasn’t someone sent in immediately to ensure that residents were not at serious risk of ‘unnecessary pain, illness, injury or death’?

Mrs BRONWYN BISHOP—The agency did conduct an audit of The Oaks on 19 and
20 September. Since that time, the agency, the department and the approved provider have taken all appropriate steps. Two sanctions have been placed on the approved provider. Our concern has always been for the wellbeing of the residents. I will add that the matter has been referred to the Commissioner for Complaints, and one of the issues that has been referred to him for him to look at is the responsiveness of doctors attending residents when they are asked to do so, both from the point of view of their willingness to attend and the speed with which the attendance occurs. I repeat that the government’s concern and my concern is always for the wellbeing of residents. On this occasion the agency and the department have been in constant contact with the approved provider to ensure that outcome.

Health: Chronic Illness

Mr BARRESI (3.06 p.m.)—My question is addressed to the Minister for Health and Aged Care. Would the minister advise the House of initiatives that may assist Australians suffering from chronic conditions such as arthritis to manage their illness and to improve their quality of life?

Dr WOOLDRIDGE—I thank the honourable member for his question. Medicare has been very good at treating acute illness, but it has not been as good at preventing illness or as good at managing chronic illness. Last Friday, I was able to join the member for Deakin in his electorate in launching five demonstration projects on sharing the care, aimed at helping people manage chronic illness. This is a very exciting initiative. Chronic illness is the single biggest burden of illness the country faces. Three million Australians live with a chronic illness. Illnesses such as diabetes, pain, arthritis, cardiovascular disease and cancer all cost the community about $1 billion a year each in direct and indirect costs and, with just what we already know works, we could probably save 25 per cent of the costs in any one of those illness categories. The hard thing, though, has been incorporating into our health care system something that manages the chronic illness to try and stop people needing medical care rather than to just give them the medical care when they are actually ill.

We were surprised with the amount of interest and enthusiasm. We received nearly 130 very serious applications for just five projects and, because of this, will have a second round of funding later on. The five projects cover a whole range of areas in Australia, from metropolitan through rural to remote. There is one in the member for Grey’s electorate, looking at particularly diabetes and cardiovascular disease. In Brisbane, the Arthritis Foundation is taking the lead with arthritis and diabetes. The Tasmanian University Department of Rural Health is looking at economically disadvantaged small rural communities where there is a high incidence of chronic illness. In Katherine West we are building on the coordinated care trial that has had extraordinarily good early results in improving indigenous health in that area to look at people over 35 years of age who have cardiovascular disease with diabetes or renal disease.

In the electorate of Deakin, we are looking at the Whitehorse Division of General Practice having what they call a ‘good life club’. This involves taking older people, particularly people with an Asian background, and helping them manage cardiovascular disease, diabetes and depression. It is a very innovative project. It is one we are funding in excess of half a million dollars. We are using existing structures for this good life club, where people will be assigned a coach to work with their local GPs and to help people best manage their diabetes, heart disease or depression. They will keep a diary, they will use that with their GP to give feedback; and we think this can very substantially improve the quality of life for these people and, at the same time, reduce health care costs in the long term. This is the way of the future in health care; managing chronic illness is the biggest single challenge we have.

Nursing Homes: The Oaks

Mr SWAN (3.09 p.m.)—My question is directed to the Minister for Aged Care and it refers to the numerous breaches of care in The Oaks Aged Care Facility in South Australia detailed by the standards agency that the minister is responsible for. Minister, are
you aware that these breaches include a resident with a gangrenous wound that was left untreated for two months; residents who were scalded by hot drinks being left untreated; a diabetic resident being overdosed on medication; a resident in severe pain not being treated, who became suicidal; and a resident with eating difficulties dying after choking on food? Minister, given this litany of mistreatment, why didn’t you personally ensure that your department moved immediately to protect these residents, given that you received a report on 21 September?

Mrs BRONWYN BISHOP—I am delighted to see that the honourable member is able to be with us instead of giving evidence to the Queensland CJC.

Mr SPEAKER—Order! Members on my right! The minister will come to the question.

Mrs BRONWYN BISHOP—I would simply repeat my answer that since the audit was done by the agency there has been continual contact between the agency, the department and the provider to improve the circumstances. That is continuing and, as I said, the matter has now been referred to the Commissioner for Complaints.

Work for the Dole: Projects

Mr CHARLES (3.11 p.m.)—My question is to the Minister for Employment Services. Minister, how many Work for the Dole places have been approved so far for job seekers? Is the minister aware of any new threats to the success of Work for the Dole?

Mr ABBOTT—I thank the member for La Trobe for his question and I note that unemployment in his region has fallen from 13.6 per cent—when the dud Leader of the Opposition was the dud Minister for Employment, Education and Training—to just 5.4 per cent, thanks to the outstanding policies of the Howard government. The latest round of announcements means that nearly 100,000 Australians have had the opportunity to participate in Work for the Dole. Since 1 January, the government has announced nearly 2,000 new projects, with places for more than 30,000 job seekers. I have been asked about any new threats. Recently, the Leader of the Opposition promoted to his frontbench one of Work for the Dole’s biggest critics: the member for Fremantle two years ago called Work for the Dole ‘insulting and destructive’, last year she called it ‘cynical exploitation’ and most recently she called it ‘coercive and repressive’.

The member for Fremantle is at odds with the member for Batman, who encouraged community groups to get involved with Work for the Dole; she is at odds with the member for Dickson, who claims that Labor is in favour of Work for the Dole; and she is certainly at odds with her own electorate, where community groups have put in place 38 Work for the Dole projects, giving valuable work experience to nearly 1,000 job seekers, and where 80 per cent of teenagers think Work for the Dole is a good thing, according to a Sunday Times survey of Perth young people. It is high time that the member for Fremantle and other members opposite said something positive about the great program that they claim to support. Unemployment in Fremantle has come down from 14 per cent—when the Leader of the Opposition was the dud minister for employment—to seven per cent, and Work for the Dole is one of the reasons why the situation is improving.

Nursing Homes: Inspections

Mr SAWFORD (3.14 p.m.)—My question is to the Minister for Aged Care. Minister, can you confirm that aged care assessors from South Australia and also Western Australia are being moved to Victoria to cope with the rush of nursing home accreditation by 1 January? Minister, is it not true that as a result South Australia is now short of quality inspectors? Minister, is this the reason why the South Australian nursing home, The Oaks, was not monitored for two weeks after residents were found to be at serious risk? Minister, has your bungled implementation of accreditation put residents at risk in South Australia and Western Australia and left them without proper protection?

Mrs BRONWYN BISHOP—The honourable member in his question has got many of his facts entirely wrong. The fact of the matter is that the agency has planned very fully for the best use of their assessors to ensure that the time line of 31 December is
met and that all accreditation processes will take place. I might point out that the opposition spokesman for aged care, Senator Evans, has said that he is in favour of accreditation and wants to give this excellent policy bipartisan support, yet we have a back-bencher who is trying to undermine the success of the policy of raising standards—

Mr Swan interjecting—

Mr SPEAKER—The member for Lilley!

Mrs BRONWYN BISHOP—and ensuring that those providers which ought not to be in the business are not in the business. The fact of the matter is—

Mr Sawford—Mr Speaker, I rise on a point of order on relevance—

Mr SPEAKER—The member for Port Adelaide will resume his seat.

Mr Sawford—I beg your pardon—

Mr SPEAKER—The member for Port Adelaide has been asked to resume his seat, and I will rule on the matter of relevance.

Mr Sawford—I have not even asked the question. How can you rule when I have not asked the question?

Mr SPEAKER—I have asked the member for Port Adelaide to resume his seat. The member for Port Adelaide has raised a point of order on relevance. I have been listening to the minister’s answer, and I wrote down the question. The question was about the capacity of officers of her department to effectively monitor the way in which aged care facilities were being run. Her answer was entirely relevant.

Mrs BRONWYN BISHOP—Thank you, Mr Speaker. It was indeed the agency that carried out the audit which is relevant to the Oaks nursing home. It is the department and the agency together—

Mr Swan interjecting—

Mr SPEAKER—The member for Lilley!

Mrs BRONWYN BISHOP—that are monitoring the progress of what is occurring. Indeed the matter is—

Mr Swan interjecting—

Mr SPEAKER—The member for Lilley is warned.

Mrs BRONWYN BISHOP—in hand and the government department and the agency have followed the proper processes.

World Mental Health Day

Mr LLOYD (3.17 p.m.)—My question is addressed to the Minister for Health and Aged Care. Would the minister inform the House about World Mental Health Day and initiatives of this government in the areas of mental health and wellbeing for the Australian people?

Dr WOOLDRIDGE—I thank the member for Robertson for his question and his interest. Just before coming to the House this afternoon I launched World Mental Health Day. I was pleased to be joined by the member for Jagajaga and the Leader of the Australian Democrats, which gives some idea that this is an issue that is taken seriously across the parliament.

The new symbol for Mental Health Week is the flannel flower, which many members on both sides of the House are wearing. This is something we hope will become associated with Mental Health Week, just as daffodils are with cancer research or the red nose is with sudden infant death syndrome. The flannel flower is an Australian native plant. It provides a very positive image for mental health. It is synonymous with the qualities of resilience and the ability to adapt which are very important qualities in dealing with mental illness. This year the theme for Mental Health Week is ‘health and work.’ It aims to look at workplaces as places to promote mental wellbeing, to reduce the stigma associated with mental illness and to help those people in the workplace with mental illness, with the hope that it might be treated just like any physical illness in the workplace.

The member asked about programs for mental health generally. Australia has a proud record in this area. The US Surgeon General, David Satcher, who was out here last year, publicly recognised Australia as a leader in this area, as did the British health minister, Paul Boateng, who the year previously was out here to look at what we had done and to see what he could take back to implement in the UK. We have been driving this through two national mental health
strategies, the second one providing $300 million to states and territories to restructure and reform mental health services on the ground. We have a very significant program looking at suicide prevention.

We provide substantial resources for community access to crisis counselling, such as Lifeline, Kids Helpline and Reach Out! And we have the National Depression Initiative, which has strong support across the whole parliament. At one time or another 20 per cent of Australians can expect to suffer from depression that leads to clinical symptoms. The Depression Initiative is a very exciting project that is going at a very fast pace, as you would expect with the former Premier of Victoria leading it. All in all, as I said, we can be proud of what we are doing.

Mental illness and people’s attitudes to it are changing. In this area we have got every reason for hope and optimism.

Mr Howard—Mr Speaker, I ask that further questions be placed on the Notice Paper.

ANSWERS TO QUESTIONS WITHOUT NOTICE

Education: Funding for Non-government Schools

Mr HOWARD (Bennelong—Prime Minister) (3.21 p.m.)—Mr Speaker, may I add to an answer I gave the member for Dobell. He asked me a number of questions. One of them related to some comparisons of St George College and Geelong College.

Mr SPEAKER—The Prime Minister may proceed.

Mr HOWARD—I have been informed that St George College under the new system has an SES score of 99 and that in the year 2004 per capita funding for primary students will be $3,276 a head and for secondary students $4,291. This, I am informed, is 52.5 per cent of the AGSRC. I am further informed that Geelong College has an SES score of 109 and in 2004 the per capita funding for primary students will be $2,496 and for secondary students $3,269, and this is roughly 40 per cent of the AGSRC.

PERSONAL EXPLANATIONS

Mr TANNER (Melbourne) (3.22 p.m.)—Mr Speaker, I wish to make a personal explanation.

Mr SPEAKER—Does the honourable member claim to have been misrepresented?

Mr TANNER—Yes, on numerous occasions, Mr Speaker.

Mr SPEAKER—Please proceed.

Mr TANNER—During question time, the Minister for Finance and Administration, the Treasurer and the Minister for the Arts and the Centenary of Federation stated that I conducted a meeting with Macquarie Bank to pursue a proposal for further privatisation of Telstra, and stated that this was under active consideration within the ALP. There have also been various media reports, including in today’s Herald Sun editorial, stating that I was negotiating in secret on these matters.

The facts are that the meeting I attended with Macquarie Bank was at their request in order that they could give me their view of the future of Telstra in the communications sector. They raised the question of structural separation. At no stage did I indicate that this proposal was under active consideration within the ALP. At no stage did I seek to negotiate about anything. At no stage in this meeting or in any other forum have I ever expressed support for further privatisation of Telstra.

Mr STEPHEN SMITH (Perth) (3.23 p.m.)—Mr Speaker, I wish to make a personal explanation.

Mr SPEAKER—Does the honourable member claim to have been misrepresented?

Mr STEPHEN SMITH—I do, Mr Speaker, in three respects.

Mr SPEAKER—Please proceed.

Mr STEPHEN SMITH—During question time the Treasurer asserted that I had attended Macquarie Bank with my colleague the member for Melbourne for the purpose of discussing the further privatisation of Telstra. This allegation is false and without foundation. While I have, of course, attended Macquarie Bank and discussed telecommunications industry matters, I have not attended
the bank, either with the member for Melbourne or by myself, for the purpose of discussing the further privatisation of Telstra. Secondly, the Treasurer also asserted that this was part of a ‘doing of the rounds’ to discuss the further privatisation of Telstra. This is not true. Thirdly, the Treasurer also asserted that, in breach of Australian Labor Party policy, I would be prepared in government to support the further sale of Telstra. This is not true. I support the ALP policy which I moved at the national conference this year; namely, that Telstra should not be further privatised.

Mr BEAZLEY (Brand—Leader of the Opposition) (3.24 p.m.)—Mr Speaker, I wish to make a personal explanation.

Mr SPEAKER—Does the honourable member claim to have been misrepresented?

Mr BEAZLEY—Yes.

Mr SPEAKER—Please proceed.

Mr BEAZLEY—I was misrepresented by the Minister for the Arts and the Centenary of Federation, representing the Minister for Communications, Information Technology and the Arts, when he took a highly selective quote from an interview I had done that in fact was part of an argument against privatising Telstra at that time.

QUESTIONS TO MR SPEAKER

Questions on Notice

Mr LATHAM (Werriwa) (3.25 p.m.)—I have two questions for you, Mr Speaker.

Mr SPEAKER—I will hear the member for Werriwa. If it is in reference to a response that he was awaiting, I am about to make a response to the House. If he wishes, I will recognise him at the conclusion of that response, if that will facilitate the purpose for which he is rising.

Questions on Notice

Mr MURPHY (3.25 p.m.)—On 27 June, question No. 1694 appeared on the Notice Paper in my name to the Treasurer in relation to the government’s GST Joe Cocker advertisements. I have asked you to follow this question up before. It is now more than 100 days since that question first appeared on the Notice Paper, and I would be grateful if you could again follow the matter up with the Treasurer.
ing legislative approval for an increase in funds next year in anticipation of a larger number of schools participating in the scheme.

In response to the question put to me by the member for Fraser on the same day concerning member involvement in any review of the Citizenship Visits Program, I can confirm that all aspects of the Parliamentary Education Program receive input from an all party advisory group.

**Information in answers to questions on notice**

On 4 September the member for Werriwa asked me to examine the practice of ministers responding to questions on notice by referring the member who asked the question to other sources of information. The member for Werriwa subsequently handed me examples of answers which referred him to another source or indicated that, given other priorities, the department did not have the resources to undertake research necessary to provide an answer.

As I have often stated in the House, the powers of the chair in relation to answers to questions are restricted to the power to ensure that an answer is relevant to the question asked. This applies to questions on and without notice. There is an additional element vested in the Speaker by virtue of standing order 150—as we have just seen—in relation to questions on notice, but this relates to the timing of the provision of an answer, not the substance of an answer.

The situation is that, provided an answer is not couched in unparliamentary terms and is relevant to the question, a minister may reply to the question as the minister sees fit. The types of answers provided by the member for Werriwa have, for many years, been given by ministers and are an accepted form of response. I refer the member to the *Hansard* of 18 February 1988 when the then Minister for Foreign Affairs and Trade answered a question by stating that his department did not have the resources to provide an answer to a question and suggested an alternative source. Similarly, the *Hansard* of 27 March 1995 provides an instance of the then Minister for Resources declining to provide fully itemised information on the grounds of the time and resources a detailed response would require.

No doubt responses of this kind would be less than expected by the member who asked the question, but it is established House practice that the question is fully answered by a response of this kind.

**Outsourcing of maintenance in parliament house**

On 5 September the Chief Opposition Whip asked whether there were any proposals by me or the President to outsource the maintenance of Parliament House. As members are aware, the provisions of maintenance services at Parliament House cover a wide range of activities.

From the time this building was occupied in 1988, the various types of maintenance have been performed not only by a range of Joint House Department in-house staff but also by staff employed on contract and temporary staff—or else they have been contracted directly to various companies.

The amount of maintenance work contracted out on a regular basis, since the occupation of Parliament House, has been in the order of 40 per cent. Among the factors influencing the Joint House Department’s decisions on these matters are:

- its budgetary situation
- the government’s policy on outsourcing, where the public sector operates in a contestable marketplace
- the outcome-outputs accrual budgeting framework
- industry capabilities
- private and public sector developments
- the unique servicing requirements of the parliament
- the cost-effectiveness of its operations; and
- its need to retain sufficient directly employed resources, so that it can remain an ‘informed’ building and facilities manager.

Having regard to these factors, the department continuously reviews how best to deliver services. For example, the functions of cleaning, catering and other facilities management requirements were contracted...
out during the time of the previous government, and further outsourcing has occurred during the term of this government.

While we expect the Joint House Department to continuously review and improve its service delivery, neither the President nor I have given any directions regarding outsourcing of further maintenance operations at Parliament House.

Reallocation of questions

On 7 September the member for Melbourne Ports asked me a question about the circumstances of a question which he had addressed to the Prime Minister being answered by the Minister representing the Special Minister of State.

Standing Order 147 vests in the Speaker the responsibility for ensuring questions conform to the standing orders. In relation to questions on notice, this responsibility in practice is carried out by the clerks, although the Speaker may become involved in special circumstances.

One duty the clerks perform is to ensure that a question is addressed to the minister within whose administrative responsibility the subject of the question most appropriately falls. It is not uncommon for questions which appear on the Notice Paper addressed to one minister to be readdressed to another minister. However, this occurs only when officers from a department administered by the minister to whom the question was originally addressed and from a department administered by a minister to whom the question will be readdressed confirm which department has responsibility for the subject of the question. Both departments must also agree to the transfer. This in fact occurred in relation to the question from the member for Melbourne Ports.

Parliamentary Library

On 4 October the member for Grayndler asked me to report on the participation by the office of the Minister for Community Services in the processing of requests for information concerning Centrelink made by the Parliamentary Library. For the information of honourable members, I present copies of the relevant correspondence.

Hansard: Questions on Notice

Mr LATHAM (Werriwa) (3.34 p.m.)—I had a second matter, and that was to ask: under your administration of the parliament, have there been funding cuts or other changes which appear to have diminished the reliability of the daily Hansard? As an avid reader of this publication, I have noticed a surprisingly large number of errors in recent times. Just to give an example from the last couple of sitting days: if you go to page 18687 of the daily Hansard of last Wednesday, you will see that I asked the Minister for Education, Training and Youth Affairs a question on notice. The recorded answer is from the Treasurer, Mr Costello. I am not aware of any ministerial reshuffle. This is quite an alarming error and it seems to be indicative of a surprising decline. Could you report to the House on any monitoring of the reliability of the daily Hansard and any changes that might have led to these particular problems?

Mr SPEAKER—I will take up the matter with the principal Hansard officer. As an equally avid reader of Hansard for obvious reasons, I am not aware of a decline. But I will follow up the matter and report back to the member for Werriwa and the House.

PETITIONS

The Clerk—Petitions have been lodged for presentation as follows and copies will be referred to the appropriate ministers:

Asylum Seekers: Work Rights

To the Speaker and the Members of the House of Representatives in Parliament assembled:

Whereas the 1998 Synod of the Anglican Diocese of Melbourne carried without dissent the following Motion:

That this Synod regrets the Government’s adoption of procedures for certain people seeking political asylum in Australia which exclude them from all public income support while withholding permission to work, thereby creating a group of beggars dependent on the Churches and charities for food and the necessities of life; and calls upon the Federal government to review such procedures immediately and remove all practices which are manifestly inhumane and in some cases in contravention of our national obligations as a signatory of the UN Covenant on Civil and Political Rights.
We, therefore, the individual, undersigned Members of St Mark’s Anglican Church, Templestowe, Victoria 3107, petition the House of Representatives in support of the abovementioned Motion.
And we, as in duty bound will ever pray.
   by Mr Andrews (from 34 citizens).

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And calls upon the Federal government to review such procedures immediately and remove all practices which are manifestly inhumane and in some cases in contravention of our national obligations as a signatory of the UN Covenant on Civil and Political Rights.
We, therefore, the individual, undersigned Members of St Stephen’s Anglican Church, Mount Waverley, Victoria 3149, petition the House of Representatives in support of the abovementioned Motion.
And we, as in duty bound will ever pray.
   by Ms Burke (from 16 citizens).

United Nations Convention on the Elimination of All Forms of Discrimination against Women
To the Honourable the Speaker and the Members of the House of Representatives assembled:
We the undersigned citizens of Australia draw to the attention of the House the anger felt by many women and women’s organisations and individuals at the decision of the Federal Government to not sign the Optional Protocol to the UN Convention on the Elimination of All forms of Discrimination Against Women (CEDAW); the Federal Government’s decision to not participate in the various UN Human Rights Committees and the decision of the Federal Government to amend the Sex Discrimination Act 1983 without consultation with or respect for the wishes of affected groups.
Your petitioners therefore request that the House require the Federal Government to reconsider and to make any further decisions only after the Government has held consultations with those citizens.
likely to be affected by such decisions or as the result of consultations with women’s organisations.

by Mr Murphy (from 58 citizens) and
by Mr Ruddock (from 8 citizens).

Goods and Services Tax: Petrol Prices

To the Honourable the Speaker and Members of the House of Representatives assembled in parliament:

The petition of certain residents of the State of Tasmania draws to the attention of the House the financially burdensome nature of the effect on regional petrol prices of the introduction of the Goods and Services Tax and of the inadequacy of the Federal Government’s petrol grants scheme for regional areas.

Your petitioners therefore request the House enact legislation and/or regulations which remove the anomalies in petrol pricing between city and country areas.

Your petitioners further request that the House does not repeal the Petroleum Retail Marketing Sites Act 1980 or the Petroleum Retail Marketing Franchise Act 1980 in the absence of alternative mechanisms to control the power of the major oil companies.

by Mr Adams (from 320 citizens).

Goods and Services Tax: Petrol Prices

To the Honourable the Speaker and Members of the House of Representatives assembled in parliament:

The petition of certain citizens of Australia draws to the attention of the House the extremely high price of petrol and other fuels and the increase in the amount of tax on fuel due to:

The Government’s failure to keep its promise that the price of petrol and other fuels would not rise as a result of the new tax system, by reducing the excise by the full amount of the GST;

The fuel indexation increases on 1 August 2000 and 1 February 2001, which will be significantly higher than usual because of the inflationary impact of the GST; and

The charging of the GST on the fuel excise, making it a tax-on-a-tax.

Your petitioners therefore request the House to:

Hold the Government to its promise that its policies would not increase the price of petrol and other fuel;

Support a full Senate inquiry into the taxation and pricing of petrol;

Consider the best way to return the fuel tax windfall to Australian motorists.

by Mr Crean (from 422 citizens).

Goods and Services Tax: Sanitary Products

To the Honourable Speaker and Members of the House of Representatives assembled in Parliament:

The petition of certain electors of Australia draws the attention of the House to the discriminatory nature of imposing a GST on women’s sanitary products, particularly taxing tampons.

Tampons are currently exempt from tax and should continue to be exempt once the GST is implemented;

The use of tampons is not solely a hygiene issue but a health issue;

Taxing sanitary products discriminates against women, by limiting choice and making them pay for a necessary health product;

This demonstrates the discriminative nature of the GST which imposes a tax on necessities and places an unfair burden on people from lower socioeconomic backgrounds.

Your petitioners therefore request the House to amend the GST legislation to exempt all sanitary products particularly tampons from the GST net.

by Ms Hall (from 54 citizens).

Kirkpatrick, Private John Simpson

To the Honourable Speaker and Members of Parliament of the House of Representatives assembled in Parliament:

We the undersigned request that John Simpson Kirkpatrick, of Simpson and the donkey fame, be awarded a Victoria Cross of Australia.

Under the Imperial Award system, the award of the Victoria Cross was denied to ‘Simpson’ as the result of an error in the original application. A second application, in 1967, was also denied as the British Government claimed a dangerous precedent would be set, in spite of such a precedent already existing.

Your petitioners request that the House of Representatives do everything in its power to ensure the appropriate recognition of John Simpson Kirkpatrick.

by Ms Hall (from 113 citizens).

Goods and Services Tax: Caravan Parks

To the Honourable Speaker and Members of the House of Representatives assembled in Parliament:
We the undersigned request that the Government make all residential rentals GST free including rental on sites paid by residents of relocatable, manufactured home villages or parks.

The GST on site fees unfairly discriminates against residents living in relocatable, manufactured home villages or parks. The Government promised that no one would pay GST on rent and this is an anomaly which allows village/park owners to charge GST on site fees.

Your petitioners request that the House of Representatives do everything in their power to make rental on sites GST free.

by Ms Hall (from 78 citizens).

**Goods and Services Tax: Receipts and Dockets**

To the Honourable Speaker and Members of the House of Representatives assembled in parliament:

We the undersigned believe that the GST should be legally required to be shown as a separate item on all receipts.

We do not believe the GST should be allowed to become a hidden tax. Australian people have a right to know exactly what GST they are paying.

Your petitioners request that the House of Representatives do everything in their power to ensure the GST is shown on receipts.

by Ms Hall (from 177 citizens).

**Australia Post: Deregulation**

To the Honourable Speaker and Members of the House of Representatives assembled in Parliament:

These petitioners of the Division of Shortland and adjoining areas are opposed to the National Competition Council (NCC) Report proposals to deregulate Australia’s postal services. We are gravely concerned that this would drastically reduce the revenue of Australia Post and result in adverse impacts on most Australians (including increased postal charges and reduced frequency of services), especially for those in rural and remote areas.

Your petitioners respectfully request that the House call on the Government to reject the NCC Report proposals in their entirety and to support the retention of Australia Post current reserved service and the uniform postage rate, and the existing cross-subsidy funding arrangement for the uniform standard letter service.

Further, we ask that the existing community service obligation of Australia Post be extended to encompass a minimum level of service for financial and bill paying services, delivery frequency, a parcels service and access to counter services, through either corporate or licensed post offices.

by Ms Hall (from 15 citizens).

**Goods and Services Tax: Small Business**

To the Honourable the Speaker and Members of the House of Representatives assembled in Parliament:

We the undersigned citizens of Australia draw the attention of the House to the problems of collection that a GST will cause small business. We point out to the House that this tax will impact disproportionately on rural Australia, helping to further divide our nation, and humbly ask the Parliament to repeal the legislation known as A New Tax System (Goods and Services Tax) Act 1999.

We also urge the House to consider alternative methods of taxation such as the Debit Tax (L. Crisp model) that, if levied on all bank and financial institution withdrawals at a rate of less than 1.0 cents in the dollar, may raise enough money to replace the GST and many other taxes.

We also humbly request that the adoption of any future taxation system be ratified by holding a referendum of the Australian people to clearly indicate their approval.

by Mr Zahra (from 343 citizens).

Metitions received.

**COMMITTEES**

**Employment, Education and Workplace Relations Committee**

**Membership**

Mr DEPUTY SPEAKER (Mr Nehl)—Mr Speaker has received advice from the Chief Opposition Whip that he has nominated Ms Livermore to be a member of the Standing Committee on Employment, Education and Workplace Relations in place of Mr Hollis.

Motion (by Mr Scott)—by leave—agreed to.

That Mr Hollis be discharged from the Standing Committee on Employment, Education and Workplace Relations and that, in his place, Ms Livermore be appointed a member of the committee.
Treaties Committee

Report

Mr ANDREW THOMSON (Wentworth) (3.38 p.m.)—On behalf of the Joint Standing Committee on Treaties, I present the committee’s report entitled Agreement for cooperation in the peaceful uses of nuclear energy—report 35, together with the minutes of proceedings and evidence received by the committee.

Ordered that the report be printed.

Mr ANDREW THOMSON—I move:

That the House take note of the report.

I seek leave to continue my remarks later.

Leave granted.

Mr DEPUTY SPEAKER—In accordance with standing order 102B, the debate is adjourned. The resumption of the debate will be made an order of the day for the next sitting, and the member will have leave to continue speaking when the debate is resumed.

PRIVATE MEMBERS BUSINESS

Burma

Mr EDWARDS (Cowan) (3.39 p.m.)—I move:

That this House calls on the Government of Burma to cease infringing the right of Aung San Suu Kyi to conduct her democratic activities with freedom and in safety and further calls on the Burmese Government to involve itself in a substantive political dialogue with her National League for Democracy.

I would like to start with this observation:

A hundred years ago, Burma exported more than two million tons of rice in a year. It was called the rice basket of India. Forty years ago, it still exported one million tons. In 1999, the figure was less than 70,000 tons. As the country’s exports of rice have declined, its illicit export of drugs has soared. From being the rice basket of India, Burma has become the opium bowl of the world.

This observation was made by Timothy Garton Ash in Beauty and the Beast in Burma. The beast, of course, is the junta that has ruled Burma with a clenched military fist since 1962. This military dictatorship rules under the Orwellian banners of SLORC, or State Law and Order Restoration Council, and SPDC, which stands for State Peace and Development Council. The ‘Beauty’ Ash refers to is Aung San Suu Kyi, the 1991 Nobel Peace Prize winner and Leader of Burma’s Democracy Party.

Aung San Suu Kyi is the daughter of General Aung San, the hero of independence who was gunned down and murdered. He was shot down in cold blood in the Burmese parliament in 1947 because of his political beliefs. He became a martyr and, if the free world does not give voice and support to Aung San Suu Kyi, there is a danger that she too will become a martyr. I say that because the same thuggery which snuffed out the life of General Aung San is having a severe and detrimental impact and effect on the health and wellbeing of his daughter.

She was two years of age when her father was murdered. Forty-three years later, in 1990, she led the National League for Democracy to a stunning victory in a general election that saw her party win 80 per cent of the vote. Prior to that election, particularly in 1988, hundreds of young pro-democracy supporters were killed in their peaceful push for democracy. SLORC refused to recognise the election victory and placed Aung San Suu Kyi under house arrest. Despite this incarceration, continued intimidation and constant harassment, she has remained the symbol of peace and hope in Burma. Just as the Olympic torch burned as a symbol of the games in Sydney, her indomitable spirit and courage burns as the symbol of freedom and democracy in Burma.

I do not know many people from Burma, but their plight has been brought to my attention by a handful of people in my electorate who have fled the harsh and brutal regime in Burma—renamed Myanmar by SLORC. My constituents come from various parts of city and rural Burma and represent some of the many indigenous groups that make up Burma, including the Chin and Karen peoples. My constituents are very quietly spoken, courteous, proud, peace loving people who have a grave concern for the wellbeing of those who remain in Burma, many of them family members. They have asked me to do what I can to help them and to help the people of Burma in their struggle.
against what is now seen as one of the harshest government regimes anywhere in the world. Indeed, Burma’s military regime is now recognised as one of the world’s worst violators of human rights. Even the United Nations—that sometimes timid, often self-interested, always conservative body—has repeatedly and publicly condemned the military powers of Burma for their human rights abuses.

Torture, rape, murder, forced labour, forced resettlement and imprisonment for political beliefs are just some of the abuses visited on the people of Burma by this regime. It is in this environment of repression that Aung San Suu Kyi stands defiant as a non-violent defender of the political and human rights of her people. It is her profile and her courage that give the Burmese people hope and strength to endure this regime and to work for the democracy and freedom which they believe will one day be theirs.

Burma is a close neighbour of Australia. It has a population of some 45 million people. In my view, we should be loud in our condemnation of the military junta in Burma and we should be joining President Clinton, Kofi Annan, Prime Minister Blair, Madeleine Albright, the Nordic foreign ministers and others—all of whom come from countries much more distant from Burma than Australia—in their condemnation of Burma’s military government. The voice of the Australian parliament should be heard in support of Aung San Suu Kyi and the people of Burma.

Why is it that we react to the atrocities we see via the media in places like Palestine, Jerusalem, East Timor and Yugoslavia? I understand why we react to them, but you can bet that when we see these atrocities reported on TV and in the papers there will be statements from the minister or dorothea dixers in parliament. Yet we hear nothing similar in relation to Burma, a country about which we are strangely quiet. I pose the question: why? Is it a question of out of sight out of mind? Is it because Burmese authorities treat the foreign press so harshly and, because of that, the many human rights violations and violence are not reported in Australia? Is it that we do not see or hear so we do not care? Is it that our foreign policy is largely driven by the media? Indeed, is Australia’s foreign care and compassion measured by the amount of media coverage to which we are exposed in this country?

All freedom loving Australians should take the plight of Aung San Suu Kyi to heart. Her courage, her defiance, her resolve and her spirit are all qualities that Australians admire and respect. Admiration and respect, however, are not enough. This parliament should do all in its power, all in its resolve, to assist Aung San Suu Kyi in her peaceful battle to achieve freedom and democracy for her people in Burma. At a time when United Nations conventions are much in the news, it is interesting to recall what SLORC foreign minister Ohn Gway had to say on this subject. He said:

There are no compulsions or obligations for any country to sign the UN convention on human rights. Like some other countries in Asia, we have to take into consideration our culture, ethos and the standards of development before accepting their declarations.

Ohn Gway would be encouraged to know that he has an ally in the Prime Minister of Australia who supports similar views about some United Nations conventions. Contrast that statement of the Burmese foreign minister to that which Aung San Suu Kyi had to say when she said:

I would like the west to see us not as a country rather far away whose sufferings do not matter, but as fellow human beings in need of human rights and who could do much for the world, if we were allowed.

The people of Burma are human beings and their suffering does matter. That is why I have moved this motion in the House today, and I must say I am particularly pleased by the number of quality speakers who are listed to contribute to the debate. I am also particularly pleased that Tim Fischer has agreed to second this motion.

I am not one who is keen to support economic sanctions, because the chances are that the only people hurt by that tactic are the ordinary people of Burma who are already suffering an immense burden. But I do believe that Australia should review its relationship with the Burmese military. We should send them a strong message that we
do not and will not in any way support their regime. We do not support their intrusion on the democratic right of the democratically elected Aung San Suu Kyi or her supporters as they go about their pursuit of democracy and freedom, which is something they should be able to do in safety and without fear of incarceration, intimidation, persecution or death. Australia should also urge the Burmese military junta to enter into a realistic dialogue with the National League for Democracy. The Burmese government must learn that, as long as they persist with the human rights abuse, they will stand condemned by all freedom loving nations and peoples of the world. I commend this motion to the House.

Mr DEPUTY SPEAKER (Mr Nehl)—Is the motion seconded?

Mr TIM FISCHER (Farrer) (3.49 p.m.)—I second the motion. On the evening of 15 September in Sydney, there was a magic moment when the two teams of North Korea and South Korea joined together to enter Stadium Australia as part of the opening of the magnificent and sensational Sydney Olympic Games. In one sense, that broadcast a message right around the world and back to the respective administrations of North Korea and South Korea, via television and other means, of how welcoming the Australian people were and how welcoming the world was of this supreme gesture. It was an emotional moment. It reflected a lot of progress being made, even to get to that stage, to get two hostile nations joining together at the opening of the Sydney Olympics. Sadly, since then and since the end of the Olympics, we have had mayhem in the Middle East, a great deal of slaughter of human life and injury of human life and the continuing saga in Myanmar, otherwise known as Burma. The motion before the House, very adequately moved by the member for Cowan—whom I look forward to joining at the Paralympics in a few days time—states:

That this House calls on the Government of Burma to cease infringing the right of Aung San Suu Kyi to conduct her democratic activities with freedom and in safety and further calls on the Burmese Government to involve itself in a substantive political dialogue with her National League for Democracy.

The world would like to see the NLD forces and the SLORC administration come together for decent dialogue to advance the agenda in Myanmar, just as we saw on another stage at another level the North Korean and South Korean athletes joining hands and, in a sense, saying hello to each other, but, more particularly, congratulating each other as they deserved to at that moment at the Sydney Olympics. I agree with the member for Cowan that Myanmar has so much to offer its people by way of potential. Years ago you used to bypass Singapore and Bangkok to go to Rangoon, Burma, because the shopping was better there. There was so much colour, life and movement in the magnificent city of Rangoon, which is dominated by the great Shwe Dagon Pagoda. The Shwe Dagon Pagoda is some sight to behold, especially in the early evening when it is floodlit and showing off its gold in many fine ways.

The 47.3 million people of Burma have done it very hard in recent years. Their economy has been contracting. Their infrastructure has been deteriorating, manifested by the fact that it now takes several hours more to go by train from Rangoon to Mandalay in the north than it did 10 years ago. A magnificent train journey as it might be, the deterioration of transport infrastructure in Burma means that it has become slower and slower and indeed slightly more dangerous in the process.

The real suffering though is perhaps not on the infrastructure front. It is perhaps not with regard to buildings and other manifest ways of measuring progress. Indeed, the tourism industry in Burma has endeavoured to provide more resources and to upgrade hotels, river boats and the like. The real suffering is the loss of education for a whole generation of Myanmar people—the loss of educational opportunity, especially at the tertiary education level. I am grateful to the Chancellor of Canberra University, Wendy McCarthy, who has recently returned from Myanmar, for reminding me how bad things have got on that front—how long universities have been closed, how limited the resources are for students to learn in Myanmar.
In the year 2000 that is very hard to swallow, very hard to understand and certainly totally unacceptable in a country which does have so much potential, not the least of which is its 47 million people who are suffering so much on the health front and especially on the education front.

Some years ago before I became Deputy Prime Minister I had the pleasure of walking along University Avenue in Rangoon and turning into the gateway of No. 54 University Avenue, Rangoon. That is of course the residence—to some extent the prison—of Aung San Suu Kyi. In its better years it was a very pretty place, double storey. It is a bit run down now. It is a former compound, sitting on the edge of the Inle Lake in the middle of Rangoon. My wife and I had the pleasure of meeting with Aung San Suu Kyi at her residence and discussing all aspects of the impasse that existed then and continues to exist today. I must say that I was overawed by this diminutive lady, with her dynamic spirit, her clarity of thought, her determination, and her capacity, notwithstanding a not particularly strong physique, to battle on against impossible odds. She and I recorded our interest in Bhutan—her sons had been to Bhutan with their late father. Then we moved to discuss in a lot more detail various aspects of the impasse that has existed since the NLD topped the poll, now a decade ago, in the election held in Myanmar at that particular time.

The world ought to salute Aung San Suu Kyi for her decision not to give up. It could have been so much easier for her to depart her home country, to go back to the UK where she studied and worked for a period, to vanish into the good life of the Western world. But she has bravely decided to fight on against the odds, to make the point that the original election result has not been observed and that SLORC, in all its manifestations, continues to rule with an iron fist and at the end of the day gives no ultimate joy because the economy continues to collapse and the standard of living continues to decline, when there would be a whole lot different way for the Burma people and the Burma nation.

I happily second the motion presented today. I point out that the Australian government deplores the actions of the Burmese government in again denying the rights of freedom of movement to Aung San Suu Kyi and her supporters. The Minister for Foreign Affairs, Mr Downer, has had much to say in that regard. I point out that on 9 October, this day, a scheduled visit is to take place by the UN Secretary-General’s Special Representative for Burma, Mr Razali. We hope that the Burmese government will cooperate fully with Special Representative Razali, including in his efforts to contribute towards meaningful dialogue between the government and the opposition. It is not an impossible ask; it is a perfectly reasonable ask in the year 2000. It can contribute so much to removing the impasse, to allow progress, to go forward.

I know there are deep-seated fears that there will be a form of splitism in Burma, as various minority groups would move down different pathways if there was to be the introduction of the NLD in a substantial way to the process of government. I actually think that those fears are incorrectly held, and that there is a way forward for Myanmar or Burma which is a whole lot better and would not see the incarceration in particular of elements associated with the current administration but would see their own children, let alone the children of so many others, get a chance—before it is too late and before they are denied it—to receive any form of education and substantial health support, as is so necessary in this great country of Burma. It is with pleasure that I second the motion before the House.

Mr JENKINS (Scullin) (3.58 p.m.)—I support the motion moved by the honourable member for Cowan and seconded by the honourable member for Farrer. Unlike the honourable member for Farrer, I have not had the pleasure of meeting Aung San Suu Kyi. My interest in matters to do with Burma has been dictated by two visits to camps for displaced people from Burma. The first was on 30 November 1993 at a refugee camp out of Cox’s Bazaar in Bangladesh, a refugee camp 200 metres from the Burmese border. In this camp were tens of thousands of Ro-
hingya people—Muslims from Burma who had been forced to flee Burma because of their treatment by the military forces.

At this time Aung San Suu Kyi was under house arrest. She had been under house arrest since 20 July 1989. Whilst under house arrest, her party had had success in May 1990 in the election, where they gained 80 per cent of the parliamentary seats. But of course we know, as history tells us, that the military junta did not accept the result of the election. If one reflects upon recent events in Yugoslavia, where we see finally the overthrow of another despot who, seemingly, was going to try to ignore the result of a democratic election, we wonder what might have happened if that election in Burma was being held now rather than 10 years ago.

The next time that I went to a camp that had Burmese people in it was to a displaced persons camp, the Wangka camp, near Mae Sot, which I visited on 14 September 1995. The people that were in this camp were Karen people. The camp was not far from the river Moei, which is the border between Burma and Thailand. The Karen, of course, are an ethnic minority of Burma, as mentioned by the honourable member for Cowan. As this time, 14 September 1995, Aung San Suu Kyi had been released from house arrest some two months earlier on 10 July. There was great optimism that perhaps there was to be a change in the attitude of SLORC towards Aung San Suu Kyi and the National League for Democracy. Regrettably, history shows that we were mistaken in the belief that that was to happen.

When Aung San Suu Kyi was released in July 1995, the military junta indicated that she was to be released unconditionally, and we thought that that would mean that she could go about her business as the leader of the National League for Democracy. How wrong we were. Over the last five years, there have been several instances where she has been made to stay in Rangoon; for example, the famous instance when she was left in her car on the bridge, not being able to move and finally having to return to her house. When this motion was placed on the Notice Paper, she was allowed to return to her house, and we thought that perhaps there was to be normalcy. On 21 September, she went to the railway station at Rangoon and tried to purchase a ticket to travel to Mandalay, where she wanted to check on the offices of the National League for Democracy. She was denied a ticket; she was told that there was not a ticket available, was forcibly returned to her house and, again, has been placed under house arrest with the phone lines cut and no allowance for visitors from ambassadors and the like.

This is the continuing struggle that faces Aung San Suu Kyi, the National League for Democracy and other ethnic minorities in Burma. It is appropriate that we have the full support for this simple motion that is being proposed, because I believe the wording of this motion is something that we could all embrace, even if we might disagree about the action that needs to be taken. (Time expired)

Mrs GASH (Gilmore) (4.03 p.m.)—I speak in support of the motion before the House, and in doing so remind members of my previous speeches in this chamber in support of Aung San Suu Kyi, her party and the 90 per cent of the Burmese people who voted by referendum for the establishment of a democratic government in Burma. It is a sad indictment that, after four years, I stand here yet again on the same issue, uttering equal, if not stronger, condemnation of the current Burmese government for failing to recognise Aung San Suu Kyi.

Some 50 years ago, the people of this deeply religious yet fun loving country were granted independence by their colonial masters. It was the fulfilment of a dream of Burma’s national hero, Aung San, a man who dedicated his life to the cause of freedom. However, his dream of a free and prosperous Burma was short lived. Aung San and his deputies were assassinated in the government chambers. Today, the daughter of Burma’s national hero has sought to lead the people on the path laid by her father. Suu Kyi has, as her father did half a century ago, dedicated her life to the fight for human rights, freedom of choice and a truly representative government by peaceful means.
There have been times since I first spoke in condemnation of the human rights abuses in that country when I believed that the authorities in Burma were moving towards dialogue with the National League for Democracy and its leader, Aung San Suu Kyi. Indeed, information I had received from my Burmese friends raised hopes of a movement to reconciliation of the parties. However, the latest reports out of Burma indicate a hardening of the ruling party’s attitude to any persons who seek to oppose the policies of the military leaders. The crackdown on Suu Kyi and her party members continues, freedom of movement is denied to ordinary citizens and the cruel interrogation of National League members is a common occurrence. In calling on the government of Burma to involve itself in real dialogue with the National League, I urge both parties to address this question: why is a country once acknowledged as the jewel of the East, blessed with abundant natural resources, a country steeped in Buddhist tradition, now languishing in company with the poorer nations of the world?

Many factors have contributed to the slow progress of the new independent nation. The early leaders in their search for new approaches and ideologies experimented with their own brand of socialism. They chose to shut out the influences of the outside world, but the greatest factor in bringing the country to a full stop was the takeover of government by the military, thus depriving the people of their basic freedom. The military leaders with their rule of law by the gun have strayed from the path of Buddhism, which for centuries had formed the foundations of traditional Burmese Buddhist culture, a culture which places the greatest value on human life, supreme happiness and personal freedom. In Burmese Buddhism, the distinction between good and bad is very simple: all actions that have their roots in greed and hatred are bad or unskilful and all actions that are rooted in virtue and wisdom are good.

In supporting the motion before us today, I urge the government of Burma to cease infringing the rights of Aung San Suu Kyi, to allow her to conduct her democratic activities with freedom, and, importantly, to involve itself in peaceful dialogue with the National League for Democracy with the aim of a spiritual and political reconciliation. I further urge the leaders of Burma to shift their focus from hatred to harmony, peace and the basic rights of the citizens. I should also remind the government of Burma that it was their country that voted for the adoption of the 30 articles contained in the Universal Declaration of Human Rights in 1948. It is totally unacceptable that Aung San Suu Kyi is now once again being held under virtual house arrest and that members of the NLD are being detained in so-called ‘government guesthouses’. If still here in four years, I sincerely hope that I can rise to speak of the excellent progress of the Burmese government on human rights with an emphasis on the practice of free and fair democratic principles across the nation.

Ms PLIBERSEK (Sydney) (4.08 p.m.)—Burma is a country that has struggled for many decades: indeed, you could say since 1823 with the first Anglo-Burmese war for independence and democracy. Unfortunately, as the member for Gilmore has pointed out, the situation has changed little in recent years. Daw Aung San Suu Kyi was first elected in democratic elections in 1990, and those elections delivered a landslide victory to her National League for Democracy. Yet she has never been allowed to take her rightful position; nor has the National League for Democracy ever been able to exercise the rule of Burma. Since she returned to Burma in 1988, she has spent most of her time under house arrest. In 1991, Aung San Suu Kyi won the Nobel Peace Prize. At the time she was described by the Nobel Peace Prize Committee as:

... one of the most extraordinary examples of civil courage in Asia in recent decades ... an important symbol in the struggle against oppression.

She describes her own philosophy in a book called *Freedom from fear and other writings* that was edited by her late husband, Michael Aris. The philosophy of freedom from fear is basically that we cannot, as human beings with consciences, allow fear to dictate our actions. I think in Daw Aung San Suu Kyi’s life you can see the truth of that statement and that belief in the personal risks that she
has taken and in the enormous personal sacrifices she has made. I am sure that other members in this chamber will recall, as I do, that a few years ago when her husband was terminally ill the Burmese military junta refused to allow him to visit his wife in Burma. They said that she could leave Burma to visit her husband in Britain, but of course we know, and it was widely known at the time, that most likely she would not have been allowed to return to Burma. That is the sort of sacrifice this brave woman has had to make all of her life, and indeed it is the sort of sacrifice that her family has had to endure as well.

The recent crackdown that other members have referred to in which Aung San Suu Kyi has been confined once again to her residence prompted quite vocal and very immediate responses from Britain and the US. Unfortunately, the same could not be said of Australia. The Australian Embassy in Rangoon did not seek to meet with Aung San Suu Kyi when she was held at the roadside for nine days, and the Minister for Foreign Affairs, Alexander Downer, made no public statement defending her right of movement. Again, when 140 supporters of Aung San Suu Kyi were rounded up when Aung San Suu Kyi wanted to travel from Rangoon to Mandalay there was, I think, a deafening silence followed by muted, equivocal criticism from this government, unfortunately. Instead, the Minister for Foreign Affairs has been justifying Australia’s ‘fresh and innovative approach to relations with the Burmese regime’. What he is referring to of course is Australia’s recent agreement to provide human rights workshops for middle ranked officials of the Burmese military. Australia is also apparently helping Burma set up a human rights commission. This information was not widely reported but certainly was reported as part of the proceedings of the fifth annual meeting of the Asia Pacific Forum of National Human Rights Institutions which occurred in New Zealand not so long ago. It is very difficult to imagine how independent a human rights commission could possibly be in a country where there is a military dictatorship, where that dictatorship has refused for a decade to recognise the legitimately elected government, where arbitrary detention and arrest are common, where interrogation is violent and carried out in secret and where intimidation of political activists and ethnic minorities is common. Instead, Australia should be focusing our diplomatic efforts on increasing pressure on the State Peace and Development Council to recognise the legitimately elected government, on delivering aid and support directly to Burmese refugees and on restoring Radio Australia which the Burmese resistance depended upon for information about their own country. We should be concentrating on restoring Labor’s special humanitarian programs for Burmese people and easing the recent tightening on Burmese people seeking political asylum or refugee status in this country.

Ms JULIE BISHOP (Curtin) (4.13 p.m.)—The member for Sydney fails to recognise that, despite its efforts, the approaches of the world community have failed over decades to improve the political and human rights situation in Burma, and that the Australian government is attempting another tack: human rights education, not for the military but for those in positions where attitudinal change may be possible, where hopefully it will lead to enlightenment. Education and enlightenment before further engagement may just be the key. I speak in support of this motion not only because all right-thinking people deplore the actions of the Burmese regime in again denying the right of freedom of movement to Aung San Suu Kyi and her supporters, not only because the federal government has repeatedly called upon the Burmese regime to respect the right of freedom for all Burmese people including Suu Kyi; not only in the hope that a continuing focus on Burma will lead to an advancement in the cause of democracy in that country, but also because of a personal commitment that I made over five years ago to speak in support of Suu Kyi’s quest to achieve rule of law, human rights, freedom and democracy for the people of Burma.

In October 1995 I travelled to Burma in the company of a friend who was a lawyer but who had media accreditation in Thailand. He had arranged to interview Suu Kyi, and I took that opportunity to meet her. It was a
matter of just months after her release from house arrest in July of that year. I must say that, from our visit to her home in Rangoon, it was not readily apparent to me that six years of house arrest had ended: her house was surrounded by people sitting around the gates and perched up on the fence, and there were crowds milling around, just on an ordinary Monday morning; yet there was a strong military presence and we had to surrender our passports to guards at the gate just to visit her—and that is not a comfortable feeling. We had about an hour with her, just talking about her life, her hopes and her fears and, like the member for Farrer, I found myself in awe upon meeting her. Her courage, her determination, her sense of duty and her serenity were overpowering, and I believe I now know what is meant by a ‘charismatic’ leader.

Suu Kyi is a magnificent symbol for the people of Burma, the daughter of Burma’s assassinated hero of independence who returned home amid the turmoil of the 1988 pro-democracy uprisings and was swept up in the struggle to wrest Burma from the clutches of dictatorship. But Suu Kyi is far more than a symbol. A student of politics and economics, fluently articulate in Burmese and English, a prolific writer, composed, serenely beautiful, she is a persuasive, compelling, inspiring leader in her own right. Her fight for democracy has been described as one of the most extraordinary examples of civil courage in Asia in recent years. The citation for her Nobel Peace Prize awarded in 1991 stated that the committee, in awarding the prize to Suu Kyi, wished to:

... honour this woman for her unflagging efforts and to show its support for the many people throughout the world who are striving to attain democracy, human rights and ethnic conciliation by peaceful means.

She was, and she remains, a worthy recipient of the award. She has spoken clearly and consistently against the ruling regime. She has refused to be bribed into silence and she has refused her own safety and the comforts of her family life to live—in truth—in Burma. She is one of the most potent examples of the power of the powerless. I recall that, on her release from the six years of house arrest which had prevented her from becoming the leader of her country after her National League for Democracy won a landslide victory in the 1990 elections—a result that the ruling regime still refuses to recognise—Suu Kyi emulated Nelson Mandela when she said she bore no malice, no grudges, no bitterness; she just wanted to work for the healing of her country after decades of repressive totalitarianism. She has continued to call for dialogue and reconciliation between the major players, yet five years after her release—12 years after taking up her fight against the tyranny in Burma—so little has changed. It is deplorable that she is still virtually under house arrest. It demonstrates yet again how much she is feared, how much her presence, her influence, is feared by those in power in Burma. In fact, her mere presence reflects and articulates the continuing movement for democracy in Burma.

As she has said and written, the people of Burma view democracy not merely as a form of government but as an integral social and ideological system based on respect for the individual. They want the basic human rights which would guarantee a tranquil, dignified existence, free from want and fear. What we see in Burma is the struggle of a people to live whole, meaningful lives as free and equal members of the world community. I commend the motion. (Time expired)

Mr ADAMS (Lyons) (4.18 p.m.)—I rise to support the motion moved by the member for Cowan. I think it is important that the Australian government acts to try to deal with the situation that Aung San Suu Kyi has had to endure for so many years now, and that is her house arrest and the human rights violations. Recent news reports about the restrictions of movement of the opposition leader have again brought to mind the intolerable human rights situation in Burma, where persecution of minorities and democratic parties opposed to the current government regime continues unabated.

A constituent of mine, David Cooper of Longford, reminded me of what the situation still was when he wrote to me last week, and I would like to put on the record what he wrote:
The Australian Government humanitarian aid to the Karen refugees is appreciated—he was talking about some aid money being sent—but although they may be less prone to attack in their camps in Thailand, they are no nearer to being repatriated on just terms. Although other governments have protested vigorously, the Australian Government’s tardy expression of concern lacked conviction. What is more their offer of human rights training for middle-ranking officials of the regime is hardly likely to achieve any change in their attitude. On the contrary, they are more blatant in their defiance of world opinion.

In recent times the Australian Government appears to be more interested in trade than in human rights. Alexander Downer’s statement, that attempts to isolate Burma have been futile, shows that he has not learned from the lesson of South Africa. If the international boycott had been abandoned after ten years the Apartheid regime would still be in power.

The cynical appeasement of the brutal and oppressive regime in Burma tarnishes Australia’s reputation as an upholder of freedom and democracy, and is contrary to Christian teaching on justice.

He finished by asking me if I would pass on his concerns to the Minister for Foreign Affairs, the Hon. Alexander Downer MP—which I have just done by putting that on to the record. But he is right: we are just not doing enough to try to sort out the situation where there should be no need for refugees between Thailand and Myanmar if a proper democratic situation existed—apart from the distressing human rights situation that exists, it is costing the Thai government a considerable amount of money to try to keep these people in camps on the borders. I know that some members of this House have been there—I think you have, Mr Deputy Speaker Jenkins. It also leads to an unstable situation right along that border. We have to remember that the Burmese people elected Suu Kyi’s party to rule in the 1990 general elections. However, the Myanmar military junta has refused to hand over power. Suu Kyi was kept under formal house arrest from 1989 until 1995 and, even though she has some basic freedom, her movements have remained heavily restricted and hundreds of her followers have been jailed.

The history of Burma has been difficult and violent. First, Aung San Suu Kyi’s father, and then she herself, attempted to find a peaceful settlement, but the military have been too strong. She has personally given up so much for her cause. Her husband died while she was under house arrest, and she has neither seen nor heard from her children for 10 years. She has had little happiness in those times, but still she struggles on to fight for the rights of her people. She could be compared to India’s Gandhi and, indeed, Nelson Mandela. Yet this struggle is rarely on the front page of any newspaper, because she does not seek her people to be violent in her cause. She seeks to gain democracy by peaceful means. She has been stopped many times from taking a message to her country—people, sometimes waiting patiently at a bridge or a city exit for days at a time, only to be turned around and sent back by the military. We occasionally get snippets of news when one of these events occurs.

Change must occur. We have a responsibility to see democracy at least started in Burma, to see dialogue being established between the junta and the opposition, and to help them achieve what they will. After all, that will be better for the people of Burma. (Time expired)

Mr ANDREW THOMSON (Wentworth)

(4.23 p.m.)—The member for Cowan’s motion on Burma presents an interesting topic. To me, it raises that contradiction in matters of international law and politics. It poses the question: how do you reconcile the principle of non-interference between nations with the reasonable desire on the part of people in one country to see the maltreatment of people in another country halted? When I talk about the ‘principle of non-interference’, this is really the basic tenet of what was originally called the ‘law of nations’. That is that states are sovereign and, as such, they exercise supreme authority within their territory and over their nationals and that they are not to be interfered with in terms of those internal affairs by other states.

Some of the early American political leaders, especially after the War of Independence, were very strong on this point. They wanted to make sure that, having
achieved independence, they were not unduly interfered with by European states or Great Britain, whom they had defeated. This goes to the question of sovereignty, which to my mind is no small thing. The dignity of a nation is something that should be protected, even at great political cost, because it matters that small nations not be pushed around by big nations. You can see under the WTO rules, which try to ensure that free trade takes place in the world, that those countries or governments with big markets are restrained from bullying small exporters. This is often the case with Australia’s trade. It is for the benefit of all in the world that this principle, as far as possible, be maintained.

Then, of course, you come to the postwar ideology of human rights. This is often seen, I think, a little too narrowly in the context of the human rights treaties, which are really aspirational documents; they are declarations of good intent—often hypocritical good intent—but at least they do not involve reciprocal obligations. That is, if one party to these conventions and declarations breaches one of the terms, other parties do not have the right to retaliate against them to enforce those standards of human rights—the reason being, of course, that sometimes the parties to such treaties included such paragons of virtue as the Soviet Union!

In the case of Burma and Aung San Suu Kyi, one of the strange things I find about these treaties is that they do not confer on people the right to elect their own governments—strange as that may seem. If you look, for example, at the Universal Declaration on Human Rights and the International Covenant on Civil and Political Rights, they have the same provision in there: that everyone has the right to take part in the government of their country directly or through freely chosen representatives. But they do not say that they have the right to elect their own government. So where there are attempts to see these standards of human rights enshrined in a quasi legal regime, such as these treaties, I think they are really doomed to failure.

It seems to me, from observations, that the best or most powerful agent in fostering political freedom is the investment of a lot of financial capital in particular jurisdictions because, if that creates business opportunities, it creates demand for university graduates. Those university graduates generally have a sense of confidence that comes from a broader and better education. Of course, eventually that sense of confidence grows and it triumphs over primitive oppression from governments. In Aung San Suu Kyi’s case, I hope that eventually that will be the case. For the time being, she should be left alone by the government to pursue her political aims.

But I do think it is the wrong approach to seek to isolate Burma. In fact, if you are to be logical about it and brave enough to say it, I think Australia could probably help more by fostering a closer relationship with Burma because, if the examples of some other countries are anything to rely on, that may eventually lead to real freedom for the people of Burma and an end to that poisonous opium trade that the member for Cowan referred to. That is the real threat to Australia’s national interest here: the export of narcotics. I hope Aung San Suu Kyi does well—but more important to me is that something should happen in that country to stop people selling heroin to the children of some of my constituents. (Time expired)

Ms ELLIS (Canberra) (4.28 p.m.)—I am pleased to have the opportunity to speak to this important motion today, and I commend my colleague the member for Cowan for proposing the motion to the House. The news that there were going to be democratic elections in Burma back in 1990 was greeted positively by the free world. In 1990, those elections were conducted with what can be described only as a predictable result. Nevertheless, it was a result that I and many others welcomed. The National League for Democracy, the NLD, won 392 or 80 per cent of the 485 seats contested. The junta-backed NUP won 10 seats, a mere two per cent. What has followed in Burma is a terrible story. The military junta have refused to acknowledge the result of those elections in any way. Many elected members have been murdered or tortured or have disappeared. The Prime Minister, subsequently elected by those successful members of parliament, has
been in exile ever since. We have seen oppression the likes of which can be compared only with the worst days in South Africa or with the infamous Pol Pot.

Daw Aung San Suu Kyi has led her people through these terrible years with dignity, with determination and with an absolute belief that at some time right will rule and we will see the legitimate government of Burma in office. She has done this at great personal cost after years of house arrest. ‘House arrest’ is a feeble description when it actually means the personal torture of isolation and forced separation from her husband, the late Michael Aris, from her children, her friends and her colleagues. Five years ago, on 10 July, the military junta announced Suu Kyi’s release from house arrest. They wished us in the free world to believe that with that release they would comply with the law and restore democracy to Burma. Sadly but predictably, the oppression continued at all levels following that gesture. More recently, of course, we have seen Suu Kyi isolated on the side of a road for days simply because she was attempting to travel from Rangoon to speak with some of her followers. Suu Kyi, a Nobel Peace Prize winner, her people, the people of Burma, and all ethnic groups within Burma—the Mon, the Karen, the Shan, the Kachin and the many other groups—must get our support, the support of the free world, in their quest for democracy.

I question the wisdom of attempting pleasant dialogue with the perpetrators of evil rule in Burma. In our platform, discussed at our recent Hobart national conference, we say:

Labor reaffirms its longstanding condemnation of gross violations of human rights in Burma, including the draconian suppression of political freedoms, torture, rape, disappearances, extrajudicial killings, oppression of ethnic and religious minorities, and use of forced labour.

I can recall earlier this year that, when our eyes were all turning—and correctly so—to East Timor and the terrible scenes taking shape there, I was celebrating the Mon national day here in Canberra. The Mon, like other ethnic groups within Burma, have suffered through decades of oppression. However, while we look at the East Timor situation, Kosovo, the Middle East and other parts of the world, where we see on our televisions every night that atrocities are becoming the norm, we must never forget what has been and continues to go on in Burma. We have heard some interesting comments in this debate today. Can I say: thank God we never gave up on the inspiration and commitment of Nelson Mandela through the dark days of South African history. Now we must not give up on Aung San Suu Kyi or the people of Burma. I had the privilege, the pleasure and the delight of living in Burma for a year and a half nearly 20 years ago. I so much look forward to going back but feel in all conscience that that is never going to be possible while the current junta rule in Burma in the evil way they do.

Mr BAIRD (Cook) (4.33 p.m.)—I am happy to rise today to support the motion from the member for Cowan and to congratulate him on the motion. I think the developments in Burma are of grave concern to all members of this House and it is appropriate that all of us should align our support for Aung San Suu Kyi. It is of grave concern to us. We have in this country just been experiencing and celebrating our own democracy through the Olympic Games. Think of the paradox in Burma. We have in Burma one of the most beautiful countries in the world, with a rich and fascinating culture, but it is also the backdrop to serious restrictions of freedoms and ongoing human rights violations. The action of the Burmese government in again placing Aung San Suu Kyi under house arrest is an unhealthy development in the political situation in Burma and a step backwards in its international reputation. As we are all now aware, the problem arose when Suu Kyi and her supporters were attempting to travel to Mandalay by train. They were detained against their wishes, and Suu Kyi was returned to house arrest in Rangoon.

I fully concur with the statements of the Minister for Foreign Affairs on these developments to date. His statement of 25 September clearly said the latest actions of the Burmese government are ‘unacceptable’ and ‘to be deplored’. I also note the minister and our diplomatic representatives in Burma
have made a series of representations to the Burmese government, pointing out Australia’s position in strong terms and requesting that the rights of Suu Kyi and members of the National League for Democracy, the NLD, be respected. It is appropriate that we have this motion today, which brings together our concern as a nation and as a parliament in relation to the developments in Burma.

We have seen the fall in recent days of Slobodan Milosevic. It is to be hoped that in time we will see a change in the environment in Burma. The continuing infringements of human rights that exist in Burma give us all cause for concern. However, it is important to note that the only way to resolve the Burmese internal conflict is through constructive dialogue and engagement. Confrontation will achieve nothing. In particular, the government is keen to maintain a useful and constructive dialogue with Suu Kyi and her supporters. This has long been the case. Our approach to Burma arose from the abject failure of other policy options. Sanctions or similar punitive actions do not work—they get no response from the regimes concerned. You have far more chance of exerting influence if you are dealing with them at a multilateral level.

Australia is not the only country that follows this policy. The ASEAN nations are closely involved in Burma due to its active membership of that organisation. Japan and major European nations provide scholarships and training for Burmese government officials. The European Union’s official position has also changed to one of engagement. There will be an EU-ASEAN ministerial meeting in Vientiane at the end of this year. The EU previously has refused to be part of such meetings due to Burma’s involvement in ASEAN. The Australian government funded two human rights workshops in Ran- goon in July this year. These workshops aimed to educate Burmese officials on basic human rights. Dealings with the Burmese government will not have rapid results.

It will be a long and difficult process trying to make changes to a regime such as Burma’s. The government recognises this difficulty and is prepared to deal with it. It is appropriate that we should support this motion before the House. We should recognise the steps the government has taken to have an ongoing dialogue with the Burmese government. All of us in the House would want to support Suu Kyi in the problems she is having with the existing Burmese government. We condemn the action of the Burmese government in placing her under house arrest and support the Minister for Foreign Affairs in his ongoing dialogue with Burma to ensure we have some changes in the general approach taken to the Burmese government in their dealings with Suu Kyi and with her political party. I commend this motion to the House.

Mr DEPUTY SPEAKER (Mr Jenkins)—Order! The time allotted for this debate has now expired. The debate is adjourned and the resumption of the debate will be made an order of the day for the next sitting.

GRIEVANCE DEBATE

Question proposed:
That grievances be noted.

Middle East: Conflict

Mr ALBANESE (Grayndler) (4.39 p.m.)—On Sunday, 1 October a 12-year-old Palestinian boy, Mohammed Al-Durrah, wanted to accompany his father to a used car auction in Gaza city. He never made it home to his family. To get from their home in the Bourij refugee camp to Gaza city, Moham- med and his father had to pass through Netzarim junction. The junction is home to an Israeli army post put there to defend the Jewish settlement of Netzarim—a contentious settlement, home to some 60 Jewish families. There is no way for Palestinians who live in the Bourij refugee camp to reach Gaza city other than via this junction. It was there that Mohammed and his father became trapped in fighting between Palestinian youths and the Israeli defence force. The world has graphically witnessed what happened next. His father shouted to the Israelis, ‘the child, the child’. They were no threat to anyone. They were unarmed. They were defenceless. They were terrified.
They were shot at. Fifteen bullets hit the wall around them. The cameraman who filmed the horrific incident told the Guardian, ‘They were aiming at the boy and that is what surprised me, yes, because they were shooting at him, not only one time but many times.’ The evidence of where the bullets hit authenticate this chilling eyewitness account. The Guardian reported:

Aside from the circle of bullet holes—most of them below waist level—the expanse of wall is largely unscarred. This appeared to suggest that the Israeli fire was targeted at the father and son. The young boy was hit and died in his father’s arms. After this, the shooting continued. The ambulance driver was also shot dead trying to reach them. Bassam Al-Bilbays, who was riding with the ambulance, described, ‘There was some breath left in him when we reached the ambulance, but when we opened the doors they started shooting again.’ This is the human dimension of the Middle East conflict. There can be no defence for the killing of unarmed civilians and children.

Mohammad Al-Durrah’s death is not isolated. More than 80 are dead, the youngest being just two years of age. This tragedy has followed the provocative action of the leader of the Israeli opposition, Mr Ariel Sharon, in visiting Al Haram Al Sharaf accompanied by a massive military contingent. Al Haram Al Sharaf contains Al Aqsa mosque and the Dome of the Rock, which are holy places of worship for Moslems. Such a provocative visit is consistent with Mr Sharon’s views as an opponent of peace. He is the man who led the invasion of Lebanon. He stood by while Israel’s right-wing allies committed massacres of thousands of women and children in Sabra and Chatilla. After an inquiry, this resulted in his resignation as defence minister. He has continued to support an expansion of settlements in the occupied territories. Fortunately, at present, he is not part of the government. Indeed, Prime Minister Ehud Barak deserves commendation for implementing UN resolution 425 and withdrawing from southern Lebanon. However, recent events have sparked a change in Israeli foreign policy. The world has watched in horror as the violence has escalated, with both sides taking increasingly hardline negotiating positions, seriously threatening the ability for the Middle East peace talks to continue.

Wars are most often started and prolonged by extremists such as Mr Sharon, by those who cannot see the world for what it is—a place where every issue is not black and white, where land is a scarce commodity and where many versions of history dictate many differing claims of ownership. Disputes over land ownership and the wars that ensue are an awful part of human history. Yet, in the 21st century, it cannot be idealistic to assume that such conflicts can now be worked out through peaceful means—via negotiation, through the moderation of both sides’ claims and through an understanding of the complexities and varying versions of human history.

What is most terrifying to me about what is happening in the Middle East at the moment is that the situation is fast escalating out of rational control. In a fight for political survival in a climate ruled by fanaticism, leaders who previously spoke the language of peace find themselves in a bidding war with other influential politicians, trying to prove to extremists that they are tougher, that they are more warlike. I read with great concern reports that Mr Barak has raised the option of a national unity government similar to that which was formed during the 1967 conflict. This government could well be formed once Barak’s 48-hour deadline for the release of three Israeli soldiers captured by the Hezbollah—and the Palestinians’ authority to control their people—runs out. At that point, according to the internal security and acting foreign minister Shlomo Ben-Ami, Palestinian Authority Chairman Yassar Arafat will no longer be considered a peace partner by Israel.

Any national unity government would spell the end for the peace process in the Middle East. It would include the leader of the Likud, Ariel Sharon. It would be very unlikely that Sharon and the Likud would agree to be a part of any national unity government that did not scrap all concessions made by the Israelis during the most recent round of peace talks at Camp David. That
would spell the end for the peace process and would be a tragedy. What makes current events all the more tragic is that much progress had been made towards peace during the Camp David discussions convened by President Clinton.

It is understandable that Israelis desire security; the question is how this security can be achieved. Given the geography of the Middle East it is absurd to believe that security can be imposed upon the region—it can only be agreed. The provocation and excessive use of force by the Israelis has been condemned by the United Nations by a vote of the Security Council of 14 to zero with one abstention, that being the United States. Palestinian teenagers should not be throwing rocks, but the fact that they are does not justify an army shooting at unarmed civilians, using snipers, bazookas, grenades, tanks and attack helicopters. Dialogue must replace provocation and response. The Palestinians must be given their homeland. The occupation of Gaza, the West Bank and East Jerusalem by the Israelis has created generations of oppressed people.

The Palestinians’ acceptance of the 4 June 1967 borders, which constitute only 22 per cent of that which existed prior to 1948, is an extraordinary compromise in the name of peace. I have visited the beach camp in Gaza and was distressed at the conditions in which families were living. These conditions have led many young Palestinians to believe that they have nothing to lose. Today’s Sydney Morning Herald quotes a 12-year-old Palestinian boy, Muhammad Rayyan:

“I wait for God to choose me,” said the boy, who has been nicknamed the Lion because of his fearlessness. When I see another fall, I am jealous. I long to be like him. This is my only goal in life.”

The ultimatum made by Prime Minister Barak, giving the Palestinians 48 hours to discipline their civilians or face war, is undermined by the failure to acknowledge the excessive force used by Israel. A helicopter gun ship is not more moral than a boy with a stone. The above quote shows that it is impossible to threaten those who believe they have nothing to lose. Peace can only occur if there is respect for human life and human rights—by all sides. I watched the Sunday program yesterday, in which Ariel Sharon defended his visit to Al Haram Al Sharaf by saying:

“It’s a free country, with free access.

Anyone who has been to the region would be horrified by the inequity in that statement. This is a noble principle, but it is one which certainly does not apply to Palestine. Palestinians live with restrictions every day. Gaza and the West Bank are regularly closed, preventing Palestinians from going to work, and creating a subsequent resentment. Roadblocks occur at regular intervals. The hotel in Ramallah—the City Inn where I stayed with Peter Nugent, who is presently here in the House, and also Joe Hockey, Peter McGauran and Leo McLeay—has been occupied by the Israeli defence force and used by snipers on the West Bank. Palestinians do not have equal rights in the Middle East.

On Wednesday of last week the Australian Parliamentary Friends of Palestine, of which I am secretary, held an urgent meeting to consider our response to the conflict. The Parliamentary Friends of Palestine group comprises 27 federal members of parliament, from all political parties. It is chaired by the member for Parramatta, Mr Ross Cameron, with the member for Watson, Leo McLeay, as deputy. A statement was endorsed unanimously by those at the meeting condemning the killing of unarmed civilians and children and calling for a just settlement which satisfied the legitimate aspirations of both Palestinians and Israelis to live in peace. The alternative is a disaster for all in the Middle East.

Middle East: Conflict

Mr NUGENT (Aston) (4.49 p.m.)—I have to say that without any collusion whatsoever I came into this place to address essentially the same subject as the previous speaker. I want to preface my remarks by saying that it seems to me that the situation you have in the Israeli-Palestinian confrontation at the moment is—quite apart from the rights and wrongs and the solutions to the problem—a totally inappropriate use of force by a government when dealing with a civil disturbance.
It is interesting if you look at the history of Israel. Jews were a people dispossessed and discriminated against for many hundreds of years, this situation culminating, in a sense, with the Holocaust of the Second World War, and we all absolutely abhor what happened there. Arising from that was a desire for their own state. Since that state was created Israelis have used war—and I must say most effectively, from a military point of view—with their neighbours to protect what they have had as a homeland. One example of that is the Six Day War, of course. But, given their need for their own homeland, you would expect that the Israelis would show some more understanding of the Palestinians’ need and desire for a homeland as well.

There is a long history of the difficulties of the Israeli-Palestinian conflict—the great complexities in terms of religion, ethnicity, personal vendettas, tit for tat and so on over the years. But certainly my observation from visiting that area has been that Palestinians are invariably denied what we would regard as basic human rights. There is no freedom of movement for Palestinians around the territory. Economically they are a deprived group. They are discriminated against in housing. When you drive down the roads, when you come to a Palestinian area you notice that the state and standard of the road is immediately degraded. There is even discrimination in terms of citizenship for living in Jerusalem and places like that. So by any yardstick they are a disadvantaged group.

On top of that there is significant provocation. Large proportions of the Israeli settlements being built in the Palestinian areas—quite simply, an area is developed with settlements, another area is developed and then the two areas are bridged—are actually unoccupied. We are not talking about five per cent or six per cent; the estimates that we were given when we were there were something like 30 or 40 per cent or even more. Even with tax incentives to Israelis to go and live in those settlements they cannot in fact occupy them. So it is, quite clearly, a naked land grab.

It seems to me that in those peace talks Israel needs to give some ground. It has not happened; there is always some excuse as to why the agreed ground that is to be given up is not given up. Of course, Jerusalem is one of the keys. I have said in this place before that if you keep a people down—if you keep them without human rights and in economic dependency and if you take away all hope of justice for the future—then, even though one condemns violence in all its forms, one should not be surprised if people react in a violent way. It seems to me that for the government to meet that reaction, whether it is stone throwing or whatever, with an inappropriate degree of force only exacerbates the problems. So we have had the peace talks. The Israelis are in control—they are in economic control, they are in military control, they are in every other way in control—so they need to take the prime action. We have heard lots of words from Mr Barak, but there has been no improvement in the situation. In many ways we had high hopes of Mr Barak, unlike his predecessor, Mr Netanyahu. But there has been no real improvement. The Sharon action recently was absolutely provocative. For that individual to go to that place in that environment, with a military escort, with hundreds if not thousands of people there, was quite clearly a calculated action. One of the Israeli generals is quoted as saying, effectively, that there is no rule of law and that when stones and things are hurled at his soldiers, he can only respond with rifle fire. In other words: ‘I’m free when my troops are attacked to use whatever force is available at my disposal.’ That is an appalling reaction of a government to citizens when there is some civil disturbance. In fact, he is saying, ‘I can use any weapon of war against the civilian population.’ It seems to me that that is fundamentally wrong in whichever society we are talking about. There is a need for appropriate force.

Given the death toll, which is overwhelmingly Palestinian, of course there will be a reaction from the Palestinian population. There is the 12-year-old boy, about whom there has been so much publicity. Yes, we read stories about how, due to peer pressure, he wanted to be there. But the reality is that, while he was there—quite clearly in the line of fire, quite clearly unarmed, quite clearly trying to take defensive action by hiding and
getting out of the way—quite clearly he was a boy. No civilised government in the world shoots 12-year-old unarmed kids in that sort of situation. I am talking about an appropriate way of dealing with such a situation. I do not defend the rock throwing, I do not defend the civil disturbances, but there are ways in which to deal with that. What happened to that boy was clearly murder. There is no justification for rockets and gun ships against stones. Already the Israeli government, it seems to me, is waging war.

I want to talk about appropriate power. If you are punched on the nose, you do not shoot the person who hits you on the nose. In Melbourne recently we had the World Economic Forum, where that S11 group used some force and some violence and the police were criticised for using their truncheons in response. But in this country we would never conceive of shooting the people. That is the sort of comparison we really ought to be talking about, in many respects, and I could quote other examples around the world. I ask: is the Israeli military out of control? Further, I ask: are Barak and Sharon joining together in a national government, as the previous speaker alluded to? Will that help or worsen the situation? What will happen then? Will we have tanks, at the end of this 48-hour deadline, against women and kids? I think we need to urge Israel to step back from the brink. I question why the United States, which has so much influence in Israel, abstained from the vote. I urge the United States to bring as much pressure to bear as possible on the Israeli government, and as urgently as possible, to pull back its overreaction to this situation. Palestinians are entitled to human rights, as are Israelis, as is everyone else around the world. The Australian government is right to condemn the violence by all sides, and I support that. But the Palestinians are fundamentally entitled to their aspirations, as is everybody else. There is no justification for the years of repressive action that they have suffered. The overreaction of the military might will merely provoke further Palestinian reaction, so I implore the Israeli government to think about an appropriate use of force, not over-the-top force. They do hold all the cards. It is important that we, the United States and every other civilised country in the world use what pressure we can to try to bring about a de-escalation of the violence and a rapid implementation of United Nations and other agreements that have been made in this part of the world. All the parties should be talking and acting peace, not precipitating a war, because out of a war there will be no winners.

I think it is important in this parliament that we do not stir the situation up, but I do say to the representatives of Israel in this country: please convey the message to your government that I think there is widespread community concern in this country about the inappropriate use of force in this situation. We urge the Israeli government, with the best will in the world, to solve this problem by peaceful means, and we urge the Palestinians, in spite of all that has gone before, to respond in a constructive and positive way, because for both the Israelis and the Palestinians long term it is only a peaceful solution that will guarantee security, happiness, harmony and the realisation of their aspirations for future generations.

Prospect Electorate: Methadone Clinic

Mrs CROSIO (Prospect) (4.59 p.m.)—I rise today in the grievance debate to highlight an issue which has been of great concern to many of my constituents. A development application for a doctor’s surgery that will include a drug rehabilitation service providing an outpatient detoxification program, methadone clinic and other treatment programs has again been lodged with Holroyd City Council to be built at 24 Norrie Street, Yennora, in my electorate of Prospect. I would firstly like to make it very clear that I am in stern opposition to this proposal. However, I do agree that the drug problem in Australia is a problem which needs to be tackled head on. We need constructive and practical solutions to a problem which, quite obviously, will not go away. It is a well-known fact that a high incidence of drug addiction leads to a high rate of crime and anti-social behaviour among drug users. Drug related activity is unwelcome and undesirable in any suburb and must be stamped out. Methadone treatment programs have several rehabilitative objectives and these goals and
objectives must be considered in this discussion. Rehabilitation and recovery should be a major objective of any drug treatment plan. However, I believe this proposal for a methadone clinic poses a very serious risk to the health, safety and security of many of the residents living in Yennora. My main concern is that Yennora Primary School is within walking distance of the proposed site of the clinic. It is one of the many primary schools in my electorate where children go to learn, play and grow.

I acknowledge that one of the objectives of methadone treatment is to reduce the amount of illicit drugs used. However, many participants in the methadone program continue to use drugs while undergoing methadone treatment. In these cases the rehabilitative aspect of methadone treatment is not fully achieved, with the patient remaining on illicit drugs as well as methadone. This reality poses a real and significant threat to the safety of the young students at Yennora Primary. There is no adequate security at the primary school which would protect the school grounds from the very real threat of trespassing drug users. This threat includes the possibility of theft, assault and vandalism and of drug equipment being dumped in the school grounds. The children have a right to play in peace and safety and their parents must be assured that when they drop their children off at school or that when their children are walking to school they will not be exposed to the risks that drug users create.

Too often drug addicts in my electorate carelessly dump their equipment and drug paraphernalia in places where curious and sometimes very inquisitive children might innocently come into contact with it. To allow a methadone clinic this close to a primary school seems to me to be absurd. An aged persons retirement home is also located nearby the site. So this methadone clinic would be located close to a school, a retirement home and an unattended railway station. This poses a serious threat to the safety of the people of Yennora, many of whom use these facilities on a daily basis.

This particular methadone clinic will be owned and operated by the same operators of the methadone clinic in nearby Merrylands. In fact I am told that the Merrylands clinic will be replaced by this clinic in Yennora, if it goes ahead. One of the ramifications of this move is that the drug users who were treated at the Merrylands clinic will frequently catch the train from Merrylands to access the facilities at Yennora. Bringing more addicts and their drug related antisocial behaviour into Yennora is not creating a safe environment for families, businesses and the residents of Yennora. A further point is the fact that the development application does not include a car park. This means that people requiring treatment have no other way to get to the clinic than by train or by walking. Their route on foot could quite possibly include walking past or illegally trespassing in the primary school or the nursing home nearby.

The community’s response to this development application has not been positive, I can assure you. My office has received a large number of inquiries from constituents who are concerned that a methadone clinic in Yennora would be a significant threat to their safety, security and day-to-day activities. I have made several representations on behalf of many of my constituents, voicing their fears for their safety and their concerns about what they perceive to be a high level of crime and a risk of unwanted characters perhaps coming to the clinic and into the area. Priority must be given to the community’s concerns. The need to treat and rehabilitate drug addicts and their self-inflicted ailments must happen only with the consent of the local community concerned. In this instance the community is not at all supportive of the proposal, I can assure you.

Drug use is a social problem of the most damaging kind. It destroys lives, families, communities and neighbourhoods. The areas I represent—such as Fairfield, Wetherill Park, Villawood and Yennora—as well the areas which are represented by other members of this parliament, such as Cabramatta and Merrylands, are not without their fair share of drug related activity. Drug dealing and drug related activities have had their effect on our local residents and businesses, who have suffered the effects of a very high crime rate, break-ins, vandalism and antiso-
cial and disruptive behaviour. The drug trade has not only torn at the social fabric of our community but has changed the character of some of our local shopping centres from being places where families and individuals once felt safe to visit to being places which are frequented by drug addicts, where handbag snatchers often take place and the incidence of petty crime, break-ins and assaults has increased.

A methadone clinic in Yennora would, I believe, increase the instances of petty crime, break-ins and thefts. It is also worth noting that there is no police presence in the Yennora area to combat such a threat. I believe areas with poor police presence and few monitoring services are already conducive to crime. To add a methadone clinic to a place such as Yennora would simply be dangling a carrot in front of these people. A methadone clinic would attract a group of undesirable people to an area which they would otherwise not have had reason to visit.

This place—24 Norrie Street, Yennora—is located right in the middle of an industrial zone where there are many light manufacturing workshops and small businesses. From my own experience as a small business owner, I know that it is important to have a clean and well-presentationed workplace so that customers feel comfortable and are willing to come there to trade. People have a general fear of drug users and former drug users. Whether we like that or not, it is a fact of life. If Holroyd City Council were to allow this methadone clinic to be built in the middle of an area where customers frequently come and go to pick up their goods and conduct trade, I believe those customers would be deterred from that area.

It must be remembered that this is not the first time this site has been proposed for a methadone clinic. In 1998 Holroyd City Council approved a development application for a methadone clinic on the very same site. The application was lodged by a company which lists Dr Desmond Nasser and Susan Nasser as operators. However, this application was later defeated in the Land and Environment Court after a challenge was mounted by the neighbouring Fairfield City Council. This more recent application was lodged by the Australian Academy of Anti-Aging Medicine Pty Ltd of 27 The Point Road, Woolwich—a company, I might add, controlled by Dr Desmond Nasser and Susan Nasser. The original 1998 application was rejected in the Land and Environment Court on many grounds, including the inappropriate use of a 4(a) industrial zone, that it included no parking facilities, the close proximity of the clinic to a primary school and to a nursing home, the low security at Yennora train station—which is frequently unattended—the small police presence in Yennora and the threat of a loss of revenue for local businesses.

Many of the reasons why the original application was stopped in the Land and Environment Court are still very much current. Yennora Primary School is still there; a nursing home is still there; there is still no security on Yennora’s train station or, if there is, it is minimal at best; and the area still has those many businesses that are trading nearby. There is no logical or constructive reason why a methadone clinic in this area should go ahead. There are no obvious benefits for the community in this proposal. The operators of the methadone clinic are not concerned about what is happening at a local level. I wonder what sort of community backlash the Doctors Nasser would receive, for example, if they proposed to build a methadone clinic in the heart of their local community at Woolwich. The sad reality with methadone clinics is that, despite whatever health and social benefits may come from methadone treatment, methadone clinics also bring antisocial behaviour into the immediate area where that clinic is situated. This is because many people on methadone treatment continue some level of illicit drug use and do engage in criminal activities to get the money to support their habits.

I have not received one letter of support for this proposal. The community and business sectors of Yennora are completely and utterly opposed to that methadone clinic being located so close to many of their local facilities. It is socially irresponsible for the Holroyd City Council to approve this facility. I can see no benefit in having a methadone clinic located so close to that school or, as I
said, to that nursing home and certainly so close to where people frequently use the station. Australia’s drug problem and further drug related problems in south-west Sydney need both practical and rehabilitative solutions. The residents in my electorate also have a right to feel safe in their local community. Methadone treatment programs, if they are to be implemented, must be implemented in an environment where both the local residents and businesses are protected and are comfortable with the proposal going ahead. In this particular case, residents and businesses are quite rightly uncomfortable with this proposal for the obvious reasons that I have outlined in the limited time I have had.

The clinic was stopped before and it must be stopped again. In fact, I am absolutely appalled to find that, after a two-year fight to have that clinic stopped in the first place, straightaway we can have another application placed in the very same place for the very same thing and just saying, ‘We are not doing it now. This is no longer 1998; this is the year 2000.’ The residents are still living there. The areas concerned are still there. I agree with my constituents’ concern. (Time expired)

Petrol Prices: Fuel Alternatives

FRAN BAILEY (McEwen) (5.09 p.m.)—Today I wish to speak about the current problem of high fuel prices and then, after examining this issue, I want to highlight alternatives to fuel based on crude oil and examine the progress we as a country have made in this area. There are some issues that people living in metropolitan and regional areas do not agree on, but one issue where there is unanimous agreement is that the current high cost of fuel is placing great strain on both their business and family budgets.

These high costs of fuel are the result of the OPEC cartel driving up the price of a barrel of crude oil and the current weakness of the Australian dollar. It is because fuel prices are having such an effect on people, especially those on low fixed incomes and those who have no alternative but to use their vehicles as their means of transport, that this is the first time that many people have become aware of all the components of the cost of a litre of fuel.

A recent survey I conducted throughout my electorate found overwhelmingly that people do now have an understanding that a significant percentage of the cost of a litre of fuel is excise. However, there is almost a complete lack of understanding about why the excise is such a significant percentage of the cost of their fuel, how much revenue the government collects and where that revenue is spent. Significantly, the majority of people who responded to my survey said they wanted to know where the revenue collected from the excise was spent. However, the most significant result of my survey was that 93 per cent supported the concept that a set amount of funding from the fuel excise should be spent on regional roads.

A small percentage indicated that they believed that the fuel excise was meant to be spent on road funding. I had no way of knowing the age of the respondents to my survey but I could make a fair guess that those who believed this were older residents who remembered that, up until 1982, the Commonwealth government did link petrol excise to road and associated infrastructure spending. This, of course, was changed by the Hawke government in 1983 when it legislated to index the fuel excise to the CPI and subsequently increased the fuel excise from 6c a litre to 34c a litre during its term of office.

While governments do not favour a system of funding for roads—or any other area of government services or infrastructure for that matter—where the level of funding needed to provide that service is raised as a revenue from a particular tax, there is no doubt that increased funding is needed for our road system, and in particular for our local roads in regional areas. While these roads are not the responsibility of the Commonwealth, as they are not national highways and do not fit the criteria of roads of national importance, they do, however, carry increasing quantities of our agricultural, horticultural and forestry products to our rail systems and highway networks. The reality is that local governments which have the prime responsibility for these important local
roads face a critical shortfall of funding in their budgets to maintain these roads, many of which are nearing the end of their life.

The problem of the high cost of fuel forced on us largely by external factors, however, can be the catalyst we need to examine this whole vexed question of where the funding needed for road infrastructure is going to come from in the future. I have three suggestions. Firstly, we should examine, 17 years after its introduction, the current system of indexation of fuel excise to the CPI and should examine the possibility of dedicating a percentage directly to road funding. Secondly, we should seek a commitment from the states to dedicate the GST revenue they receive from fuel sales directly into road funding—the tax office could easily identify this amount. And, thirdly, we should be developing partnerships between the public and private sectors to tackle the backlog of road infrastructure projects needed.

The current situation can also act as a catalyst to examine alternative fuel resources, which have both cost and environmental benefits. The main alternatives identified so far appear to be methanol, ethanol, liquefied petroleum gas or LPG, compressed natural gas or CNG, shale oil, gas to liquid process known as GTL, solar energy and fuels derived from biological materials. The obvious benefits of alternative fuel resources are that they reduce our reliance on the finite resources of crude oil and reduce air pollution through lower levels of emissions into the atmosphere. Whether the cost in dollar terms to motorists will be a benefit is not yet proved. However, it would be fair to say that the cost to motorists and industry will depend on supply and demand and how price competitive alternative fuel can be to fuel derived from crude oil.

So far, the production costs of alternative fuels have been more expensive than for petrol. The infrastructure that exists for the transportation, distribution and selling of petrol is not suitable for many alternative fuels, and therefore the start-up costs need to be taken into account. One of the most difficult obstacles to overcome is the cost of conversion technology. While this technology exists, the cost of developing this technology and the actual conversion have proved to be very expensive. This cost and the lack of infrastructure to move the alternative fuel product through a network to the end user are certainly challenges for us ahead. This government, however, has accepted the challenge and so far has allocated $815.2 million in support of alternative transport fuels, and it has further allocated another $664 million to be spent on programs over the next four years. This ranges from support for basic research and development into alternative fuel types and support for the development of new transport technologies, through to direct support for larger vehicle conversions and support for CNG infrastructure development and an alternative fuels grant scheme.

The most significant level of government support for alternative transport fuels has been exemption from excise. By allowing this exemption, this government has halved the cost of the main alternative fuels in an effort to make them more accessible and less costly. This represents $700 million of assistance to alternative fuels such as LPG, CNG, ethanol, methanol, oil from shale and fuels based on vegetable oils. The major beneficiary of this assistance has been LPG because of its larger share of the market, but there is growing interest in CNG because of its superior performance characteristics and environmental performance. The fact that LPG is the major beneficiary of this $700 million exemption further highlights the impact that world prices are having on fuel costs, when just in the past week the cost of LPG has increased by 10c a litre in some parts of my electorate. Transport operators eligible for the diesel fuel grant are also eligible for the alternative fuels grant. That means for LPG the grant is 11.44c per litre, and for ethanol 20c a litre.

The Australian Greenhouse Office has been funded $2 million to assess an ethanol pilot plant using wood waste and crop residues in the production of ethanol. As well, it has been announced that the government will fund a study into the production of ethanol from sugar. In fact, since coming to office, this government has shown a real commit-
ment to supporting and developing alternative fuels. As examples, I refer to the CNG Infrastructure Program, where $6.7 million has been provided in a joint initiative to expand the number of retail outlets for CNG from the current level of 12 to 32 by 2002. As well, the Commonwealth is supporting an Alternative Fuels Conversion Program by providing 50 per cent of the cost of conversion of the heavy commercial vehicles, is fostering the development of an oil shale industry by exempting excise on oil, and is supporting a number of gas to liquid projects. The recently announced Renewable Fuels Working Group is looking at key opportunities for the use of renewable transport fuels. The government is looking at the challenge of converting natural gas into synthetic fuels, which is the key to unlocking enormous opportunities, creating new jobs and improving the quality of our environment. All this is not just possible; it is actually happening now at a time when world resources of crude oil are finite and OPEC has demonstrated how ruthless it can be in manipulating prices. It is in all of our interests to progress these policies. (Time expired)

Corporate Philanthropy

Mr JENKINS (Scullin) (5.19 p.m.)—The ‘social coalition’ that the Prime Minister continually calls for is a reflection of his wider world view on the role of the non-government sector in government service delivery. Under this government, Australia has seen a major shift of core governmental responsibilities to non-government agencies—both community, not-for-profit agencies and commercial business interests. The greatest example of this is the government’s controversial Job Network. The Job Network has seen the destruction of the Commonwealth Employment Service and the transfer of its functions to a plethora of private agencies, some with a religious focus, some others which are profit-driven personnel agencies. However, the objectives of the social coalition are much wider than business getting its hands on a share of the government cake. The Prime Minister speaks continually of the concept of corporate philanthropy as part of his vision for his social coalition. This is about involving business more in community affairs and activities and solutions to social problems, usually through increased financial support.

Philanthropy is not a new concept in this country and business does give generously to a range of causes, providing about two-fifths of all donated goods and services in this country. In its totality, the philanthropic sector in Australia is valued at about $5.1 billion per annum, with $3 billion of this coming from individual Australians to charities or appeals, such as the Royal Children’s Hospital’s Good Friday appeal or the nationwide Red Cross appeal. Philanthropic trusts and foundations contribute about $300 million per annum. They are private foundations established by families or through bequests, or they are community or government initiated foundations. Australian business contributes about $1.8 billion per year through a variety of structures. While some companies contribute directly to charities and organisations, others have trusts or foundations which are at arm’s length from and run independent of the companies. This is designed to keep the philanthropic activities independent of the business activities.

The major focus of corporate philanthropy in Australia has been to sport sponsorship. Australian business contributes some $282 million in sport sponsorship compared to $37 million to education or $29 million to the arts and other cultural activities. Corporate philanthropy includes both altruistic business contributions and those where business expects a return, such as naming rights or advertising. Research in the United Kingdom has identified three main forms or waves of corporate philanthropy. There is philanthropy driven by a sense of moral and social responsibility as part of a wider sense of being ‘a good corporate citizen’. This is often direct ad hoc funding for purposes for which key company personnel have a strong identification—for example, a pet cause of the chairman, building a new wing for the chairman’s old school. There is strategic philanthropy driven by self-interest. This is systemic and linked to the business’s interests responding to requests in target areas over a longer period of time—for example, responding to requests to sponsor a school or
supporting teams in a community where the business’s interests could be controversial. Also, there is community investment philanthropy driven by long-term direct self-interest. This is strategic and initiated by the organisation and involves philanthropy as a business opportunity—for example, initiating sponsorship to eventually create or maintain a market, a pharmaceutical company establishing a research foundation, or contributing to educational institutions to undertake research in areas which will ultimately benefit the company’s profitability. This demonstrates that, while business may give generously, it would be incorrect to suggest that it always does so out of motives of true altruism.

Corporate philanthropy in Australia is relatively young compared to well-established traditions in the United States—where it is known as corporate giving—and the United Kingdom. The American tradition compared to Australia arises from the absence of a strong social safety net and the lesser degree of government involvement and regulation in the United States. An example of this is the plethora of medical philanthropic trusts and foundations in the United States which pay for basic health services for poorer people or targeted community groups. In Australia, Medicare would cover those services. The reality is that these American trusts have developed in response to the absence of universal health insurance coverage in the United States. Arguably the world’s largest philanthropic trust operates out of the United States. The Bill and Melinda Gates Foundation distributed about $2,026,600,000 in 1999 throughout the world. It has unrestricted net assets of some $12 billion. It costs $2.6 million per year to administer and pays about $147 million in US excise taxes. The smaller offshoot, Gates Learning Foundation, paid out $111.3 million with assets of about $1 billion. No-one can fault the concept of businesses being responsible community partners and providing and putting something back into the community.

The mutual obligation that the Prime Minister is so fond of forcing on welfare recipients is seldom mentioned in relation to the corporate sector. It is by no means unreasonable to demand that businesses which operate here in this stable environment and create and generate wealth for their shareholders be required to contribute to their communities. This is done primarily through business taxation, and one can argue that this indeed is the very premise behind the concept of business taxation. The philanthropic activities of the corporate sector are worth while but should not be viewed as an alternative or substitute for their taxation obligations.

It would seem from the government’s track record on the use of non-government agencies to deliver core governmental services that the Prime Minister has, as the hidden agenda behind his social coalition, the use of corporate philanthropy as a mechanism to wind back the government provision of services and government policy. This is bad public policy. This is bad public policy because much corporate philanthropy is ad hoc, untargeted and subject to internal and external commercial pressures. The ad hoc nature of corporate giving makes it a poor vehicle for the delivery of government public policy objectives. Corporate philanthropy is completely subjective according to either personal or business interests. The chairman of the board who likes cricket might sponsor a cricket team. His wife may have been treated for cancer at a particular hospital so he arranges for the company to make an annual donation to that cancer ward. The company may choose to buy off a local community’s objections to their business activities by sponsoring a school. The untargeted nature of corporate philanthropy is a problem. The hospital I just mentioned as an example may be wealthy and private and located in a particularly advantaged area while another with no cancer ward in a poorer area goes without corporate philanthropy. Governments are in a position to determine the greatest need and to target resources based on national, state and local priority. The corporate sector is not and does not seek to be. Corporate philanthropy in the world of commercial reality is subject to the ever increasing pressures on business. If company profits suffer, the reality is that the corporate giving will generally be one of the first areas
to go. This creates funding uncertainty for those reliant on corporate philanthropy.

In addition to the internal business pressure, there can be external pressure on corporate philanthropy. For example, the US think tank Capital Research Centre has as its mission ‘the ending of liberal bias in corporate philanthropy’. The CRC lists companies which donate to causes that are at odds with its extreme conservative agenda. While it is perfectly within a consumer’s right to not purchase goods and services from a company with whose philosophy it does not agree, the example of the CRC demonstrates the strain placed on corporate philanthropy and how the uncertainty of boycotts, bad economic times and so on make it unsuitable and unreliable as a replacement for independent government funding. The other great problem with charity is that it has rarely sought to investigate and cure the structural causes of poverty. It has mostly sought to alleviate an immediate need without addressing why that need arises in the first place.

None of this is to suggest that corporate philanthropy is not worth while or is not legitimate. But the reality is that it can never be a substitute for properly funded government public policy across the gamut of portfolio areas. There are a great number of individuals in the business sector with a strong commitment to charity and to fundraising for worthy causes and to giving. They are to be praised and to be encouraged, but they are not there to do the government’s job for it. They can never be in a position to do so. Corporate philanthropy and indeed all forms of private charity are adjuncts to government, not substitutes for it. (Time expired)

Health: Queensland Blue Nursing Services

Ms GAMBARO (Petrie) (5.29 p.m.)—I rise today to speak on actions by the Queensland state government that have both shocked and saddened me personally. They are actions that I know will severely affect people living in Redcliffe. Under the 1998-2003 Australian health care agreements made between the Commonwealth and state and territory governments, the Queensland government is responsible for providing public hospital services, including admitted and non-admitted patient services, free of charge to public patients on the basis of clinical need, regardless of geographical location. As part of this agreement, the services must be at least equal to and, wherever possible, better than the services provided by the Queensland government on 1 July 2000. Let me be clear: this means that the federal government is handing over a large amount of money to ensure that Australian citizens receive the best form of hospital care.

As with all agreements, each side has some sort of responsibility that it has to live up to. In terms of the federal government, this is the provision of financial support and of continued financial support, while the Queensland state government must come up with the goods. In terms of adequate hospital care for admitted and non-admitted patient services, there is a lot to be desired. The federal government has been responsible and has met its commitments by providing funds, but the Queensland state government has failed miserably in Redcliffe, where it is sneakily ripping off the local Blue Nursing Services. Under the agreement, Redcliffe Hospital is supposed to reimburse Blue Care for their post acute care services. Post acute care services are those provided to patients who require additional medical help at home after being discharged from hospital. This means that, when a patient leaves hospital, they receive attention from Blue Care, and Redcliffe Hospital must pay for those services; this is commonsense. By discharging these patients, Redcliffe Hospital is reducing costs, while the follow-up attention ensures that patients continue to receive very good care in the comfort of their own homes.

But it has been brought to my attention that Redcliffe Hospital has failed to reimburse Blue Care nurses for the provision of services in 62 cases; 62 times Blue Care nurses have taken responsibility for discharged patients from Redcliffe Hospital and have provided home visits, new bandages and other services without receiving a single cent from the hospital—not one cent.

This is disgraceful behaviour on the part of Redcliffe Hospital and most disgraceful on the part of the Queensland state government. Where has all the Commonwealth’s money gone for this particular aspect of
health? It is not enough for Redcliffe Hospital to claim a lack of funding, which it is readily doing around the community, and for it to expect a hardworking organisation like Blue Care, which relies on funding from donations from the community, to pick up the tab. It is disgraceful behaviour by Premier Beattie, health minister Wendy Edmond and the rest of the Queensland state government. They have received their funds from the Commonwealth, and yet they have failed to deliver on the promises that they made when they signed up to the health agreements.

Other hospitals in the area have utilised the Blue Nurses to provide post acute care on numerous occasions, and they have lived up to their commitments and made payments to Blue Care. These hospitals include the Royal Brisbane Hospital, the Royal Children’s Hospital and Prince Charles Hospital. They have all lived up to their responsibilities, and they have paid the Blue Nurses for the services that have been provided. But something is terribly wrong at Redcliffe Hospital if they think they can continually and quite blatantly rip off the Blue Nurses. The reason I have been so disturbed by this behaviour is that I have such a high regard for the Blue Nurses and what they do in my community, and I know my colleagues will agree that the Blue Nurses perform wonderful work. They fulfil a duty in our society that is totally irreplaceable. The Blue Nurses provide a range of services and activities in response to the needs of the community, and these particular services are delivered to the ill to ensure that they are provided with a maximum of independence as well as the best quality of life possible. They provide assistance for those who are dependent and, most importantly, assistance for those who are at the last stages of their lives to live with dignity.

There are a number of services that the Blue Nurses provide in my local area, and the range of those services is absolutely incredible. It includes nursing, allied health services, respite services, disability services, respite for carers, pastoral care, counselling, community care packages, residential services and accommodation, education and project management. Looking at this list, it is evident that Blue Nurses perform invaluable services that are highly appreciated by the sick and elderly clients that receive them. The services are provided regardless of socioeconomic, ethnic, religious or spiritual background. It is important to note that the Blue Nurses mission statement, which describes their commitment to these services—

I must commend them on their wonderful commitment—says:

The primary focus of our organisation will always be meeting the needs of our clients for holistic care including spiritual, physical, intellectual and emotional. We will ensure that clients, carers and families will be accorded respect and dignity and empowered to achieve maximum independence and self-determination.

They are very admirable objectives, and they stand in stark contrast to the mean-spirited actions of the Queensland government and, particularly, Redcliffe Hospital. How can the state government expect the Blue Nurses to provide post acute care without remuneration? This is an unsustainable position that puts undue strain on the Blue Nurses, leading to either reductions in the quality of care or the removal of care altogether. Surely maintaining patients in Redcliffe Hospital for longer periods would be much more costly than providing services at home, and if this is appropriate for individual patients it should be considered. I have also heard reports of the hospital trying to broaden the home and community care guidelines, expecting non-government organisations to provide post acute care and allied health services through HACC funding.

The state government are responsible for planning their health expenditure. If they cannot get it right, they simply cannot blame a lack of funding for it. Premier Beattie signed that health agreement with his eyes wide open. He agreed to be responsible for the provision of public services to Queensland patients. Specifically, he committed the state government to being responsible for the total amount of funds available to the public hospital system, and he committed it for budgets for individual hospitals and arrangements under which they are paid as well as a range of services available at each of those hospitals.
The Commonwealth has increased funding to the state under the Australian health care agreement by 26 per cent over the five years up to 2002-03. In 2000-01 total funding available under the agreement is currently estimated to be $6.3 billion of which Queensland will receive approximately $1.2 billion. The state government should be managing this funding so that the provision of post acute care services can continue. It is, of course, always those who are least able to fight—the ill and the elderly—who will suffer the most if the state government continues to fail to pay the Blue Nurses for the services provided.

I urge Redcliffe Hospital to reconsider their actions and to make sure that in future the Blue Nurses are remunerated fairly for providing care to those post acute care patients. As I have said today, the Blue Nurses provide a wonderful range of services. It would be a terrible shame if those people who are discharged from hospital were expected to pay—particularly the elderly and the ill who could least afford it—and had that total after-hospital care service withdrawn completely.

The Blue Nurses, in my opinion, do a marvellous job, but they can only do so much. I know that they will continue to provide this wonderful service. They have come to me only in their moment of need when they have not been looked after by Redcliffe Hospital. This situation is untenable; it cannot continue. The Blue Nurses deserve to be remunerated fairly. I call on Redcliffe Hospital to do the right thing and to make sure that they remunerate the Blue Nurses for providing the continued wonderful service that they provide to the people of Redcliffe.

**East Timor**

Mr RUDD (Griffith) (5.39 p.m.)—I rise to report to the parliament on my recently concluded visit to East Timor, a visit I undertook between 13 and 15 September. It was a private visit undertaken at my own expense. It was the second visit I have undertaken to the island of Timor over the last 12 months, the first having been in October and November last year to the western part of the island. During that visit I indicated to UN staff, in particular, that I would seek to go back to west Timor within a year. That was my intention until we saw the extraordinary violence that broke out in west Timor, particularly in and around Atambua, in the earlier part of September.

I would like to focus on five specific issues in this report: firstly, the security of the United Nations staff; secondly, the continued plight of refugees in camps on the border between west Timor and East Timor; thirdly, the broader question of border security; fourthly, the conditions currently faced by Australian troops on that border; and, fifthly, the prospects of long-term policy change in Jakarta as it affects the security situation on the ground in west Timor.

On the question of the security of UN staff, when I came back from my visit to west Timor last year I reported to the parliament, in a statement last October:

... by far and above the most problematic area of access concerned the actual extraction of refugees for the purposes of repatriation by the UNHCR. It was here that Militia resistance seemed to be at its most intense. Plainly, the Militia in a number of camps resented the possibility of losing a significant proportion of their camp populations back to East Timor. In certain camps, UNHCR personnel were simply denied access. In other camps, access was initially granted but when refugees who had registered to return home chose subsequently to exercise that right, Militia resistance could become violent.

I made a number of other references to this particular challenge faced by UNHCR staff in my report last year, including a recommendation that the UNHCR should, as a matter of urgency, resolve the outstanding question of militia intimidation in refugee camps across west Timor. I went on to say:

There is a limit to how long the UNHCR can tolerate a continued ‘softly, softly’ approach to this issue when an increasing number of refugee lives are at stake. It is critical for UNHCR to raise this as a matter of urgency (in Geneva, New York and Jakarta) if the level of militia intimidation does not abate rapidly. If UNHCR makes this case, the rest of the international community, including Australia, must unequivocally support it.

I made those comments in this chamber about a year ago.

When I returned to Timor on this occasion, I returned barely a week after the mur-
der of three United Nations High Commissioner for Refugees staff in Atambua, a murder undertaken in the most bloody fashion. I arrived in Dili on the day that the memorial service was being conducted in the Dili Catholic cathedral and observed first-hand the impact of those murders on the substantial international community now resident in Timor. Given the total deterioration in the security environment on that side of the border, the immediate consequence of those murders was the entire withdrawal of UN staff from west Timor.

Some outstanding questions arise about how the evacuation of those UN staff was undertaken. Hopefully, the historical record will be able to demonstrate the decision making processes which underpinned the deployment of helicopters to Atambua to extract UN staff immediately after those murders. There are some outstanding questions about the response time and the decision making process as they affected the Australian government at that time. The request had been made by the Indonesian military of the UN command in Dili and thence on to the Australian government for approval to deploy Black Hawk helicopters into west Timor in order to extract UN staff who were at risk.

I understand there was a significant and, in the view of many, unsustainable delay in the despatch of those helicopters and a decision on the despatch of those helicopters, arising from the absence of a timely decision from Canberra. I will raise these matters in a question on notice in due course with the Minister for Defence, because this is an important matter affecting the security of international aid staff. It is also important that it be resolved should there be any future occurrence of these matters in west Timor, where we may have the redeployment of international staff at some point in the future.

The second point I said I would touch on is the plight of refugees on the border. Again I made considerable reference to this in my report to the parliament nearly a year ago: There is a general concern on the part of WHO officials (and those working for NGOs) about the state of health of those refugees who are making it back to East Timor. Their observation is that the immune systems of these refugees are already low after only six weeks in refugee camps during the dry season. From this, health officials extrapolate that the condition of those refugees remaining in camps (particularly with the onset of the wet season) is likely to be poor and therefore increasingly suspect to the range of diseases that naturally occur in West Timor at this time, as well as those which are peculiar to the cramped and unhygienic conditions which pertain to most of the camps.

Again, nearly 12 months later, we find that the condition of those nearly 100,000 refugees remaining in camps in west Timor remains fundamentally unaltered with, however, the prospect of the further onset of a second wet season. A number of refugees have managed to exit those camps in the intervening 12 months. But 100,000 people is a lot of people. It is a lot of children, and the infant mortality rate in those camps, as I am advised, has become unsustainably and unacceptably high.

The Australian aid commitment to providing for these camps over this period of time must be sustained. A practical difficulty arises through the withdrawal of international and multilateral staff in terms of how that aid is now to be delivered, given that the provision of food, shelter and medicine now lies as part of the exclusive responsibility of the Indonesian military rather than of the international community.

Thirdly, I said I would refer to the security along the border itself. When I visited Timor on this occasion, I spent a full day travelling to, and having meetings with, the Australian troops positioned on and around the border at Batugarde, which is on the northern end of the border with west Timor—in fact, not far from the city of Atambua, where the murders occurred earlier in September. What struck me in my dealings with the Australian troop commitment there was not just what many have reported on already to this House in terms of their sheer professionalism—and I acknowledge that myself—but also the difficult conditions under which they operate. As East Timor has slowly but inexorably slid from the front page news in this country, we seem to have lost sight of the fact that, on a daily basis along that border, Australian regulars are facing a whole raft of ongoing
security situations which require dexterity and courage to handle. There have been multiple militia crossings of that border. There have in fact also been significant incidents involving Indonesian regulars. The fact that these have not multiplied or intensified to become much more serious border concerns between Indonesia and the United Nations peacekeeping forces is owed in no small part to the sheer professionalism of the Australian troop commitment.

The Australian troops also face difficult living conditions, and one of the difficulties which they face, of course, is the absence of effective telecommunications back home. They are provided by the ADF, I am told, with a free 10-minute telephone call back home once a week. But, for young men and women invariably with strong family connections back here, that is not enough. Telstra and Optus, I understand, have installed in most of those troop deployments alternative telephone facilities but at a cost charging rate which makes it unsustainable for most diggers to use. I would ask in fact through the parliament that Telstra and Optus reflect on this point in order to make those facilities actually effectively usable for those who need them—namely, our diggers on the front line.

Of course, the long-term solution to this problem lies in the resolution of the security situation on the western side of the border, and it is to be hoped that recent moves by the Wahid government to rein in the militia and to employ a new military command in west Timor succeed. (Time expired)

Parkes Electorate: Roads

Mr LAWLER (Parkes) (5.49 p.m.)—It is stating the obvious somewhat to state that there is something of a revolt stirring in my electorate and most other electorates in Australia concerning the recent dramatic increases in fuel prices. Although the overwhelming cause lies with soaring oil prices and a falling Australian dollar, nonetheless it is from their elected representatives that the public are now demanding solutions.

I strongly believe that the only way to in some way attempt to address this widespread and bipartisan discontent is to make amends through an avenue that is within the domain of the federal government. I understand the government’s reluctance to freeze fuel excises, although the proposal received my support initially when it was suggested as a way to reduce prices—and I do not pretend that is not the case. With the New South Wales Service Stations Association forecasting more fuel price rises on the horizon, freezing the February excise would perhaps only be a stopgap measure. Its temporary effect on prices would immediately be swamped by the next increases, leaving the government faced with the same scenario but being at the same time many millions of dollars worse off, followed by the possibility of financial markets putting further pressure on the dollar, followed by interest rate increases and inflation—which would help no-one.

But if prices cannot be artificially manipulated then motorists should at least have the added burden of dangerous roads lifted from their collective shoulders. Watching as costs spiral while country roads decline is infuriating to the otherwise resilient people of my electorate in western New South Wales. I strongly believe that their considerable anger would be reduced if they could see that real action was being taken to drastically improve the quality of their roads.

I raised this issue in the House last month after a 2½ thousand kilometre trip around the northern part of my electorate, which is in the far west of New South Wales where, despite the complete absence of GPs and most other professionals or services, the overwhelming concern was dangerous or impassable roads. But we need not look to the outback to see examples of where our approach to maintaining country road networks has not evolved to keep pace with the modern world. Take the example of Warren shire, north-west of Dubbo, a reasonably prosperous cotton growing region with a ratio of sealed and unsealed road surfaces similar to that of many other regions across the country. According to the 1998-99 council figures, the money required by Warren shire to maintain roads at a satisfactory level, without capital improvement or reconstruction, was almost $1 million in arrears. The shire valued its
road network as a $33.5 million asset and, in 1998-99, spent $1¼ million on maintenance alone—no upgrades, no new roads.

But, to meet a level of satisfactory maintenance, council estimated the job at $2.23 million, meaning the funding allocated to this region fell short by $975,000. Imagine the effect that that has on an asset year after year—quite aside from the fact that the traffic pressure on these roads has never been greater. To get some indication of the volume of traffic on country roads, the Dubbo City Development Corporation estimates that more than 4,000 semitrailer trucks pass through Dubbo every day. Add to that the findings of a study commissioned by the RTA that each heavy vehicle has the impact on road surfaces of 10,000 passenger vehicles—a sobering statistic at this time of increased agricultural output and, therefore, haulage. Private traffic is also climbing, as rail funding over a period has declined and small, cheaper vehicles ferry people in an increasingly mobile populace between centres. Yet, as a constantly heavier traffic volume batters road surfaces, state and federal taxes, which are passed on to local government as the authority responsible, have not increased at the rate necessary.

Over the years local government bodies have found their spheres of responsibility expanding and their financial resources being additionally drained by providing such things as youth services or environmental requirements, while many sport and recreation grants these days are based on a dollar-for-dollar arrangement. In short, there is now less money to address the condition of roads that have never been subject to heavier usage. That is why both federal and state governments need to radically overhaul their approach to funding country roads.

There is a precedent for the federal government to intervene. We do spend money on funding for Roads of National Importance and Black Spot, for example. If passed to local government, the funds must be tied. Also, the current money allocated to roads, which is untied, must be retied. Conventional wisdom of past decades is redundant in the case of country roads: the pressure on them, the funding they receive and the role they play. Consider the safety aspect alone and how that has taken on a new urgency with the current state of roads. Motorists, in increasingly smaller passenger cars, now share the roads with thousands more semitrailers, B-doubles and road trains that ambush them with potholes and dangerous shoulders, as well as having to face the danger of roos at dusk. Tourism is often touted as an economic tonic for regional areas such as mine. But luring metropolitan families away from the Pacific coastal highways and onto hours of frightening uncomfortable roads will take a hell of a lot of country charm.

No immediate action being taken will result in these vital transport arteries collapsing further and requiring infinitely more funding to correct. These roads are not just used for social visits or shopping. In country areas, where subsidised public transport never existed and services are too often dwindling, people drive to access basics like health care or financial services. For sick elderly people to be expected to negotiate an unsatisfactory road to get access to medical advice in this country, in this day, in this age is frankly outrageous. I have already said that government manipulation of fuel prices is perhaps not a viable long-term solution, which is extremely unfortunate, because soaring fuel costs are causing a lot of harm.

Many trucking operators and anyone else in business off-farm are being pushed to the wall by the present increases, especially those unfortunate enough to be contracted into arrangements that do not take account of fuel cost fluctuations. It is evident that there must be federal funding for roads that is tied to one or the other of the government’s indexed revenue raising sources. Providing relief to country road users nationwide will take more than a one-off grant that, like a proposed excise freeze, will be quickly absorbed and then ineffectual, unless it is of considerable proportions.

It is time to completely rethink the way that we as a nation maintain our transport network, because the demands on that asset have increased at a rate unimaginable when our current approach was formulated. If, for example, there is an increase in the amount of resource rent tax gathered by the Com-
monwealth, this money should not be saved for future tax cuts prior to a looming election. Such windfalls should be put to use maintaining roads at a satisfactory level in both the country and the city. The benefits would be for the whole community and more equally distributed among all stakeholders rather than those with high incomes getting a larger slice of the benefit than the low income wage earner and the unemployed, who probably contribute more than their share of excise as they generally drive older, petrol guzzling vehicles. This may not be—in fact it probably isn’t—a sexy issue for most voters. But, if it is left unchecked, the nation, and therefore everyone in the nation, will pay the price in the future.

Madam DEPUTY SPEAKER (Hon. J.A. Crosio)—I put the question:

That grievances be noted.

Question resolved in the affirmative.

CORPORATE CODE OF CONDUCT LEGISLATION

Reference to Committee

Madam DEPUTY SPEAKER (Hon. J.A. Crosio)—The Speaker has received a message from the Senate transmitting to the House the following resolution:

That the provisions of the Corporate Code of Conduct Bill 2000 be referred to the Parliamentary Joint Committee on Corporations and Securities for inquiry and report by 31 March 2001

COMMITTEES

Employment, Education and Workplace Relations Committee

Communications, Transport and the Arts Committee

Membership

Motion (by Ms Worth)—by leave—agreed to:

That:

(a) the resolution of the House agreed to at this sitting appointing a member to the Standing Committee on Employment, Education and Workplace Relations be rescinded; and

(b) Mr Hollis be discharged from the Standing Committee on Communications, Transport and the Arts and that, in his place, Ms Livermore be appointed a member of the committee.

INDIGENOUS EDUCATION (TARGETED ASSISTANCE) BILL 2000

Second Reading

Debate resumed from 5 June, on motion by Dr Kemp:

That the bill be now read a second time.

upon which Mr Lee moved by way of amendment.

That all words after “That” be omitted with a view to substituting the following words:

“whilst not declining to give the Bill a second reading, the House

(1) Notes the major disparity between the educational outcomes for indigenous Australians and the general population;

(2) Calls for a renewed commitment from governments and education providers to address this disparity; and

(3) Condemns the Government for:

(a) misleading the public by wrongly claiming the National Indigenous Literacy and Numeracy Strategy contained additional funding; and

(b) providing incorrect funding figures for indigenous education in the Budget Papers.”.

Ms WORTH (Adelaide—Parliamentary Secretary to the Minister for Education, Training and Youth Affairs) (5.58 p.m.)—In summing up, I would like to thank members on both sides of the chamber for their contributions to this debate on the Indigenous Education (Targeted Assistance) Bill 2000, which is about providing funds for specific purposes relating to education to enable indigenous students to achieve better educational outcomes that will ultimately lead to their better health, greater employment opportunities and economic independence. There are many other initiatives that this government is undertaking through states grants funding and other mainstream education programs which cover schools, including those with high indigenous populations.

A number of speakers have strayed from what this bill is all about and have spoken about issues of importance to indigenous Australians in a broader context. I remind members that the government is taking a
whole of government approach to indigenous issues. For instance, only last Thursday, the Minister for Employment, Workplace Relations and Small Business announced funding of over $800,000 for eight projects which will provide indigenous Australians with employment and training positions under the Structured Training and Employment Program. This program is one of a number of initiatives in the government’s indigenous employment policy which aims to generate more job opportunities for indigenous Australians across the nation in the private sector.

The shadow minister said that he wanted to see a cooperative approach to indigenous education but then unfortunately took a political rather than cooperative approach in his remarks in this chamber. The shadow minister questioned the source of funding for this bill. I remind the shadow minister that this funding replaces the lapsing funding from a lapsing program. I further remind him that his staff have been fully briefed on this legislation by the minister's office and the relevant branch head from DETYA. The National Indigenous English Literacy and Numeracy Strategy itself is crystal clear on the source of funding. On page 15 of the strategy, it states that the government is allocating some $1.5 billion to the improvement of outcomes for indigenous students in the coming quadrennium.

This bill provides total funding of $591 million for the next quadrennium under the Indigenous Education Strategic Initiatives Program. The $27 million that the shadow minister questioned is new money which was unpacked and explained in detail at the briefing by the minister’s office. The shadow minister should not pretend to be ignorant on these issues. As the honourable member would be aware, this matter was raised in the 1999-2000 Senate legislation committee budget estimates hearing under question E12 from Senator Carr. The question was answered then in detail, and the facts remain the same. I have no doubt that the shadow minister examined the Hansard of the Senate estimates. I also have no doubt that he has discussed this issue with Senator Carr, and I believe there is some claim that Senator Carr actually pulls the strings.

On the question of accountability, the government is keen to ensure that Commonwealth funds are used to improve educational outcomes for all indigenous students. The accountability measures in this bill are not about withholding money from providers who have made genuine efforts to achieve the agreed outcomes. If the opposition is going to run the line about criticising the accountability measures in this bill, it should perhaps inform the member for the Northern Territory, who quite clearly called on the government to ensure that the Northern Territory government is held accountable for Commonwealth funds. I wish to thank the member for the Northern Territory for highlighting the need for the accountability measures, thus supporting the government’s initiatives in this area.

I also acknowledge the member for the Northern Territory’s remarks about drug and substance abuse in indigenous communities. He is quite correct when he says that it is a problem in some communities and not in others. It is also true to say that the level of alcohol and drug abuse in the indigenous community in the Northern Territory is no worse than it is in other communities. He also correctly identified health issues, in particular ear infections. I remind him that a key part of the National Indigenous English Literacy and Numeracy Strategy relates to overcoming hearing, health and nutritional problems. I further remind him that, since 1996, 38 new sites have been approved for additional primary health care services under the remote communities initiative. These sites are in areas that previously had little or no access to services. Importantly also, the relevant antibiotics to treat middle ear infections are now more readily available through remote areas of Australia—another good decision from this government.

The opposition’s suggestion that it is the government’s intention to unreasonably withhold funds is misleading. Where performance improvements for indigenous students cannot be demonstrated in the annual reporting of outcomes against the performance indicators of the Indigenous Education
Strategic Initiatives Program, the Commonwealth will require more detailed plans to demonstrate how those goals will be attained. The accountability measures are not designed to be punitive measures; they are designed to ensure improved outcomes for indigenous students. Each breach of agreement will be treated on its merits. Let me reassure the shadow minister that there is a dispute resolution mechanism outlined in the administrative guidelines and that regular meetings are held between all providers and the Commonwealth. All of the processes are designed to secure the continuation of funding to education providers where this would be appropriate. Many of these providers would not be viable without the Indigenous Education Strategic Initiatives Program funding.

Members on both sides of the House have spoken about the importance of linguistic and cultural heritage. The government agrees that this is an extremely important priority for indigenous Australians. For example, the performance targets agreed between the Commonwealth and the Northern Territory Department of Education under the Indigenous Education Strategic Initiatives Program agreements include several that focus on expanding culturally inclusive curricula in preschools and schools. The Commonwealth has approved performance targets in past and present agreements that aim to increase the number of preschools and schools that offer indigenous languages and indigenous studies across the Northern Territory.

As I have already commented, the Commonwealth’s supplementary recurrent assistance supports the inclusion of culturally appropriate curricula and teaching methods. We believe that all learning for indigenous students should be appropriate to their needs. This would therefore logically include teaching indigenous young people in their own languages, where they use them, and in their own culture. It has been put to me by indigenous people that they themselves must be the ones to teach indigenous language and culture, because Australia-wide more than 100 languages are spoken. For example, around Alice Springs, there are six main languages spoken but there are 18 different dialects spoken. It has been further put to me that the Pitjantjatjara people in South Australia were concerned where language was taught by outsiders because it was not the same language as the one traditionally spoken and grandparents, for instance, could not understand their grandchildren. As recently as last Saturday, the Kaurna people, on whose traditional lands Adelaide is built, told me that across Australia there are approximately 250 different cultures. So the emphasis must be on young people being taught their culture and their language within their own community.

In addition to this generally and broadly targeted approach, the Commonwealth does make a number of specific contributions to innovative attempts to introduce new ways of delivering these culturally appropriate and inclusive teaching strategies. For example, the Commonwealth has made a financial contribution to the highly successful Croc Eisteddfods for the past several years. At the Weipa North State School, a number of teaching units were developed to use the Croc Eisteddfod as a means of making key learning areas of the arts more relevant to students’ needs. The same approaches were successfully utilised at the Jessica Point State School, also at Weipa. Many schools use the Croc Eisteddfod as a curriculum aid and to showcase indigenous culture. These approaches are reported to have led to increases in school attendance rates.

Questions have also been asked about the guidelines and, as Dr Kemp explained in a letter to the shadow minister, a copy of the guidelines will be provided as soon as they are available. The guidelines and indigenous education agreements are being finalised at the moment. The guidelines will provide the detailed requirements of the Indigenous Education Strategic Initiatives Program, including the away from home based component, in the same way as they currently do under the Commonwealth programs for schools quadrennium administrative guidelines. The shadow minister has claimed that the government is reducing information available to the public and raises concerns about transparency and accountability. This is simply not the case. There is no intention to reduce
publicly available information. The guidelines will be sent to all providers and be made available to all interested parties once they are finalised. They will be both on the Internet and in published form.

Questions have arisen about Abstudy changes. These changes incorporate many new entitlements which specifically assist students who are aged 21 or over. Up to 60 per cent may gain access for the first time to mainstream related entitlements such as rent assistance, remote area allowance and pharmaceutical allowance. In recognition of their particular circumstances, tertiary Abstudy students who are 21 years of age or older receive a higher rate of living allowance than Austudy recipients. They can access mainstream related benefits, which Austudy students cannot, and retain access to supplementary Abstudy benefits which address specific disadvantages.

Continuing students aged 21 years or more in receipt of Abstudy living allowance, who did not receive as high a level of overall benefit in 2000, will be maintained at the 1999 rate of living allowance until the completion of their current course. Similarly, pensioner education supplement recipients will be maintained at 1999 levels until the completion of their current course. Eligibility for travel assistance is less restrictive under Abstudy than it is for receipt of the youth allowance and Austudy. Abstudy recipients are eligible for income support for a longer time than under the youth allowance or Austudy. Under mainstream programs, courses are grouped in four tiers: certificate, associate diploma, undergraduate and postgraduate. Generally, students are only entitled to assistance to study one course in any tier. Abstudy recipients are eligible for assistance for an unlimited number of courses, except at the bachelor and higher degree levels. The independence criterion for students under 25 years of age under Abstudy is more generous than the youth allowance in terms of de facto relationships and lawful custody. Importantly, Abstudy takes cultural differences into account.

Some members mentioned the Collins report. The Commonwealth is maintaining its commitment to indigenous education in the Northern Territory, following release late last year of the Learning lessons report by former senator Bob Collins. Dr Kemp met with Denis Burke, Chief Minister of the Northern Territory, in November last year to discuss the Collins review. It was then agreed that a joint working group be established to ensure that the most effective strategies are put in place to bring about far better educational outcomes for indigenous Territorians.

The member for Dobell spoke at length about the lack of parliamentary scrutiny. I would like to inform the member that selected performance information collected through the Indigenous Education Strategic Initiatives Program for the school sector is already published annually in the national report on schooling. Also, aggregated performance for the VET sector is available through the National Centre for Vocational Education Research. In terms of financial accountability, the annual report, Senate estimates and questions on notice already provide a forum for public scrutiny and accountability. It is important to say what this bill does do. The bill is a vehicle for the government’s indigenous education targeted funding program for the 2001-04 quadrennium. The bill will replace the Indigenous Education (Supplementary Assistance) Act 1989.

While the States Grants (Primary and Secondary Education Assistance) Bill 2000, which has already been debated in this House, provides Commonwealth funding for the education of all Australian students, the Indigenous Education (Targeted Assistance) Bill 2000 provides additional funding for supplementary education programs designed to assist education providers to improve educational outcomes for indigenous students. The bill will operate on a quadsrennial basis, in line with the States Grants (Primary and Secondary Education Assistance) Bill 2000, commencing 1 January 2001. It will provide some $591 million in grants to indigenous education providers in the states and territories over the quadrennium. This funding affirms the commitment of the Howard government to indigenous education in Australia.
Australia’s indigenous population comprises about two per cent of the population. The indigenous population is comparatively young. The importance of this bill is highlighted when we consider that, according to the 1996 census, 70 per cent of indigenous Australians are under the age of 25 years. In 1999, there were some 107,000 Aboriginal and Torres Strait Islanders in school out of the total school population of about 3.2 million. The bill will implement the 1999-2000 budget initiatives for indigenous education, including the Commonwealth priorities to improve literacy, numeracy and attendance outcomes for indigenous students. The bill will provide for payments to be made under the Indigenous Education Strategic Initiatives Program during the period 1 January 2001 to 30 June 2005 to maintain Commonwealth effort in improving educational outcomes for indigenous Australians. The bill will also provide for the continuation for the 2001-2004 period of the away from base element of Abstudy for providers delivering Abstudy approved courses by mixed mode course delivery.

Under the Indigenous Education Strategic Initiatives Program the bill will allow for supplementary recurrent funding and funding for specific projects. Specifically, this bill provides funds for the National Indigenous English Literacy and Numeracy Strategy, which was launched by the Prime Minister in March of this year. The objective of the strategy is to achieve English literacy and numeracy for indigenous students at a level comparable to those achieved by other young Australians. The strategy is a blueprint to lift school attendance rates, address health problems that undermine learning for a large proportion of indigenous students, providing preschooling opportunities wherever possible, training sufficient numbers of teachers to be effective in indigenous communities and schools and encouraging them to remain for reasonable periods of time, using teaching methods that are known to be the most effective and establishing transparent measures of success as a basis for accountability for schools and teachers. The National Indigenous English Literacy and Numeracy Strategy has the support of the indigenous community. Dr Evelyn Scott, Chairperson of the Council for Aboriginal Reconciliation, said:

The strategy aims to overcome educational disadvantages suffered by Indigenous children in a culturally sensitive and respectful way.

Geoff Clark, Chairman of ATSIC, said:

The national Indigenous English and numeracy strategy is a major step towards achieving equality of education for indigenous and non-indigenous students. I therefore pledge ATSIC’s full support for the strategy and hope that ATSIC and the government can work more closely together to achieve the common agenda of a better educated indigenous community.

The strategy is supported by 16 indigenous ambassadors, who are all achievers and role models in their respective fields—such as education, sport, medicine and the media—and have links with indigenous communities throughout the country. These ambassadors are spokespeople for the strategy throughout Australia. They include Nathan Blacklock, Jimmy Little and May O’Brien. All young people need good role models, and I am sure these ambassadors will help to influence indigenous people in a positive way. Only last week after winning a gold medal at the Olympics our latest heroine Cathy Freeman ministers in relation to literacy and schooling: that all children leaving primary school should be numerate, able to read, write and spell at an appropriate level and that every child commencing school from 1998 will achieve a minimum acceptable literacy and numeracy standard within four years.

The strategy objectives will be achieved by lifting school attendance rates of indigenous students to national levels, effectively addressing hearing, health and nutritional problems that undermine learning for a large proportion of indigenous students, providing preschooling opportunities wherever possible, training sufficient numbers of teachers to be effective in indigenous communities and schools and encouraging them to remain for reasonable periods of time, using teaching methods that are known to be the most effective and establishing transparent measures of success as a basis for accountability for schools and teachers. The National Indigenous English Literacy and Numeracy Strategy has the support of the indigenous community. Dr Evelyn Scott, Chairperson of the Council for Aboriginal Reconciliation, said:

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again visited Redfern to, as she said, do something positive by offering some inspiration to the young people there. Often we tend to talk about the things that indigenous people do not achieve, rather than focusing on what they have achieved. We need to change these negative perceptions. The example and leadership of these ambassadors will help to change the culture of the way that indigenous people see themselves.

The strategy is being developed through implementation plans in each state and territory. There are some great news stories which I wish I had time to inform the House about and they are encouraging. Of course, there is still so much more to be done. But we now know what does work. Success is always characterised by culturally inclusive curriculum, the participation of the indigenous community in decision making and the employment of indigenous staff. Because this level of educational inequality has persisted for so long, there is a strong perception in some quarters of the Australian community that the issue of educational equality for indigenous people is too hard and not achievable. That is simply not true. (Extension of time granted) I thank the shadow minister. I was simply making the point that we need to take a more positive approach. We have worked together. Equality can be achieved. Over recent years there has been a considerable amount of work undertaken across Australia to identify the critical issues and actions required. We now know what that is. We have the tools available to markedly accelerate the achievement of educational equality over the next four years with this bill. It is with a great deal of national goodwill that we are now on a pathway of hope. I commend this bill to the House.

Mr LEE (Dobell) (6.18 p.m.)—Madam Deputy Speaker, I seek indulgence to make a statement to assist the House.

Madam DEPUTY SPEAKER (Hon. J.A. Crosio)—Indulgence is granted at this stage.

Mr LEE—I just indicate to the House that the opposition will not be forcing a division on the second reading amendment that I have moved. We will be voting on the voices in favour of the opposition’s second reading amendment but we will not force the House to a division.

Amendment negatived.

Original question resolved in the affirmative.

Bill read a second time.

Message from the Governor-General recommending appropriation announced.

Consideration in Detail

Bill—by leave—taken as a whole.

Mr LEE (Dobell) (6.21 p.m.)—by leave—

I move opposition amendments Nos 1 and 2:

(1) Clause 10, page 9 (after line 19) add:

"(1A) When the Minister makes an agreement in accordance with the provisions in paragraph(1)(a)(b) or (c), the Minister must make a copy of that agreement available for public scrutiny prior to its commencement."

(2) Clause 17, page 14, after clause 18 add:

19 Report to Parliament

The Minister, as soon as practicable after the information is available and at least annually, must cause to be laid before each House of the Parliament, a report on:

(a) how funding appropriated under this Act has been distributed, annually, by institution and by State and sector;

(b) all performance information requested and collected, aggregated by State and sector; and

(c) the reasons for any decision to reduce funding to any provider."

The amendments which have been circulated in my name would ensure what the Labor Party consider to be the minimum level of accountability to the parliament and to the people of Australia for expenditure under this legislation. It is not an inconsiderable amount—$619 million over the four years from 2001 to 2004; an average of almost $155 million a year—and it is not a minor issue which is being dealt with. The issue being dealt with is the appalling educational outcomes of indigenous Australians compared with those in the general population. For example, year 12 retention rates for indigenous students have continued to grow, while those for non-indigenous students have declined. Nevertheless, they remain at a little more than half the level of the general
population: 32.1 per cent for indigenous students as against 72.7 per cent for non-indigenous students in 1998. The most recent data available shows that only 13.6 per cent of indigenous people had a post-school qualification, compared with 34.4 per cent of the general population.

This bill is written as a skeletal structure from which the minister of the day could construct anything that he or she wished. I asked rhetorically during the second reading debate: where is the meat? We have got the skeleton but we do not have the meat. The bill provides no reporting mechanisms and no details of the requirements to be placed on providers receiving funding. We know from the correspondence of the Minister for Education, Training and Youth Affairs to state and territory education ministers in June this year that those requirements are likely to be very comprehensive and that there is a punitive penalty system which, on its face, could punish providers who have expended funds and achieved improvements but have fallen short of the targets set in their agreements. That is why we have moved these amendments. We are pressing these amendments because we believe the minister should make publicly available, prior to the commencement of the agreement that he negotiates with education providers, the details for funding under the legislation, and we believe the minister should report to parliament at least annually on the distribution of funds by institution, state and sector. The minister should also report at least annually on all performance information requested and collected by state and sector, and report at least annually on the reasons for any decision to reduce funding for any provider. We believe this information needs to be available in order for the parliament and the Australian people to make a judgment about the effectiveness of the government’s National Indigenous Literacy and Numeracy Strategy, launched with a great deal of fanfare and the centrepiece of this bill. If the government is not prepared to support these perfectly reasonable and legitimate amendments, we are entitled to ask the minister for education why.

In keeping with my practice of seeking to use the consideration in detail stage to breath life into this chamber, I would also like to put a couple of questions to the representative of the minister for education, the Parliamentary Secretary to the Minister for Education, Training and Youth Affairs, the member for Adelaide, who is in the chamber this evening. While we always appreciate the member for Adelaide representing the minister for education in considering legislation in this House, she knows that we would have preferred the minister for education to treat this House with a bit of respect by turning up and participating in the consideration in detail stage. He has done so twice, but he has squibbed on many other occasions. While we compliment the minister for having the courage to turn up twice, it would have been nice if he had had the courage to turn up this evening. The reason we would have liked the minister to turn up this evening is that there are a number of issues that have been canvassed in the second reading debate and that are covered by the amendments before the House now. In particular, the parliamentary secretary claimed that there was no need for the amendments that the Labor Party is proposing because all the funding detail is, to quote her words, ‘crystal clear’. The parliamentary secretary is not in a strong position to claim the position is crystal clear because the government had to have its attention drawn to a series of errors in the budget information—due to some excellent research on the part of the opposition. The minister has conceded in a letter to me that the government ‘stuffed up’ the funding allocations under indigenous education for both the public and the private sector. So I ask the parliamentary secretary: if the funding position is crystal clear, why did the government get the indigenous education funding position completely wrong in its own budget papers? That is the first point to make. The second point to make is that the parliamentary secretary again claimed that there is ‘new money allocated for the National Indigenous Literacy and Numeracy Strategy’. That was the phrase that she used. (Extension of time granted)

I thank the House for the extension of time. Given the time I will not go for too
much longer on this particular occasion. Given the fact that the Prime Minister at the launch of the National Indigenous Literacy and Numeracy Strategy created the impression that this was additional effort being funded by a new government program, many people were, I am sure, quite disappointed when they found out that this was simply funding that had already been allocated to indigenous education. The parliamentary secretary suggested in her contribution that the previous year’s funding had run out—as happens with every government program—and that, simply because the government had changed the name of the bill and allocated the same funding index for an extra year, we should in some way consider this new money. It is quite clear that the Prime Minister misled people when he said, in launching the strategy:

Today’s strategy ... represents a firm commitment of resources from the federal government, as well as a commitment to better direct existing resources going towards indigenous programs ...

He said it was a firm commitment of extra money, as well as better directing existing resources. But when we actually see the fine print, we find out that the Prime Minister misled not just the indigenous Australians who were at that launch but also this House when he repeated those statements when asked about them earlier this year. He misled all of us when he said that there was a firm commitment of resources, implying there was new money. We had hoped that the government would have been prepared to fess up to the fact that the Prime Minister had misled all of us in his statements on indigenous education, but unfortunately they are seeking to cover that up with word games.

On a more constructive note, I state for the record that the opposition agrees with the government that the Croc Eisteddfod movement does a lot of good work in encouraging the appreciation of indigenous culture, and not just in indigenous communities: I am sure it gives many non-indigenous Australians a better opportunity to understand the enthusiasm and love that many young indigenous people have in performing and in representing and including their culture in rock music performances. In many ways, the Croc Eisteddfod has built on the success of the Rock Eisteddfod in promoting very positive images to young people and giving young people opportunities to develop new skills as part of their activities. I conclude by asking the parliamentary secretary a few questions. She might take some advice and come back to us after the dinner break. I ask the parliamentary secretary: if she believes that there is sufficient transparency in the legislation, why has the government moved to remove the details of per capita funding amounts from the legislation? What will be the basis of negotiations with government and education providers in the development of the agreements? In other words, what funding amounts will be on the table at the start of the negotiations? If the amounts are similar to present funding amounts, why have they been removed from the legislation and from public scrutiny? Those questions would be good things for us to start on when we resume after the dinner break.

Sitting suspended from 6.30 p.m. to 8.00 p.m.

Ms WORTH (Adelaide—Parliamentary Secretary to the Minister for Education, Training and Youth Affairs) (8.00 p.m.)—Just briefly, I would like to answer some questions put by the shadow minister for education before the suspension of the sitting for dinner. He inquired about the per capita funding, which of course is part of the IESIP funding. The quantum of funding for the strategic recurrent assistance per capita elements of IESIP is determined solely on the basis of the number of students enrolled in the different sectors at different levels of education. The rates will not change, except to be indexed to 2001-04 prices in accordance with the wage cost index. The rates have not changed since per capita funding was introduced. Funding will equal the number of full-time indigenous students multiplied by the prescribed rate. This has all been explained to the shadow minister’s office.

In effect section 10 of the old act has been put into the guidelines. This is not for any sinister reason. It is simply to streamline the bill. One might ask why. It is because the complexity of the formula goes from preschool to school to VET in different catego-
ries of government and non-government and also remote and non-remote. Things can change, and I give an example. If contact hours in the VET sector, for instance, were to change—and I am not saying they will—the act would have to be amended. But handling it as we are, the guidelines would simply be amended. As I stress again, this change is not for any sinister reason but just to provide practical flexibility when one considers just how many sectors and how many children are involved. The current legislation, as I said, provides that flexibility. It will be less prescriptive. Again I remind the shadow minister that his office has been briefed about all of this, as well as about the other funding which I have already explained. It was also dealt with in Senate estimates and, I reiterate, in the brief given by the minister’s office and also by the branch head of DETYA to his staff.

Mr LEE (Dobell) (8.02 p.m.)—I do not intend to delay the House for a long time to discuss the detail of the amendments. The Parliamentary Secretary to the Minister for Education, Training and Youth Affairs appears to have confirmed that there is no effective change taking place because of the removal of the specific per capita amounts from the legislation and their placement in the guidelines, that is, that the government intends to continue indexing the per capita payments unless there is a reason to change them. I suppose the parliament will lose the right to scrutinise changes. The example the parliamentary secretary gave might be a justifiable change, but there is always the possibility that the current minister or a future minister may seek to make changes to funding per capita rates that we may oppose. Moving these rates from the legislation and into the guidelines removes the parliament’s scrutiny of this matter.

The point we have made in advancing our amendments, which are before the House at the moment, is that they seek to require the government to, as soon as practicable after the information is available, provide this information to the parliament, that is, provide details of how the funding has been appropriated by institution, by state and by sector; give us the performance data which has been requested and presumably collected and processed; and give us any reasons for the funding being reduced to any provider. I think the parliamentary secretary’s comments provide us with further reason to press on with our amendments, given that we will not be forcing the House to a division. We will be voting on the voices in this House and considering our position in the Senate.

Given that these matters are being moved to the ministerial guidelines, this gives me the opportunity to make the point once again that we did ask the government for a copy of the draft ministerial guidelines. The parliamentary secretary, in her response earlier, said that they would be provided ‘as soon as they are available’. Presumably they are still being worked on, and it is a bit disturbing that the government is not able to provide us with a copy of the administrative guidelines. I think that would perhaps have eased some of our concerns. One concern in particular we raised during the second reading debate was the new power given to the Minister for Education, Training and Youth Affairs to recover money that has already been given to providers. I welcome some of the comments that were made by the parliamentary secretary in her summing up. She focused on concerns about whether it was unreasonable for the government to hold back funds.

It is one thing to be concerned about a government not paying funds that are due, but the issues we were raising were even worse than that. There was a concern that the government might seek to recover funding that had already been paid to education providers. That is why we sought assurances that there would be an opportunity for a provider that was at risk of having money withheld. We were concerned to ensure that they were given an opportunity to put their case before a minister made a decision and that there be some independent appeal mechanism.

The parliamentary secretary implied or gave us good grounds to suspect that the administrative guidelines, when we finally see them, will have some form of appeals mechanism. I hope that that will ease our
concerns. But until we see those guidelines, we are being required to take the government on trust. I certainly hope that they can be made available to us before the votes take place in the other chamber. I certainly encourage the government to seek to finalise those administrative guidelines as soon as possible.

I know my colleague the member for the Northern Territory is going to raise some other issues, and the member for Calwell has a number of issues he wants to raise as well. I know my colleague the member for Fraser will be making some comments about those later amendments, so I will leave my remarks at that. The Labor Party will not be dividing on these amendments but, as I say, depending on the government’s response to future matters and the provision of those administrative guidelines, this will help us to make a decision about what we do in the Senate on these matters.

Ms WORTH (Adelaide—Parliamentary Secretary to the Minister for Education, Training and Youth Affairs) (8.07 p.m.)—To assist the shadow minister, I inform him that the current act actually allows money to be recovered and also to be withheld, so there are no major changes in that direction. If he was listening carefully to what I had to say earlier on, I said that there will be provisions in the guidelines. Providers will be able to put their case, and we will want some explanation from them if they have not fulfilled their goals. Also, as the member for Northern Territory made clear in his contribution, he would not want the Northern Territory government to be able to take away some money. I am sure he would want to get that money back if they were not delivering. So there needs to be a big stick, a small stick and every little stick in between. That is, of course, what legislation is all about.

The agreements made between the Commonwealth and other governments or major education providers and the individual recipients contain schedules in terms of targets that would not normally be publicly available in a disaggregated way. It would also be quite impractical for more than 250 individual agreements to be made available for public scrutiny prior to their commencement. Because it could only be done with the agreement of the other government or education provider, it would cause considerable delays in the payment of IESIP funding for the first half of 2001. As most of the funding under this act will be distributed on a formula determined by per capita funding, there does not appear to be any value for indigenous education purposes for this to occur.

As I also mentioned earlier, each year in any of those reports—whether it is from the VET sector or from schooling—every cent is covered and fully reported on. I would like to further advise the shadow minister that if we had draft guidelines now they would be purely draft guidelines as guidelines will always be draft until the legislation is passed because there would be no act to give them authority. But the shadow minister should have confidence that there will not be too many surprises in that area.

Mr SNOWDON (Northern Territory) (8.09 p.m.)—I want to support the amendments that my colleague the shadow minister has moved and in particular I want to raise the question of accountability in the Northern Territory. It was an issue that was taken up by the Parliamentary Secretary to the Minister for Education, Training and Youth Affairs in her summing up of the initial debate, when she kindly recognised that I had been on this issue for a number of years—I might say well in front of the government.

I want to bring the parliamentary secretary to the IESIP funding in the Northern Territory and in particular to the findings of the 1999 IESIP review into Aboriginal education in the Northern Territory, which demonstrated that there had been a systematic lack of interest in Aboriginal education, only marginal achievement in some outcomes by indigenous students, and an unwillingness or incapacity of senior management to ensure a concerted and coordinated approach to improved educational outcomes amongst indigenous students. The educational rationale for decisions on the purpose and management of initiatives under IESIP was not readily apparent. The review also showed that there was a history of using IESIP funds as substitute funds for core Northern Territory Department of Education business with
many ‘initiatives’ supplementing nothing and others not addressing agreed targets and outcomes, and that IESIP funds accounted for about 69 per cent of the budget of the then Aboriginal Education branch of the Northern Territory Department of Education.

Given that the government has called the state and territory governments to account, could the parliamentary secretary perhaps tell me whether IESIP funding to the Northern Territory has been suspended since June and whether it has now been resumed. What is the content of any agreement between the Northern Territory and the Commonwealth? What has the Commonwealth done to ensure that the Northern Territory government’s on-costs, which are now 46.1 per cent of the grant, are reduced so that they are along the lines of the norm for other states and territories of between four and 18.6 per cent? I am very concerned about this question of substitution. There is absolutely no evidence, in my view, that the Northern Territory government has shown its bona fides in this regard.

I would also ask the parliamentary secretary: if the Northern Territory government continues its past practices of appalling neglect of the real needs of indigenous citizens and in particular in relation to Aboriginal education, how will the Commonwealth respond? If funding is suspended under the indigenous education agreements, won’t this just punish the very people that federal funding is meant to help? Will the government contemplate looking at a new arrangement for the allocation of these funds so that communities or clusters of communities are partners in the funding agreements and so that you can hold the Northern Territory government accountable for the funds it expends?

The parliamentary secretary would know, as she has obviously avidly read my contribution of last week, that I raised the issue of regional agreements in that context. If you would like me to repeat it, I am happy to do so, but the whole question of looking at needs on a regional basis should be examined more thoroughly. This would give the federal government the capacity to negotiate with the Northern Territory government, as well as other state and territory providers, to ensure that they are responsive to individual community and regional needs. At this point, in my view, the IESIP funding arrangements do not come near to meeting that objective. This is particularly so in the Northern Territory where the Northern Territory government has continually demonstrated its lack of responsiveness to the real needs of indigenous communities on the ground through its failure to respond adequately to the challenges of indigenous education in the Northern Territory historically.

There is also the difficulty encountered in dealing with the Northern Territory government whose bureaucrats have traditionally, although I hope not now, stood up Commonwealth bureaucrats. My own experience has been that, at least on one occasion, Commonwealth bureaucrats rightly said that if particular Northern Territory government bureaucrats attended meetings, they would not attend themselves. I think that is an entirely appropriate course of action. The Northern Territory government needs to be accountable. I would like to hear if the parliamentary secretary is able to satisfy my concerns and respond to my questions.

Ms WORTH (Adelaide—Parliamentary Secretary to the Minister for Education, Training and Youth Affairs) (8.14 p.m.)—In short, the agreement is still being negotiated. On-costs will be no more than 10 per cent. While funds have not been released as yet, they also have not been suspended, so funds will be released when the agreement is signed by both parties. One of the things that the working group established following the Collins report will be working on is ensuring that the Commonwealth supplementary assistance under the Indigenous Education Strategic Initiatives Program is not being used to fund core responsibilities of the Northern Territory education department. As I said, it has been agreed that no more than 10 per cent can be passed on to Treasury for administrative costs. I hope that will alleviate your concerns.

Mr SNOWDON (Northern Territory) (8.15 p.m.)—I have to say that I am pleased to see the Commonwealth has responded to this question of on-costs, but I think there
also needs to be an examination. I would like to know the following: what initiatives has the Northern Territory government developed in relation to the agreement you are going to be negotiating with it; how has it identified what projects it is going to seek funds for; is it based on a needs basis; and is it based on initiatives coming from communities or from the Northern Territory education department? My experience in the past has been that the Northern Territory education department has come up with a number of proposals which have in the main been a substitution for what it should have been doing in the first instance and it has labelled them as Aboriginal education initiatives which have been funded traditionally by IESIP. I want to know, if it is possible, how we are going to separate the IESIP supplementary funding from the core funding of the Northern Territory education department. How are you going to ensure that there is a separation? How is it going to be done so that it satisfies the needs, as I said previously, of individual schools and individual communities and the aspirations they have for their communities?

I say to the parliamentary secretary, through you, Mr Deputy Speaker, that I am pleased with what you have said so far. However, bearing in mind that I have been involved in the education system in the Northern Territory and indeed done some studies of it myself in the past in relation to Aboriginal education in particular, and bearing in mind what we know has traditionally happened, I am concerned in the context of negotiating with the Northern Territory government about what can be done to ensure that this supplementary funding is actually targeted to those students most in need, that it meets the objectives which you have set out in the legislation, that it is done on an equitable basis, that the Northern Territory government is not playing favourites and that it is delivered to those communities who require the assistance of this funding. I would again be interested to know what the government thinks about this idea of developing specific agreements using IESIP funds with communities or clusters of communities to ensure that the Northern Territory government is held accountable.

Ms WORTH (Adelaide—Parliamentary Secretary to the Minister for Education, Training and Youth Affairs) (8.18 p.m.)—There is a need to agree to targets and outcomes, not just initiatives. I think it has been too easy when initiatives have been agreed to. Really that is what a lot of this legislation is about. The government is very keen on outcomes and measuring those outcomes and, if they are not there, funding is at risk, as we have been discussing. But the plan for 2001 to 2004 needs to address the concerns raised concerning community needs and, in this context, respond to issues raised in the Collins report.

Mr SNOWDON (Northern Territory) (8.19 p.m.)—I will not go on much further, but I just want to make the point that, whilst setting targets may be appropriate, I think it is contextual. What we need to understand, and I am sure the parliamentary secretary understands this, is that the circumstances will vary from place to place and community to community. The reasons why targets may not be met in one place or another will invariably differ. It is important, therefore, that these communities are not penalised if the targets are not met because, if you have an agreement with the Northern Territory government about targets it is going to meet and it is not doing the right thing on the ground, the communities will suffer. That is why I again raise with you this issue of making the communities partners in the agreements so that they can hold, as well as the Commonwealth, the Northern Territory government to account and so that the targets can be agreed given the individual and collective circumstances of individual communities and clusters of communities. For example, in some communities literacy levels are reasonably high but, as you have seen by the statistics from Bob Collins in the Collins report, if we use conventional measures to do sample testing of indigenous students and compare them with non-indigenous students in urban schools, they invariably do very poorly. However, if the tests are culturally appropriate and are designed around literacy in languages other than English, you might find a different result.
Bearing in mind that the objective is literacy in English, and also understanding that the Northern Territory government have shown a lack of interest in, and indeed a desire to get rid of, bilingual education, it is important that we make them accountable for this and understand what historically has been the view about the importance of bilingual education in ensuring indigenous students can acquire literacy in the English language. While some communities, especially those close to the urban areas of Darwin and Alice Springs, have a long association with the needs of speaking English, there are many remote communities in the Northern Territory where English is a second or third language. If we are expecting these communities to meet the standards that urban children would meet, invariably they will fail under the current arrangements because of the current lack of resources provided in their education and the failure of the Northern Territory government to respond adequately to the needs of bilingual education. Under your proposal, the communities will suffer because the Northern Territory government have failed to meet the targets and despite the fact that that happened because the Northern Territory government failed to understand, to comprehend and to deal with the individual and collective needs of students in communities and groups of communities across the Northern Territory. So I ask: is the government consciously thinking about formally involving communities and groups of communities as part of the agreement arrangements?

Ms WORTH (Adelaide—Parliamentary Secretary to the Minister for Education, Training and Youth Affairs) (8.22 p.m.)—The points that the member for the Northern Territory has made are well understood. In fact, I cannot read to him the last bit of my speech that I made before dinner because Hansard now has that, but we have found that the perfect recipe, if you like, is that where indigenous communities are involved we want to ensure that parents understand the needs—this is a very important component of it—of their children as far as education is concerned. Where indigenous teachers are involved, and where there is community involvement, children are more likely to attend school and therefore have far better results. I certainly appreciate what you were saying, and I refer you once again to my speech about the number of languages spoken in Australia. The different dialects even around Alice Springs I think total 18. So the data needs to be understood. It needs to be put together. It needs to be qualitative as well as quantitative. This allows for the differences between the communities. Indigenous people’s involvement, as I say, in decision making is particularly important, and this will be part of the agreements with any provider, including the Northern Territory government. I hope there may be other issues that we could deal with. I hope you recognise the intent that the government has and the importance that the government places on indigenous education.

Mr SNOWDON (Northern Territory) (8.24 p.m.)—Is it the intention of the government to make the provision and expansion of bilingual education part of the agreement?

Ms WORTH (Adelaide—Parliamentary Secretary to the Minister for Education, Training and Youth Affairs) (8.24 p.m.)—I am unaware of that level of detail. Once again, as I understand the different communities, some will want it and some will not want it. That has been put to me by indigenous people themselves. So I state again that the Commonwealth considers indigenous education and indigenous culture to be very, very important and we will be doing the best we can.

Mr SNOWDON (Northern Territory) (8.25 p.m.)—This will be my last contribution to allow my friend the member for Calwell to make his contribution. But I want to make the point that the Collins report examined this question of bilingual education and came up with a proposal to call it something slightly different but to effectively maintain it. What I think you should not be misled into believing is that this is somehow or other something which is of secondary interest to a lot of Aboriginal communities. Indeed, what needs to be understood is that it is seen as the core of educational activities in many bush communities across northern Australia and, in particular, in this instance
in the Northern Territory. Therefore, given that you are in the process of negotiating this arrangement at the moment, if bilingual education is not being funded out of the supplementary funds from the Commonwealth, I ask that it be seen as a core activity of the Northern Territory government and agreement reached with the Northern Territory government that guarantees that bilingual education, in whatever form, will be expanded to meet the needs and requirements of those communities about which you have spoken, bearing in mind that you have indicated already that the Commonwealth wants to make sure that the educational priorities of individual communities and of the parents of students in the communities are properly met. So I ask whether or not the Commonwealth is prepared to contemplate that, as part of this agreement, it has on the table the demand that the Northern Territory government meet whatever expanded need there is in relation to Aboriginal education in terms of bilingual education and that they at least guarantee the maintenance of the current program. A minimal requirement for me is to ensure that it is implemented in those communities who desire it.

Dr THEOPHANOUS (Calwell) (8.27 p.m.)—I support the amendments moved by Mr Lee, the shadow minister. I do so for many reasons, but I think the comments we have just had from the honourable member for the Northern Territory illustrate the point very well: that is, it is not good enough for us to leave everything up in the air in terms of what the guidelines are going to be, what the targets are going to be, how they are going to be structured, how they are going to be put to the various authorities and whether they will be state government authorities or other authorities or education providers. Everything is left up to the guidelines. We do not have the guidelines. The Parliamentary Secretary to the Minister for Education, Training and Youth Affairs has shown goodwill. She has said that she wants to provide the guidelines as soon as possible. That is useful, although it is a wonder we do not have a set of draft guidelines in debating this bill.

When I asked the minister’s office for some idea about what is in the existent performance targets in relation to these matters, I was provided with a list of the existent performance targets. One of them did pertain to the issue that I raised in my speech on the second reading which has to do with the whole question of what are we going to do in these guidelines to ensure that there is sufficient level of education in terms of Aboriginal culture and tradition. What are we going to do about that? This is especially important for those Aboriginal groups—say, the stolen generation—that have experienced a loss of their cultural traditions and where the parents and the children want continuity and in fact enrichment of their Aboriginal cultural traditions. The only section on culture in the existent performance targets is entirely general. It just says that one of the things they have to pay heed to is indigenous culture, but it does not provide any specific targets. It does not provide any explanation as to what would be sought in terms of ensuring that this does take place. An important issue is the one raised by the member for the Northern Territory. For example, what about the teaching of indigenous languages? The parliamentary secretary was not able to answer that question. I wonder whether after these guidelines are issued we are going to be left with another set of vague guidelines about the achievements in terms of culture and heritage.

This issue of indigenous culture and heritage is not a small issue; it is a very big issue. You have to say, in terms of the earlier program, that the government’s achievements in this area have not been substantial; they have not; they have not been good enough. Not only that, but we have had the situation where some governments, such as the government of the Northern Territory, have felt that they were able to treat Aboriginal culture and tradition with such contempt that they were prepared to take out—rather than to put anything in—Aboriginal language teaching from their curriculums. So where are we? It seems to me that the government needs to be a lot more committed to these matters. And I remind the House that the chairman of ATSIC has written to me on this issue and made it perfectly clear that ATSIC want to see a significant commitment. The relevant paragraph said:
Given my preceding comments, I would like to add my own view that the proposed bill will be insufficient if it does not carry provisions for the education of Aboriginal and Torres Strait Islander people in their own languages, of our own social responsibilities and of our distinct indigenous cultural heritage. These are surely the fundamental components of our identity as indigenous peoples.

This is the view of the chairman of ATSIC, and indeed it is obviously the view of anyone interested in this area that this is the aim. I am not saying that the government does not have intentions in this area, but I support the amendments from the opposition which will require reports to parliament, will require an annual presentation to parliament about what is being achieved and also will require some statement about the goals before projects are commenced. (Time expired)

Ms WORTH (Adelaide—Parliamentary Secretary to the Minister for Education, Training and Youth Affairs) (8.32 p.m.)—While I have no doubt that the member is particularly sincere in wanting to see a prescriptive percentage of culture and language taught in individual schools, the government does not support that level of prescription because it would make it mandatory; it would not take into account the fact, as I was told last Saturday by the indigenous Kaurna people in Adelaide, that there are over 250 different cultures. We know ourselves that we are different; we know ourselves that there are differences of opinion and differences in people from other walks of life right across Australia. We must accept that indigenous people are different as well, with over 100 different languages and dialects in different regions. The aspirations and the education of urban indigenous people may be quite different from those communities in more remote areas. That does not mean that we neglect people in remote areas, but we must respect—and I think this was really the point the member for the Northern Territory was making—the differences. So the government will not support this amendment. It will not be wanting to make something mandatory, and in any account of course it is the states that have the responsibility for the curriculum.

However, having said that, the administrative arrangements for schools, including the development and implementation of the curriculum, are a state and territory responsibility, but in this context the government would not be in a position to mandate or measure a minimum amount of time devoted to teaching indigenous children their language, heritage and culture. The Commonwealth does not have any targeted programs for the teaching of indigenous children about cultural traditions or their Aboriginal backgrounds. However, over the past 10 years, IESIP has funded a considerable number of projects in all states and territories for the development of indigenous studies and indigenous languages. These projects have included curriculum frameworks, curricula and curriculum materials for use in preschools, schools and, in some instances, tertiary settings. They have informed and resulted in the implementation of indigenous studies and indigenous language programs in a wide range of government and non-government schools and preschools. Such work has culminated in the development by the MCEETYA of a model of more culturally inclusive and educationally effective schools and a national statement of principles and standards for more culturally inclusive schooling in the 21st century that were made publicly available this year. So the Commonwealth is mindful of these issues but does not believe in being prescriptive, for the reasons I have outlined, and it also recognises the differences in people in communities and their cultures right across Australia.

Dr THEOPHANOUS (Calwell) (8.35 p.m.)—I will be brief. It appears that the parliamentary secretary has tried to reply to my amendment, which I have not moved yet. Can I just say that I was speaking in favour of the amendments moved by the member for Dobell. Perhaps we could deal with those amendments first, and then I will move my amendment formally.

Mr McMULLAN (Fraser) (8.35 p.m.)—I will be very brief, but I just want to follow up on the point made by the member for Calwell, because we did hear a fairly lengthy exposition from the parliamentary secretary against the member for Calwell’s amend-
ment. That is not inappropriate, because the issues he raised were of a similar nature; it was a response to that. But what I would appreciate the opportunity to hear is a response to the member for Dobell’s amendments, which are simply about reporting requirements. I do not, at this stage, understand why the government thinks a requirement to report to parliament is unacceptable.

Ms WORTH (Adelaide—Parliamentary Secretary to the Minister for Education, Training and Youth Affairs) (8.36 p.m.)—I think if the shadow minister had been in the chamber he would have known that we really had already effectively, while not voted on these amendments, dealt with them. I have responded to the member for Dobell; there are at least three reports annually where all this information is available.

Amendments negatived.

Dr THEOPHANOUS (Calwell)  (8.37 p.m.)—by leave—I move:

(1) Clause 5, page 5 (line 23) after “Indigenous people” add;

"and developing curricula of which a minimum of 20% is dedicated to programs which teach indigenous children about their own Indigenous cultures and heritage”.

(2) Clause 9, page 8 (after line 11) add;

“(f) requiring that all curricula taught to Indigenous children include a minimum of 20% dedicated to the teaching of indigenous cultures and heritage”.

My amendments are very simple. They relate to whether we should have a minimum requirement for Aboriginal cultures and heritage by all those who get resources through this program, which is federally funded. I use the word ‘cultures’ and not ‘culture’, I am very much aware that there are many different Aboriginal and Torres Strait Islander cultures, but that does not prevent us from encouraging and supporting the idea that when Aboriginal children are being taught they should, as a significant proportion of the curriculum, be taught about their cultures and heritage.

This matter came up as a result of an answer to a question that I put to the Minister for Aboriginal and Torres Strait Islander Af-
thing to the states and territories in the literacy and numeracy program but that this very important issue will be left to the states and territories? I remind the House that the federal government—the Commonwealth government—has special constitutional responsibilities to our indigenous people, given to it by a referendum, yet we are ready to give out all this money without making any requirement for the teaching of Aboriginal culture and heritage. As the chairman of ATSIC has said, this is a matter that goes to the whole issue of identity. If you take what has happened with the stolen generation where so many have lost so much of their cultural heritage, it is very important that we teach them in this area. (Time expired)

Mr ANDREN (Calare) (8.42 p.m.)—I will take a few moments in my support of the member for Calwell’s amendments. The purpose of the Indigenous Education (Targeted Assistance) Bill 2000 is to authorise agreements with education providers and others in relation to indigenous education. That being the case, the relevance of the amendments should be obvious to all. Since 1990 the Indigenous Education Strategic Initiatives Program—or its earlier programs—has seen a steady increase in Commonwealth funding for indigenous education. Proposed section 5(g) of the bill sets a new object stressing the attainment of better literacy and numeracy outcomes and better attendance outcomes. The National Indigenous Literacy and Numeracy Strategy, part of the 1999-2000 budget initiative, stated the Commonwealth’s intention to introduce more rigorous guidelines for performance monitoring and reporting for its supplementary assistance during the 2001-04 quadrennium funding period.

If such monitoring is important for literacy and numeracy goals—and it is—then equally it is important in programs teaching indigenous children about their own indigenous cultures and heritage. It is one thing to boost indigenous literacy and numeracy levels and be prescriptive about these, as we are with non-indigenous curricula, but it is equally important that indigenous people are guaranteed access to their own cultures through properly funded programs. Educational outcomes for indigenous Australians should include the 20 per cent indigenous cultures and heritage curricula level suggested in these amendments. It was not that long ago that Australian school curricula included a totally sanitised version of our history. The rich culture of the Aborigines figured for zilch in my primary school days, apart from the role of the odd Aboriginal character like Jacky Jacky as a supplement to the heroic deeds of the white explorers. There was no mention of the art, the dance, the cultural morays, the many hundreds of language groupings and clans, the good and the bad of the mission days and the removal of children. Unless we dedicate at least 20 per cent of our commitment to curricula of indigenous culture and heritage and ensure it happens, then we will be guilty of allowing these cultures to survive only through the efforts of those who take it upon themselves to learn or who are fortunate enough to access such education through their family ties.

I note the strong endorsement for the member for Calwell’s amendments from ATSIC chair, Mr Geoff Clark. As he says, the proposed bill will be insufficient if it does not carry provisions for the education of Aboriginal and Torres Strait Islander people ‘in our own languages’—they are his words—of ‘our own social responsibilities and of our own distinct indigenous cultural heritage’. Unless these amendments are accepted, those provisions will not be adequately met. We cannot sit here and set benchmarks based only on literacy and numeracy, for that is but one side of the indigenous equation. There is a tendency to believe that, if we put in place programs like ours, with aspirations like ours, with educational targets like ours, we are serving the needs of indigenous people. We are not. That is an assimilationist attitude.

It saddens me to hear conversations like that on a regional radio station the other day where a local reconciliation group chairman was talking with a nationally known and widely respected broadcaster. Both fell into the trap that the performance of Cathy Freeman would of itself progress reconciliation. We need to embrace not only our black athletes but also the individual unique nature of
the indigenous heritage and culture. The particular broadcaster, whom I will not name because I am sure her comments were unintended, said something to the effect that reconciliation will have occurred when indigenous people are regarded as ‘part of the furniture’. That is the discredited assimilation of past years, and I would suggest that the reconciliation process is to a large degree based on that false assimilationist assumption—that it will happen eventually, only when they catch up.

I fully endorse the member for Calwell’s amendments, because they go to the nub of just what we need to achieve in this country. If we set targets for education in the general community, then it is incumbent upon us in this House to include in that legislation the sorts of recommendations included in the amendments. It is a pity that ATSIC should not have ensured that these amendments were not necessary by ensuring in their deliberations with the government that they were included in the bill itself. I strongly endorse the member for Calwell’s amendments.

Ms Worth (Adelaide—Parliamentary Secretary to the Minister for Education, Training and Youth Affairs) (8.47 p.m.)—I have already replied to comments made earlier by the member for Calwell. I do remind him—and also other members, of course—that the states do have constitutional responsibility for curricula, but there are of course the MCEETYA arrangements. I also mentioned before that, when ministers for education from around Australia get together, they sometimes disagree and they sometimes agree. Sometimes the Commonwealth has to take a fairly firm approach. I mentioned before that MCEETYA has developed a model of more culturally and inclusive, educationally effective schooling and a national statement of principles and standards for more culturally inclusive schooling in the 21st century, and that was made publicly available. The member for Calwell may like to have a look at that at some time.

The member for Calwell mentioned ATSIC and, while ATSIC does not have programs for teaching indigenous culture and linguistic traditions in schools, it does have programs for community based initiatives through the Aboriginal and Torres Strait Islander Language Initiatives Program. In fact, it is some $3 million for ATSIC to address the decline in the practice and knowledge of indigenous language, ATSIC provided a limited amount of funding to assist in developing community initiated language maintenance reclamation and revival projects through the Aboriginal and Torres Strait Islander Language Initiatives Program. So certainly ATSIC is doing something in that direction.

The member for Calwell might be interested to know that ATSIC in fact has supported what is being done. I quote from a statement of support from Geoff Clark:

I am pleased that the government has recognised the special needs and requirements of Aboriginal and Torres Strait Islander students and is now committed to a national strategy to improve levels of literacy, numeracy and school attendance for Indigenous school students. The appallingly low rates of literacy and numeracy amongst Indigenous school students, shown by statistics gathered by the government, compound the disadvantage already suffered by our young people.

It goes on at great length:

I am also pleased that Dr Kemp has pledged additional resources to ensure that the goals set by the strategy will be achieved and that performance will be effectively monitored. ATSIC will be taking a keen interest in the outcomes of the strategy.

There are other complimentary comments there, and there are also similar types of comments from the Chair of the Council for Aboriginal Reconciliation:

Chairperson Evelyn Scott today voiced her support for the Commonwealth Government’s new National Indigenous English Literacy and Numeracy Strategy.

What we are seeing now is MCEETYA looking at these issues. A far broader range of people than once would have been the case is looking at these issues. As I said at the closing of my speech before the dinner break, we are on a path of hope with quite some national goodwill. So I do accept the member for Calwell’s goodwill in this area but say again that, for the reasons set out, the government considers his amendments not
necesary and, in fact, not deliverable because of the need to work with the states and territories through the MCEETYA process and through other agreements whereby funding is made available.

Mr McMULLAN (Fraser) (8.51 p.m.)—The opposition will not be supporting the amendments moved by the member for Calwell, and I previously informed him of that. The amendments, as have been stated, would provide for a 20 per cent minimum of the school curriculum being dedicated to teaching indigenous students about their own culture and heritage. No-one can doubt the validity of the proposition that we need to encourage and preserve the various indigenous cultures and languages. But the problem for the opposition with the amendments is that they actually play to our primary concern with the legislation—or at least to the aspect of the legislation as I have been dealing with it—which is that it tends to be too quantitative, too focused on centrally determining statistical numerical targets and, therefore, reduces the capacity for communities on the ground to determine the priorities in their own community. That is my concern with the bill. The amendments are well intentioned. I have discussed with the member for Calwell that I understand exactly his intention, and he has highlighted what I think is a deficiency in the bill, but I do not think the amendments properly resolve it.

If the government were of a mind to negotiate with the member for Calwell some amendment that pushed the emphasis of the bill in the direction that the member wants, without the statistical constraints, we would not find that to be a problem. We do not have a difficulty with his intention, merely with the mechanism. It is a bill too much already about the quantitative and the measurable instead of the qualitative and the locally determined. It ignores differences in indigenous education on the ground in communities.

There are communities that already, on the basis of their local decisions, have culture integrally woven into their existing curriculum well in excess of 20 per cent. But there are others in similar areas, for example—both examples I am drawing on come from the north-east Arnhem Land region—where the communities have said that they desire a significantly decreased cultural component in the school in recognition of the fact that the environment in their communities forms the basis of learning culture and that is the priority they want, not through the school. So it is that capacity to vary from region to region, that capacity to allow a community to collectively decide the way in which they want their culture conveyed, that is the concern that I have that is not reflected in the amendments. I acknowledge to the member for Calwell that that would be very hard to reflect in an amendment which would be comprehensively applicable because of the need for flexibility.

It is that re-emphasis of the balance in the bill that I originally did not like that leads me not to support the amendments of the member for Calwell. The indication that the Chairman of ATSIC thinks more emphasis in this direction would be desirable is, as I say, unsurprising. It is what I would expect him to say. It is a proper thing for him to say. He emphasises, in addition, the importance of the opportunity for education in indigenous languages where that is in the interests of the local community.

Those are the reasons we do not support and will not be supporting the amendments. When we come on subsequent occasions to look at further bills of this sort and the question of how we work with communities to give them the capacity to ensure that they are achieving their cultural heritage and language objectives, with the assistance of the Commonwealth enabling them to make those decisions and have the resources effectively to implement them, we will be better off than with this bill. But I do not think the amendments can take us there.

Mr SNOWDON (Northern Territory) (8.56 p.m.)—I rise to support the comments of the shadow minister, the member for Fraser, at the table. I might say to my friend the member for Calwell that both the shadow minister and I are reluctant to be in this position because we understand the intent of his proposal. But I might say that what he has done is underline the theme of my arguments all through the evening and what has been emphasised by the shadow minister, and that
is the need to come to arrangements which meet the needs of the local environment and the priorities of local communities, of local parents. That is why I say to the Parliamentary Secretary to the Minister for Education, Training and Youth Affairs at the table: if we are fair dinkum about achieving the objectives that Aboriginal and Torres Strait Islander people set for themselves, then they should be at the table as part of these agreements. The fact is that they are not. It seems to me that there is a missing quotient in this.

We all say—I have heard the shadow minister talk about it this evening—that we should be working towards local priorities, understanding local needs. But the government are not addressing how they are to express that priority, how they are to express that need. Given the way in which territory and state governments work, there is no capacity to be sure that they will do it. Whilst I recognise that education is a primary responsibility of state and territory governments—and the minister says so is curriculum—the fact is that we are putting a hell of a lot of money into this process and that provides us with a significant lever. In the case of the Northern Territory, it is clear that it is a very big lever, and it ought to be used.

There are two missing elements to this. One is that there is really no acknowledgment of indigenous pedagogy. There is no process in the government’s thinking to acknowledge the pedagogy which is intrinsic to indigenous Australia. It is known by scholars, it is understood by many scholars, but it is not understood or recognised by the education system—bar in a few select circumstances. I know that the shadow minister was talking about north-east Arnhem Land, and there is a very important educational initiative which has been supported by the Northern Territory government—although I think reluctantly over the years—and that is at Yirrkala where the indigenous pedagogy is crucial and central to the entire curriculum structure of the school.

The other matter which I think is important and which has not been touched on in the course of this debate is the teachers. There is no obligation on the part of any state or territory authority to ensure that any of its teachers, particularly obviously the non-indigenous teachers, are aware or cognisant of the cultures with which they are going to work. I think the in-service period for a neophyte teacher in the Northern Territory who is going bush is a day and a half. That says it all.

What we should be doing through this process is to start to engineer it in such a way as to recognise teaching as a professional occupation, that requires that it be dealt with as a professional occupation and that we understand it has professional obligations. One of those obligations is to come to terms with the cultures with which they are working and the individual student needs. It is beyond me to understand how that can happen if teachers are unaware of the many cultures—indeed, the particular culture—with which they are going to be working. If you are going to work in a Pitjantjatjara community of north-east South Australia or the southern part of the Northern Territory, you should understand the Pitjantjatjara culture. If you are going to work in north-east Arnhem Land, you need to understand how those cultures work. If you are going to talk to Arrernte people in Central Australia, you need to understand how those cultures work. But that is not part of the process.

That is one of the reasons—and I firmly believe this—why we have been failing so abysmally in the administration of education and the delivery of educational outcomes to indigenous Australians. I say to the member for Calwell that I am reluctantly in the position where I am not able to support your amendments. I think their intention is appropriate. I also say to the government that the challenge is for you to come to terms with what I have been saying here this evening and to make sure that indigenous Australians are part of this compact, that they sit at the table deciding on the outcomes with you and the state and territory governments and that it is done at a local and regional level and not just at a macro level. Whilst ATSIC is important, it is also important to understand individual community need and regional need.

Dr THEOPHANOUS (Calwell) (9.01 p.m.)—I just want to reply to a couple of
comments made by various speakers about the amendments, and I want to say thank you to everyone who spoke on them for their expressions of goodwill in saying that they understand what the intention is here and that they support it. I assume that the Parliamentary Secretary to the Minister for Education, Training and Youth Affairs was speaking on behalf of the government. Certainly the minister’s assistant has given me assurances that it is the intention of the government to try to progress the agenda of the teaching of indigenous culture and heritage. I am looking forward to seeing how this is going to be achieved through the guidelines when they are presented. I am sorry that people are not in a position to support the idea of a minimum level.

Let me say that what the member for the Northern Territory said, especially about teachers, tended to be an argument in favour of a minimum level. I agree that the local communities have to be brought into it. I agree that we have to have consultation and participation. All of those things are important, but what I think the shadow minister does not understand is that it is possible for the minister under the current arrangement to give a grant to a school that teaches zero Aboriginal culture and heritage. The minimum level is just that—it is a minimum level. I have talked to educationists and they have said, ‘If a school pretends to be teaching in a particular cultural tradition and does not have a minimum of at least 20 per cent, then it is absolute nonsense to suppose that it is actually fulfilling those goals.’ I think it is very important for us to get the message across that every educational institution funded under this program should have a minimum level and should concentrate on teaching indigenous culture and heritage as part of that.

The member for the Northern Territory referred to the fact that some teachers in these schools, including teachers of core subjects, have no understanding of the cultures or the heritage. That should not be the case. I agree with him. That is why we need to support a substantial amendment in this way. The shadow minister said that, if people are concerned about the 20 per cent figure, maybe we can negotiate something before the whole matter is resolved in the Senate so that we have at least a clear commitment that all programs funded will in fact have a component concerning indigenous cultures and heritage. I hope that that will be the case. The shadow minister mentioned that something like this might be possible in the next little while, and I hope that is possible. I want to thank the parliamentary secretary and the shadow minister for at least supporting the in-principle goals of the amendments.

Ms WORTH (Adelaide—Parliamentary Secretary to the Minister for Education, Training and Youth Affairs) (9.04 p.m.)—I feel that all members have had an opportunity to put their views. The government has been generous in the time it has allocated to this summary and consideration in detail, but I have had word that there is other government legislation to be dealt with. I therefore move that the question be now put.

Mr McMULLAN (Fraser) (9.05 p.m.)—Can I just say to the parliamentary secretary that this is a very unwise course of action. I think everybody has finished and we are about to let the bill go through, but we will not agree to you moving that the motion be now put and there will be a division. If you quietly withdraw it, we will just vote on the amendments and they will be defeated. I do not know whether our colleagues will call a division—that is not up to me. But you will be much quicker if you do not move this motion.

Madam DEPUTY SPEAKER (Hon. J.A. Crosio)—I understand what the Manager of Opposition Business has said. I did not take what the parliamentary secretary said to mean that. She meant that she had nothing more to say. So that we have it very clear, both for the Hansard and for the House, the question is that the amendments be agreed to.

Amendments negatived.

Bill agreed to.

Third Reading

Bill (on motion by Ms Worth)—by leave—read a third time.
CRIMINAL CODE AMENDMENT (THEFT, FRAUD, BRIBERY AND RELATED OFFENCES) BILL 1999

Second Reading

Debate resumed from 24 November 1999, on motion by Mr Williams:

That the bill be now read a second time.

Mr KERR (Denison) (9.07 p.m.)—The Criminal Code Amendment (Theft, Fraud, Bribery and Related Offences) Bill 1999 is legislation long in the gestation but rewarding nonetheless for the way in which it ultimately has come before this House—with the support of both the government and the opposition. Its genesis was the decision of the former Labor government to move towards establishing a uniform criminal code to apply across all jurisdictions. The first stage, the general principles of criminal responsibility, was passed in 1995. It regrettably has not formed the basis thus far of a common approach between the Commonwealth and the states; rather, it has simply been a framework which has been adopted to simplify and codify the provisions of the criminal law with respect to Commonwealth matters. But it has continued within a framework of consultative arrangements for the states, and the Model Criminal Code Officers Committee has continued to work towards producing a body of criminal law which would not only serve as a suitable body of legislation to govern criminal law offences for the Commonwealth but also be a benchmark or a template for similar legislation to be passed in the states so that, ultimately, there could be a single criminal law applying in all jurisdictions with common principles of criminal responsibility and, as far as possible, common criminal offences.

As I have indicated, thus far that has not come to pass. Perhaps because of the fact that it has not been picked up as one hoped in the early stages, some of the impetus towards dealing with these matters in the most prompt of ways has perhaps slipped. Nonetheless, the work that has been done in producing this legislation is extremely important. It inserts new provisions of the Commonwealth criminal law with respect to theft, fraud, bribery and related offences, it inserts some new provisions in relation to general principles of criminal responsibility and it includes offences relating to infrastructure—postal and communications services. These provisions, which will now be contained in the criminal code, replace a plethora of offences that used to be scattered in some 250 different offence provisions in other pieces of Commonwealth legislation. So, whilst the legislation itself is not without its complexities, it is considerably more simple and more streamlined than the scheme that previously existed. Reading the legislation, you will find reference to a wide range of different pieces of legislation which are being amended. Essentially, those amendments are included because they take away from those specific pieces of legislation provisions that used to be in those particular pieces of legislation and bring them back under the general provisions in this criminal legislation which is now provided for in the code.

When the government received the report of the Model Criminal Code Officers Committee, they quite properly produced an exposure draft and then legislation, and the Minister for Justice and Customs, taking the request that I made of her, decided to refer the legislation to the House of Representatives Standing Committee on Legal and Constitutional Affairs. That was a good decision of the minister because it meant that the legislation had the opportunity of careful examination by this House’s committee. The committee brought forward an advisory report in June this year, unanimously agreed by all its members. In turn, the government have responded to that report in a generous spirit by adopting almost all of the provisions that were recommended by way of the changes in that report. I understand the government are moving a series of amendments which will adopt and implement those recommendations.

The point we have reached essentially is that, from a decision of the previous Labor government to try to establish a criminal code that would apply uniformly across Australia, we have not made much progress but we have made continuing progress in simplifying and developing a criminal code which replaces the very scrappy arrangements that were in place with offences con-
tained in myriad different pieces of legislation with a single Commonwealth criminal code which will provide general principles of criminal responsibility and will define clearly what is against the law so far as offences committed against the Commonwealth. It certainly does do some important things. For example, these provisions, which go to theft, fraud, bribery and related offences, provide additional protection for Commonwealth public officials from violence and harassment through new offences based on chapter 5 of the model criminal code, they introduce offences designed to protect postal and communications services, they repeal offences in existing legislation and insert more general provisions in relation to the code, they ensure that the geographical jurisdiction of the Commonwealth in relation to Commonwealth criminal law offences is clarified, they introduce comprehensive legislation covering theft, fraud, bribery, forgery and related offences based on chapter 3 of the model criminal code and they, in combination, simplify and reduce the size of the Commonwealth statute book in accordance with the 1990-91 recommendations of the review of Commonwealth criminal law.

So I do want to say that the opposition is pleased that this has been an exercise which, although slow, has remained one where the government has been willing to work with the opposition in order to bring forward legislation which will pass this parliament with a minimum of controversy, and that is very important when we are actually dealing with criminal law provisions. From time to time there will be spirited disagreement in this House on matters of great importance, but it would be a real matter of regret if we were to have significant disagreements regarding principles and practices in relation to the criminal law—because that, after all, is one of the fundamental areas where the Australian community would expect us to strive to find common ground. It would not be an area where the community would be happy if we were taking partisan points in relation to those matters.

While I am making some remarks with respect to the cooperative approach of the minister in relation to this I should also mention Geoffrey McDonald, who is sitting on the advisers box. He has played a significant role from the very early days of the development of this code, in different roles at different times, and gave the substantive evidence that was received by the committee on behalf of the department. Without his work and without the substantial work of a number of other very dedicated public servants in the department and those from the other jurisdictions who have served in the Model Criminal Code Officers Committee we would not have had this constructive approach and substantive outcome. There is a willingness too often to denigrate the work of those in public employment, and those who have at different times worked on the Model Criminal Code Officers Committee really do deserve very substantial recognition. They come from not only the Commonwealth but also state jurisdictions across Australia.

My only criticism, I suppose—if one can make a criticism—is that thus far they have not been able to excite the imagination of their Attorneys to pick up some of the recommendations and to move towards a situation where we are actually able to have common approaches to the criminal law. It still strikes me as a matter of real regret that that agenda has really yet to be picked up in a substantive way. We have made some gains in the area of evidence, where the Commonwealth, New South Wales and the ACT have a common approach in relation to the evidence laws. Of course, there is substantial ground to be made up with the other jurisdictions, but at least a substantial component of the Australian jurisprudential entity adopts common evidential law approaches.

But we have not made up that ground with respect to the criminal law. That is a matter of real regret, because we now have, instead of a more uniform approach, perhaps an even more disparate approach, where we have the states that operate under the Griffith code and we have the common law jurisdictions, which operate without any regard to a statutory base, except in some particular areas, and where the principles of criminal responsibility differ from those applying in the Griffith code states, Tasmania, Western Aus-
tralia and Queensland. Now we have the Commonwealth statutory approach, which was intended to be able to be picked up by both code and common law jurisdictions alike, where we have a codified system that is essentially picking up the principles that apply in the common law jurisdictions.

One could only say the effort has been intense. The work has been laboured and long. The Commonwealth code is perhaps not an approach that everyone would wish if they started from scratch to adopt. People of good will can say that there are benefits with code approaches or common law approaches or what have you, but we should not be too precious about this. There is really no reason why a citizen of Australia in New South Wales should have totally different principles of criminal responsibility applied to him or her than a citizen residing in Queensland. It is perverse that a citizen who is charged in, for example, Tasmania—a Griffith code state—under a state law will be judged under completely different principles of criminal responsibility than the same citizen if charged under a Commonwealth offence, where essentially, although statutory, common law principles of criminal responsibility apply.

So there are real reasons why this government needs to get cracking with continuing the legislative reform program and bringing in more and more bills to eventually have a comprehensive and complete Commonwealth criminal code. I think we are substantially down that track now. There are a few areas that are yet to be addressed in this parliamentary way, but very substantial components of Commonwealth law are now codified and part of the criminal code. I think the task now for government is to really sit down and see whether they can revitalise the path towards more common approaches between the national and state jurisdictions. If we fail to do that, then not only will we have failed to move along a path which is in the national interest but we may have actually made the situation rather more complicated than it was before we started, which would be a terrible outcome for such a large amount of effort. There is really no reason why state jurisdictions should not pick this up. They have been engaged in this process right from the start in a cooperative way, and the work of their solicitors-general and officers who have been engaged in this process has been very valuable indeed.

I turn to the measures that are here before us and to the amendments. I referred previously to the report that went to the House of Representatives Standing Committee on Legal and Constitutional Affairs because of the legal complexity of the bill and the seriousness of these matters. The committee made five recommendations for amendment to the bill, and the government has accepted four of those recommendations. I understand that in the consideration in detail stage the government will be moving amendments which will achieve the following. Firstly, they will remove the offence of organised fraud. That is consistent with the fact that it was not recommended by the Model Criminal Code Officers Committee. There are other fraud offences which exist and which can be utilised to trigger the operation of forfeiture provisions under the Proceeds of Crimes Act. The provision is not needed and has been removed consistent with the recommendations of the committee. There is now provided a defence for the offence of providing false or misleading information— the offences contained in section 137(1). That will cover situations where people would not consider that in providing false information they may be committing criminal offences. There will need to be proven an element of dishonesty in relation to the offence of giving information derived from false documents, and a technical provision that would have made it very difficult to prove the offence of burglary—that they be aware that a property that belongs to the Commonwealth—has been removed. After all, somebody who breaks into particular premises and steals something is not likely to direct their mind to who the legal owner of that property was. The mere fact that the property is stolen should activate the offence. You do not need to actually know that when you were stealing a computer it was the property of the Commonwealth as opposed to the property of a private corporation or some other individual. The government has agreed to those changes and will be moving a number of consequen-
tial and other amendments which the opposition has agreed to.

The one area that therefore remains and on which the government is not moving amendments is the offence of general dishonesty. The Model Criminal Code Officers Committee recommended that there be no offence of general dishonesty chargeable under the criminal code. The government rejected that recommendation, and we heard evidence from Mr McDonald and others, including the DPP, going to the reasons the government had rejected that recommendation. Although you can argue this both ways, you can certainly see the merit of the original position taken by the Model Criminal Code Officers Committee. On balance, the opposition is persuaded that the government is correct to retain and to include in the code an offence of general dishonesty. However, we were very concerned that that offence of general dishonesty, which carries a substantial penalty—imprisonment for five years—as a consequence, might be misused if there were no clear guidelines established by the Director of Public Prosecutions as to when that offence could be utilised. Why is this important? It is because, unlike most situations, where the normal prosecution policy of the Commonwealth would provide that, all things being equal, the Commonwealth would charge the most serious of matters which are revealed by the evidence, it would not be appropriate in most situations to charge the general offence of dishonesty, which carries this very high penalty, if there were more appropriate specific offences available to it. So we were reluctant to agree as a committee to the government proceeding with a general dishonesty offence unless there was clarification as to the basis upon which the DPP would charge, and deal with the laying of charges, under that provision.

On 26 September, I received a letter from the minister which indicated that it would not be necessary for the opposition to move amendments in relation to this provision—we had foreshadowed that we would be moving amendments which would have meant that this provision would not come into effect until we had actually seen the guidelines that the DPP was going to apply. The letter said that the DPP had now directed its attention to this matter and had prepared draft guidelines that would be put in place when this legislation came into effect. To put the matter beyond all doubt, I seek leave of the minister to table the letter and the guidelines rather than read them into Hansard.

Leave granted.

Mr KERR—The key part of the guidelines is this:

Where the alleged conduct constitutes both an offence of obtaining property or a financial advantage by deception and an offence of general dishonesty ordinarily the appropriate course will be to charge the relevant “obtaining” offence rather than the offence of general dishonesty.

It goes on to say:

In some cases, however, it may be appropriate to proceed instead on a charge of general dishonesty notwithstanding that the available evidence would support charges of an obtaining offence. For example, a fraudulent scheme consists of numerous instances of obtaining property by deception each of which, when taken individually, may be relatively minor but when added together may amount to a serious fraud. In some cases it may not be possible to proceed, if the matter is to be defended, as to do so may overload the indictment. On the other hand, if the prosecution were to proceed on only representative charges the likely penalty in the event the convictions were secured may be quite inadequate. In such cases it may be appropriate to proceed on a single charge of general dishonesty provided the maximum penalty for that offence (5 years imprisonment) would provide the court with an appropriate basis for sentence.

There are a number of other instances which the DPP adverts to that may be exceptional, but I think that clarifies the way in which this will operate. I regard this as very important and see it as a matter of some regret that the DPP did not find it within its capacity to come back to the committee while the committee was in session with a draft that the committee could have had a look at. I appreciate that the DPP may be strongly anxious to secure its independence and not be subject to any perception that it is responding to a political agenda, but all I can say is that the parliament’s responsibility to make sure that the legislative framework for the establishment, definition and administration of the criminal law is a proper one for it to exer-
cise. It was not at all improper for the committee to insist on its entitlements to see how this matter would be administered. The DPP’s task in that regard has now been properly addressed and I accept the minister’s assurance in her letter of 26 September that these guidelines will address the concerns of the standing committee.

Finally, I might indicate that, since the committee’s consideration of this legislation, one other matter has come to our attention which we will be addressing through subsequent amendments. I will speak at more length when we get to the consideration in detail stage, but there are provisions in the code which deal with personation or impersonation of Commonwealth officials. It suddenly struck the opposition that we were about to make the kind of conduct engaged in by Campbell McComas and John Clarke, satirists and comedians, potentially liable to very substantial periods of imprisonment. So we will be proposing—

Mr Hardgrave interjecting—

Mr KERR—and we understand that the government will be accepting—although the backbench revolt may be on, from what I see—that the impersonation offences do not cover conduct engaged in for satirical purposes. Of course this government’s sensitivity to criticism is well known—and perhaps the backbench will somehow force a different outcome—but I understand from the minister’s advisers that, however reluctantly, they will concede to the wisdom of that particular course.

Might I say in conclusion that in half an hour it is impossible to canvass all of the substantive provisions included in this legislation. I have spoken about the general objective of trying to obtain a code which simplifies Commonwealth criminal law and also which can ultimately provide a framework for consistency of criminal law across this country. I have also addressed some of the areas where there were disagreements in discussions in the committee and where we were the beneficiaries of evidence from the department. I suspect that, as a result of that, those who read this debate will not really pick up on the substantive significance of all the provisions that are actually in this legislation.

It is very comprehensive legislation and it provides a well thought through scheme for dealing with some of the more difficult issues the Commonwealth has to address in the criminal law area. Some of the jurisdictional questions are complex, interesting and technical but also very cleverly thought through, as this parliament should recognise. The provisions that go to theft, fraud and the other offences against the Commonwealth are well crafted. They replace provisions which were scattered throughout the legislation and which were not nearly as effective as these should be. The provisions that go towards protection of Commonwealth officers in the carriage of their responsibilities also warrant the support of this parliament.

So I am pleased, on behalf of the opposition, to be able to say that in the end this parliament operated as it should—that is, legislation or an approach put forward by a previous government was not overturned. If it was considered an appropriate course to follow by the succeeding government, they built on that base. When we became the opposition we also adopted a responsible approach to the measures that the government put forward. These measures have been examined critically but with good faith by a committee of this House. I think that is important because so often this House abdicates its responsibility for examination of legislation and says, ‘The Senate is going to have a look at this.’

On this occasion the House gave the legislation careful and thoughtful consideration and I think did the job competently and in a way which will facilitate its passage through the Senate with a minimum of disruption. I think it is a useful thing for this House and its committees to play their part properly. Everybody in this process has come out well. The only thing is that they have come out of it awfully slowly. I would like us to crank this up a few notches in terms of commitment to an objective of getting national legislation or a national approach because I think we are on the threshold of losing that agenda which was agreed upon. If we do not start to reinvigorate it soon, the chances of
gaining that ultimate outcome seem to me to be in danger of slipping away entirely.

Mr HARDGRAVE (Moreton) (9.37 p.m.)—I am always pleased to join a debate which has at its heart a definite concern for the people of Australia to get a good outcome and I welcome the commitment from the member for Denison on behalf of Her Majesty’s opposition to that cause. I note the comment and concern about impersonators and those engaging in satire and note there is always a deal of tongue in cheek exchanged on both sides of the House as each call the other all sorts of things in a satirical way. However, I genuinely concede that the member for Denison is quite right that both sides of parliament do knuckle down and get a lot of good work done at the committee level. I also welcome the fact that the House of Representatives Standing Committee on Legal and Constitutional Affairs has done some work on the Criminal Code Amendment (Theft, Fraud, Bribery and Related Offences) Bill 1999. The government amendments to this bill that have been foreshadowed show that there has been a great team spirit shown in getting a good result.

I draw the line though at the question of national legislation being the absolute answer. I still firmly believe, as a federalist, that it is important that we promote the best ideas from each of the states but trying to get each of the other states to then adopt them is, of course, the difficulty. We still have three different railway gauges in this country. Unfortunately, each of the fiefdoms that have been established over the 100 years since Federation are maintained by the current crop of state governments. One of the major preoccupations of the Attorney-General and the Minister for Justice in this country has been to sit down with their counterparts in the state jurisdictions and try to get some results and some sort of consistency. The fact that people can be tried, sentenced and receive different penalties for the same types of crimes in different jurisdictions is something that frustrates all of us law-abiding citizens.

The effort demonstrated in this legislation of drawing together all the various elements from a variety of Commonwealth acts leads the way again and shows the states what they themselves should be trying to do; that is, simplifying and putting matters back in the hands of the courts and, through the courts, the people of Australia and not just leaving them in the hands of the criminal elements who have been using all the complexities and wizardries of the legal process to basically get away with murder—although the matters contained in this legislation deal with theft, fraud, bribery and related offences. I welcome this bill which is about focusing the resources of the federal government into various ways of tackling fraud, and that in itself would be welcomed and expected by the people of Australia.

I bring to this debate a non-lawyer’s perspective; hence, my enunciated frustrations about the slowness of the process of getting some consistency across the various agencies of government and not just the various state governments and the federal government in themselves. Against that particular background, I am a bit frustrated that the Australian Securities and Investment Commission will not see fit to investigate an organisation in this nation over which there are some horrendous allegations still hanging, and that is the Australian Natural Therapists Association Ltd. The members of this association have had reason to contact me because they cannot, through the usual channels, get the sort of investigation they believe should be undertaken into that organisation. It is quite surprising to me that ASIC have adopted a view that the governance of the organisation is in the hands of elected representatives—read the board of that particular organisation—therefore, if the majority of members are happy to continue to run things the way they currently do, then there is no reason why ASIC should get involved.

The reason I draw this to the attention of the House tonight is that the allegations which overhang this particular organisation and a number of its elected officials certainly do involve potential theft and fraud; in fact, allegations of $600,000 worth of theft and fraud. ANTA began life back in the late 1970s as a result of a merger of a number of professional associations in this particular area. It was one of the few large enough to
afford a full-time public officer. Its first executive director, Robert Zindler, set about making ANTA the most well-known and respected professional association in this particular industry. His aggressive but prudent administration ensured that ANTA traded with a profit each and every financial year. The net profit was then saved in a deposit account as an emergency fund.

But now we have an organisation which is under a siege mentality and, as a consequence, any misdeeds, accidents and activity perceived as generating adverse publicity have been routinely swept under the carpet for fear that it may bring the entire natural medicine area into some sort of disrepute and provide ammunition for its detractors. But I think the time has come for this organisation to back up the professional natural health providers in this country and actually come clean on the matters I would like to detail to the House.

In October 1992, Mr Zindler basically was fired. The executive council of ANTA dispensed with his services, and after nearly 15 years he was summarily dismissed. Within hours, the then president arrived at Zindler’s home with a pantechnicon and team of removalists. The entire contents of the ANTA office were then packed up and speeded to Adelaide. According to the annual financial report covering July 1992 to June 1993, ANTA suffered an unprecedented financial turnaround. Saving the cost of an administrator and under the direct personal control of the then president, in barely eight months they spent all of that year’s normal operating allocation, the accumulated past profits and a further $58,500, resulting in a net trading loss—after 15 years—for the year of just under $140,000. This situation was sustained with additional losses being incurred in subsequent years.

In 1995, it was decided to separate the national office from the president’s office, and the first national office was established in Sydney. But, with the appointment of a new administrator, the national office was moved to Caloundra on Queensland’s wonderful Sunshine Coast. Caloundra may not be the commercial hub of Australia but it was within five minutes of the administrator’s home so there was a deal of common sense with this particular move. With that move, the annual accounts were audited by somebody else. The auditing firm advised the then current board of directors that ANTA was technically insolvent and possibly in breach of national corporate law.

The then treasurer, who was a constituent of mine, invited a firm of accountants to address the directors. They advised that, with prudent administration, no loss of membership and a revision of expenses, it should be possible to trade back to a profitable position in two or three years. It was explained to the directors at the time that, if they elected to pursue this course, they were personally accepting financial responsibility beyond the guarantee provided with membership. The auditors also pointed out that since 1993 the audit of accounts had been conducted under instructions of the directors at the minimum requirement only. Trading accounts had not been audited since 1992, and each set of financial accounts had specifically contained a disclaimer by the auditors to this effect, although copies of trading accounts had been included with each annual report and supplied to members.

In 1997 the then treasurer raised embarrassing questions regarding all the previous years activities. He demanded details of expenditure from past presidents and refused to pay any additional claims until satisfactory answers had been received. The president of the day resigned and a new president was appointed pro tem and subsequently elected. The treasurer commenced legal action against the immediate past president for recovery of significant payments. During this time, the treasurer’s position came up for re-election but he did not survive. ANTA then passed a resolution to drop the lawsuit and let bygones be bygones. In early 1999 the new president was provided summaries of both of the old presidents’ expenses. Some of the items suggested that all was not well or accurate, and she attempted to reopen the issue of moneys believed to have been improperly paid. The national council’s response was to launch a campaign against the president, ultimately providing a vote of no
confidence. The federal secretary had previously resigned in frustration.

In a last-ditch effort to draw the attention of the general membership of ANTA to what had appeared to be a series of serious crimes, mismanagement and cavalier disregard for general membership rights, the ex-secretary and the ex-treasurer called for an extraordinary general meeting, posing motions for the establishment of an arms-length independent investigation into the association’s accounts between 1992 and 1998. In response, the national council called for a second extraordinary general meeting to express a vote of no confidence in the president and have her removed from office. The national council and the administrator decided to conduct these particular extraordinary general meetings back to back on an early August Friday evening at Caloundra. Caloundra is not exactly the easiest place to get to on a Friday night from all around Australia, so postal votes and proxies were the order of the day. Surprise, surprise, very few members attended these two extraordinary general meetings, and the few who did came armed with proxies. It should come as no surprise that the issues of the first meeting calling for an investigation were roundly defeated and ‘in the interests of harmony’ a decision was taken that there would be no further investigations of past actions of presidents or any other office bearers. Likewise, it would come as no surprise that the motions of the second meeting were equally successful in passing a vote of no confidence and removing the president, who was trying to do something about what had happened, from her elected position. This organisation has had no president for some 12 months. It was due to have a scheduled meeting last month, but my informants are not really all that certain as to whether or not a new president has been elected.

What I am describing here are matters that have basically been swept way under the carpet. If I were a member of ANTA, I would want to know exactly where those hundreds of thousands of dollars went—not what they were allegedly spent on but who actually got the money. I would want to know exactly why the membership numbers increased by more than 34 per cent in less than six years but the revenue only increased by one per cent in the same period. I would want to know exactly why in 1998-99, with more members to support, a rented office to support and a full-time administrator, it costs so much less than it did in 1993 and in 1994, when there was no paid administrator, no national office and a smaller membership to service. For discussion at the first extraordinary meeting, the past treasurer and secretary put these and 18 other specific questions to the national council. If I were a member of ANTA, I would want real answers to them all, not the Yes, Minister whitewash provided. If I were a member of ANTA, I would demand a clear statement regarding its current financial position because there are now none of the original directors in place. Are the new directors actually prepared to accept the personal responsibility for trading out of the insolvency this organisation now finds itself in? This is a crucial question that needs to be answered.

I raise these issues in the context of the debate on this bill because I believe it actually shows the sorts of measures that we as a Commonwealth government and a parliament should be concerned about. It has been a mixture of apathy and little or no detail that has allowed these circumstances to unfold. I am told there are something like 1,500 members of this organisation around Australia. This organisation had a huge bank account which is now essentially gone and no-one, certainly not a majority of them, seems to be all that interested in pursuing the matter, hence the apathy reason. I think also there have been a number of deliberate attempts to try to excuse it, forget it and put it all behind us. But again, if I were a member of that organisation, I would be deliberately concerned that my membership fees to the organisation had been squandered by someone.

The questions lie with the president who existed in that organisation in the early 1990s. Rather than trying her here in this place, I think I have laid out rather well the matters which I believe should be investigated. But what I find extraordinary, as I said in my opening remarks, is that an organisation like ASIC is saying that, because of the
multi jurisdictions involved—that is, the then president is from South Australia, the national office at the time of the offences was in Sydney and the new national office is in Queensland—there is some difficulty in fully investigating these matters. I find that in itself passing strange at the very least, because one would have thought in a Commonwealth sense, in a Federation sense, that crossing various borders should not have been a difficulty for ASIC or any other authority.

It is a matter of grave concern to me that so much money could literally disappear and that so many people have allowed this to occur. I raise this issue because I know there are eight people who have been intimately involved with this organisation. Some are constituents of mine, others are associates of constituents of mine. I must say, based on meetings and discussions I have had with them and material that has been brought to my attention, I am well satisfied that there are sufficient questions which need to be answered and that this matter needed to be raised here this evening. I would be optimistic that, as a result of the credentials of these people and people in the industry in general—and they well understand the series of facts outlined here today—more of those questions that have failed to be answered so far will be asked in the future. So when one looks at the bill before us and considers the prevailing mood of bipartisan support for the effort to crack down on theft, bribery and related offences, I believe that what has happened in the organisation of ANTA is a ready example of the timeliness and importance of these sorts of matters. I commend the bill to the House.

Ms GILLARD (Lalor) (9.52 p.m.)—The Criminal Code Amendment (Theft, Fraud, Bribery and Related Offences) Bill 1999 is part of a process commenced by Lionel Bowen as Attorney-General in 1987 and aimed at creating a uniform criminal code for all Australian jurisdictions. This extensive process has included a number of reports being issued by a committee chaired by the former Chief Justice of Australia, Sir Harry Gibbs, and also a number of reports and discussion papers issued by the Model Criminal Code Officers Committee of the Standing Committee of Attorneys-General. One chapter of the model criminal code arising from this process has already been enacted by the Commonwealth and additional chapters dealing with slavery and sexual servitude and the bribery of foreign public officials have also been enacted. It needs to be noted that as yet no state or territory has enacted companion legislation to the first chapter of the model criminal code that has already been passed into law.

This bill represents the next stage in the process and creates a model criminal code dealing with theft, fraud and bribery matters. It needs to be noted that this bill has gone for consideration to the House of Representatives Standing Committee on Legal and Constitutional Affairs and that the committee reported on this bill in June this year. On any view, the process so far has been extensive, starting as it does way back in 1987, but it needs to be noted that this is a difficult area of reform. After all, there is no more important question than defining by what laws we as a society will determine conduct is criminal. This area raises all of the fundamental questions about individual rights, collective rights and what norms and behaviours our society will insist on and enforce. Coupled with the complexity and importance of the area is the difficulty of getting and maintaining intergovernmental agreement and cooperation. Despite having all of these hurdles to clear, the goal of having a comprehensible and comprehensive criminal code which defines rights and obligations for all Australians is worth striving for.

It is important to note at this point that even with a comprehensible and comprehensive criminal code our criminal law system can only really function if people get appropriate and timely legal advice. In the case of Dietrich v. The Queen, the High Court held that, unless exceptional circumstances exist, where a genuinely poverty-stricken person is tried for a serious offence, the trial will be considered unfair and should not proceed if the person is not represented by a lawyer. This is an eminently fair conclusion. Persons should not face the potential of being jailed without having access to legal advice, and a poor person should not be left standing with-
out representation just because they lack the means to pay. Put another way: a rich accused person should not be in a fundamentally different position from a poor accused person—our justice system should be about guilt or innocence, not wealth or poverty.

Yet the current situation with legal aid means that, increasingly, our justice system is about wealth, not guilt or innocence. In Victoria our legal system is labouring under a $5 million cut in legal aid funds which has occurred during the period of the Howard government. In addition to this savage cutback, the Howard government is responsible for causing continued uncertainty about the future of community legal aid centres. These centres are huge providers of legal assistance to those who cannot pay for private legal representation. As well as conducting actual legal matters on behalf of people who need assistance, these centres also conduct vital community education functions for those who are having some intersection with the legal system whether it be a family law matter or one of the more simple criminal law matters such as a traffic offence.

I refer in that regard to my local legal service, the Werribee Legal Service, which is conducting its annual general meeting on Wednesday night. The work that this service performs with very limited funding and staffing is truly miraculous. The Werribee Legal Service has on staff the equivalent of 1.8 full-time staff. For the rest of the work that it does it requires the good will and the participation of volunteers. In a loaves and fishes trick, the service manages to convert the equivalent of 1.8 full-time staff hours into the following results: according to the mandatory performance indicators generated by the National Information Scheme, the Werribee Legal Service provided legal advice in the last financial year to at least 622 clients, involving 699 face-to-face advice sessions. The legal service opened 465 new cases, closed 449 cases and at the end of the financial year had 447 clients with cases opened. There were 709 problem types for cases opened. Over 12 cases involved court appearances. In addition, the centre is involved in eight community legal education projects and one law reform project. If one uses the National Processing Centre reports, then the activity level is recorded as even greater, with the number of clients assisted being 695, the number of advice activities being 710, the number of client contacts being 3,619 and the number of face-to-face advices being 707. I am sure everybody would agree that is a magnificent effort for a service that involves the equivalent of 1.8 legal staff.

Lest there be any doubt about the need for the Werribee Legal Service, it has recorded that 56.5 per cent of the clients it assisted in the period were reliant on social security. So I think we can easily show that more than half of the clients of the service would have had no other way of accessing legal advice if it were not for the existence of this very good Werribee Legal Service. My congratulations go to each of the staff members, the community volunteers and the community members who participate on the board of management. But it is time that their efforts were met with a commitment from the Howard government, particularly the commitment of certainty that centres like the Werribee Legal Service will be able to continue and will not face any forced amalgamations or merges or any funding cutbacks to try to force the Victorian government into accepting the regionalisation of community legal centres, which has been pursued under this government.

Of course, as I have said, having access to legal aid and appropriate advice is one part of ensuring rights; having a comprehensive and comprehensible criminal code is another part. In developing such a code as this bill has, we have to meet the competing aims of not stifling legal innovation by stifling local legal developments or indeed crowding out any room for judicial innovation by codification, leaving no work for the courts to do and, at the same time, needing to get consistency, if not uniformity, and certainty into the system across Australia. We need to do all of this in a context where we are dealing with plain English drafting, so that a citizen can look at the legislation and be aware of what his or her rights or responsibilities are. Obviously, there is a competing tension with the use of plain English drafting, in that it can be quite difficult to reduce very complex mat-
ters to plain English. This bill has endeavored to strike a balance between those competing tensions.

However, in the area of theft and fraud particularly there will need to be continuing vigilance and review, given the impact of the rapid changes in new technology on the capacity for criminal conduct, its detection and its prosecution. While we do not have specific figures, we already know that fraud is a substantial problem for our community. In 1999, KPMG surveyed 367 large Australian businesses, including government organisations, on the issue of fraud. In response to that survey, the respondents disclosed $239 million as being lost to fraud in the previous two years; 57 per cent of respondents reported experiencing at least one incident of fraud in the previous two years. It should be noted that this is a considerable increase on a similar survey conducted in 1997, which reported a 48 per cent incident of fraud. While the disclosed level of fraud is high, the actual disclosed level is likely to be a very small proportion of the total, due to the failure to detect frauds or the reluctance to actually officially report fraud.

On the basis of these sorts of statistics, we can say that fraud is already a considerable problem, and one that can be compounded as we move to an e-commerce regime with much more of our financial transactions being conducted on the Internet. Obviously, on the Internet it is much easier to disguise your intent and to present fraudulent schemes in a positive light. Clearly the identity and location of the person committing the fraud can be easily disguised and law enforcement, monitoring and detection can be more difficult. The question of jurisdiction, where a fraud is committed and where it should be prosecuted, is infinitely more complex. This bill deals with some of the many questions raised by the Internet and e-commerce in this area, but obviously it does not answer all of them. There will be a need for continued legal innovation and reform within the framework established by this code. I think that that is a matter on which we will see further work and discussion and a matter on which, one would hope, we can proceed on a bipartisan basis. But obviously, until the nature of the new economy—in some senses, the volume and nature of e-commerce transactions—becomes clearer, some of these issues about dealing with fraud and its detection and prosecution cannot be addressed. Having said that, this bill does make some positive steps towards dealing with the use of computers in crime and towards a more sophisticated definition of jurisdiction for the offences dealt with.

As I have said, this example of the Internet, if you like, is one example which throws into stark relief the tension between certainty and consistency on the one hand, when one is developing model criminal codes, and the need for flexibility and legal innovation. The debate which has surrounded this bill, about whether or not to include a general dishonesty offence, is another example of the clash between these laudable aims and the tension between them. So these aims are all desirable but, if you like, for any specific matter can be seen to be pulling in different directions. The trick for policy makers who are engaged in the process that we are engaged in tonight is to try to balance up these competing aims and to strike a balance which meets the need for both consistency and certainty but does not prevent there being some form of flexibility and innovation. As I have said, the initial form of the bill included a general dishonesty offence. I think this offence was included in part because of the tensions between these public policy aims. I move:

That the debate be adjourned.

Question resolved in the affirmative.

**RENEWABLE ENERGY (ELECTRICITY) BILL 2000**

**Consideration of Senate Message**

Bill returned from the Senate with amendments.

Ordered that the amendments be taken into consideration forthwith.

*Senate’s amendments—*

1. Clause 3, page 2 (lines 5 and 6), omit the first paragraph of the object/outline, substitute:

The objects of this Act are:

(a) to encourage the additional generation of electricity from renewable sources; and
(b) to reduce emissions of greenhouse gases; and
(c) to ensure that renewable energy sources are ecologically sustainable.

(2) Clause 5, page 3 (after line 22), after the definition of document, insert:

ecologically sustainable means that an action is consistent with the following principles:
(a) it enhances individual and community well-being and welfare by following a path of economic development that safeguards the welfare of future generations; and
(b) it provides for equity within and between generations; and
(c) it protects biological diversity and maintains essential processes and life-support systems; and
(d) it does not rely on lack of full scientific certainty as a reason for postponing use of a measure to prevent damage to the environment where there is a threat of serious or irreversible environmental damage.

(3) Clause 5, page 6 (after line 18), after the definition of senior officer, insert:

small generation unit means a device that generates electricity that is specified by the regulations to be a small generation unit.

(4) Page 7 (after line 2), at the end of Part 1, insert:

7A Tax deductibility

To avoid doubt, a charge or penalty under this Act is not tax deductible for the purposes of any law dealing with income tax.

(5) Clause 13, page 10 (after line 10), after paragraph (b), insert:

(ba) list:
(i) the eligible renewable power sources from which power is intended to be generated; and
(ii) the estimated average annual output of each source listed under subparagraph (i); and

(6) Clause 13, page 10 (after line 15), at the end of the clause, add:

(3) The Regulator must enter details of the application on the register of applications for accredited power stations.

(7) Clause 17, page 11 (lines 21 to 25), omit the clause, substitute:

17 What is an eligible renewable energy source?

(a) hydro;
(b) wind;
(c) solar;
(d) bagasse co-generation;
(e) black liquor;
(f) wood waste;
(g) energy crops;
(h) crop waste;
(i) food and agricultural wet waste;
(j) landfill gas;
(k) municipal solid waste combustion;
(l) sewage gas;
(m) geothermal-aquifer;
(n) tidal;
(o) photovoltaic and photovoltaic Renewable Stand Alone Power Supply systems;
(p) wind and wind hybrid Renewable Stand Alone Power Supply systems;
(q) micro hydro Renewable Stand Alone Power Supply systems;
(r) solar hot water.

(2) The following energy sources are not eligible renewable energy sources:
(a) fossil fuels;
(b) waste products derived from fossil fuels.

(3) The regulations may prescribe any matter necessary or convenient to give effect to this section.

(8) Clause 20, page 13 (line 6), at the end of subclause (2), add:
; and (d) any other information specified by the regulations.

(9) Govt (3) [Sheet DA239]

Page 13 (after line 28), after Subdivision B, insert:

Subdivision BA—Small generation units

23A When a certificate may be created

(1) If a small generation unit is installed on or after 1 January 2001 and the small generation unit displaces non-renewable electricity, certificates may be cre-
ated after the small generation unit is installed.

(2) Whether a small generation unit displaces non-renewable electricity is to be determined in accordance with the regulations.

23B How many certificates may be created

The number of certificates (each representing 1 MWh) that may be created for a particular installation of a small generation unit is to be determined in accordance with the regulations.

23C Who may create a certificate

(1) The owner of the small generation unit at the time that it is installed is entitled to create the certificate or certificates that relate to the small generation unit.

(2) However, the owner may, by written notice, assign the right to create the certificate or certificates to another person. If the owner does this, the owner is not entitled to create the certificate or certificates but the person to whom the right was assigned is entitled to create the certificate or certificates.

(3) Despite subsections (1) and (2), a person who is not registered may not create a certificate that relates to the small generation unit.

23D No other certificates to be created

A person must not create certificates under Subdivision A in respect of electricity generated by a small generation unit.

(10) Gpt (4) [Sheet DA239]
Clause 24, page 14 (after line 25), at the end of the clause, add:

(5) In determining whether a person was not entitled to create a certificate, the fact that the certificate has been registered by the Regulator under section 26 is to be disregarded.

Note: This ensures that a person cannot raise as relevant evidence the fact that a certificate has been registered.

(11) Gpt (5) [Sheet DA239]
Clause 26, page 16 (after line 7), at the end of the clause, add:

(6) The Regulator may at any time (whether before or after the registration of a certificate) require the person who created the certificate to provide to the Regulator a written statement containing such information as the Regulator requires in connection with the creation of the certificate. The person who created the certificate must provide the statement within the period (not being a period of less than 14 days) specified by the Regulator.

(12) Gpt (6) [Sheet DA239]
Clause 31, page 20 (line 22), at the end of subclause (2), add:

; or (c) the electricity is later acquired by NEMMCO.

(13) Gpt (7) [Sheet DA239]
Clause 31, page 20 (after line 25), at the end of the clause, add:

(4) A person who owns, operates or controls a grid must give the Regulator a statement within 28 days of either of the following happening:

(a) the capacity of the grid increases from less than 100 MW to 100 MW or more;

(b) the grid becomes connected, directly or indirectly, to a grid that has a capacity of 100 MW or more.

The statement must include any information specified in the regulations.

(14) Gpt (8) [Sheet DA239]
Clause 33, page 21 (after line 13), after subclause (2), insert:

(2A) Subsection (2) does not apply if the person who generated the electricity has previously sold it to another person (including NEMMCO).

(15) Gpt (9) [Sheet DA239]
Clause 44, page 28 (line 18), at the end of subclause (2), add:

; and (f) any other information specified by the regulations.

(16) Gpt (10) [Sheet DA239]
Clause 46, page 29 (line 23), at the end of subclause (2), add:

; and (f) any other information specified by the regulations.

(17) AG (10) [Sheet 1896 Revised]
Clause 135, page 80 (line 8), at the end of the clause, add:

; (d) the register of applications for accredited power stations.
(18) Clause 140, page 83 (after line 9), after paragraph (d), insert:
   (da) the eligible renewable energy source or sources of the electricity covered by the certificate; and
(19) Clause 141, page 83 (after line 14), at the end of the clause, add:
   (3) Any addition to the register must be published on the Internet within 30 days after the Regulator registers a certificate.
(20) Page 83 (after line 14), at the end of Part 13, add:
   Division 5—The register of applications for accredited power stations
   141A Contents of register of applications for accredited power stations
   The register of applications for accredited power stations is to contain:
   (a) the name of each applicant for an accredited power station; and
   (b) the location of the electricity generation system; and
   (c) the eligible renewable energy source or sources proposed to be used by the power station; and
   (d) any other information that the Registrar considers appropriate.
   141B Form of register
   (1) The register must be maintained by electronic means.
   (2) The register is to be made available for inspection on the Internet.
(21) Clause 156, page 91 (line 21), omit “8, 9A, 10 and 12”, substitute “9, 11, 12 and 14”.
(22) Page 94 (after line 14), after clause 160, insert:
   160A Indexation
   (1) If an amount is to be indexed under this section on an indexation day, this Act and the Renewable Energy (Electricity) Charge Act 2000 have effect as if the indexed amount were substituted for that amount on that day.
   (2) The amount referred to in an item in the CPI Indexation Table below is to be indexed under this section every year on the indexation day specified in that item, occurring in or after 2002, by using the reference quarter in that item.

<table>
<thead>
<tr>
<th>Item</th>
<th>Amount</th>
<th>Indexation day</th>
<th>Reference quarter</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>penalty charge under Part 9</td>
<td>1 February</td>
<td>December</td>
</tr>
</tbody>
</table>

(3) The indexed amount for an amount to be indexed is:
   (a) the amount worked out by multiplying the amount to be indexed by the indexation factor for that amount; or
   (b) if the amount worked out under paragraph (a) is not a multiple of 10 cents—that amount rounded down to the nearest multiple of 10 cents.

(3) Subject to subsections (5), (6) and (7), the indexation factor for an amount to be indexed on an indexation day is the amount worked out by using the formula:

\[
\text{Most recent index number} \div \text{Previous index number}
\]

where:

- **index number**, in relation to a quarter, means the All Groups Consumer Price Index number that is the weighted average of the 8 capital cities and is published by the Australian Statistician in respect of that quarter.
- **most recent index number** means the index number for the last quarter before the indexation day that is a reference quarter for the indexation of the amount.
- **previous index number**, in relation to the indexation of an amount referred to in an item in the CPI Indexation Table in subsection (2), means the index number for the reference quarter in that item immediately before the most recent reference quarter in that item ending before the indexation day.

(5) An indexation factor is to be worked out to 3 decimal places.
(6) If an indexation factor worked out under subsections (4) and (5) would, if it were worked out to 4 decimal places, end in a number that is greater than 4, the indexation factor is to be increased by 0.001.
(7) If an indexation factor worked out under subsections (4), (5) and (6) would be less than 1, the indexation factor is to be increased to 1.

(8) Subject to subsection (9), if at any time (whether before or after the commencement of this section) the Australian Statistician publishes an index number for the quarter in substitution for an index number previously published by the Statistician for that quarter, the publication of the later index number is to be disregarded for the purposes of this section.

(9) If at any time (whether before or after the commencement of this section) the Australian Statistician changes the reference base for the Consumer Price Index, regard is to be had, for the purposes of applying this section after the change takes place, only to index numbers published in terms of the new reference base.

(23) Clause 161, page 94 (after line 23), at the end of the clause, add:

(2) Draft regulations must be available for public comment for a period of not less than 30 days before the regulations are made.

(24) Page 94 (after line 23), at the end of the bill, add:

162 Review of operation of Act

(1) The Minister must cause an independent review of the operation of this Act, including consideration of:

(a) the extent to which the policy objectives of this Act have been achieved and the need for any alternative approach; and

(b) the mix of technologies that has resulted from the implementation of the provisions of this Act; and

(c) the level of penalties provided under this Act; and

(d) other environmental impacts that have resulted from the implementation of the provisions of this Act, including the extent to which non-plantation forestry waste has been utilised; and

(e) the possible introduction of a portfolio approach, a cap on the contribution of any one source and measures to recognise the relative greenhouse intensities of various technologies; and

(f) the level of the overall target and interim targets; and

(g) the extent to which the Act has:

(i) contributed to reducing greenhouse gas emissions; and

(ii) encouraged additional generation of electricity from renewable energy sources;


to be undertaken before the third anniversary of the commencement of this Act.

(2) A person who undertakes such a review must give the Minister a written report of the review.

(3) The Minister must cause a copy of the report of the review to be tabled in each House of the Parliament within 12 months after the third anniversary of the commencement of this Act.

(4) In this section:

independent review means a review undertaken by persons who:

(a) in the Minister’s opinion possess appropriate qualifications to undertake the review; and

(b) include one or more persons who are not employed by the Commonwealth or a Commonwealth authority and have not, since the commencement of the Act, provided services to the Commonwealth or a Commonwealth authority under or in connection with a contract.

Dr STONE (Murray—Parliamentary Secretary to the Minister for the Environment and Heritage) (10.06 p.m.)—I indicate to the House that the government proposes that amendments Nos 3, 4, 8 to 16 and 21 be agreed to, that amendments Nos 1, 2, 5 to 7, 17 to 20, 22 and 23 be disagreed to and that amendment No. 24 be disagreed to but that an amendment be made in place thereof. May I suggest, therefore, that it may suit the convenience of the House to first consider amendments Nos 3, 4, 8 to 16 and 21 and when those amendments have been disposed of to consider amendments Nos 1, 2, 5 to 7, 17 to 20, 22 and 23, and then amendment No. 24. I move:

That Senate amendments Nos 3, 4, 8 to 16 and 21 be agreed to.
Mr MARTYN EVANS (Bonython) (10.08 p.m.)—As these amendments were either moved by the opposition or supported by the opposition in another place, I am happy to see that the government is acceding to them this evening.

Question resolved in the affirmative.

Dr STONE (Murray—Parliamentary Secretary to the Minister for the Environment and Heritage) (10.08 p.m.)—I move:

That Senate amendments Nos. 1, 2, 5 to 7, 17 to 20, 22 and 23 be disagreed to.

I would like to now explain why the Senate’s proposed amendments should not be agreed to in this House. I will deal with Senate amendments Nos. 1 and 2 to begin with. These amendments substantially alter the approval processes for renewable energy generation projects seeking to be eligible under the measure. The additional tests imposed by these amendments are not clearly defined and would make participation in the scheme difficult, increasing uncertainty for project proponents. This is counter to the intention of the legislation, which is to support the expansion of renewable energy generation capacity in Australia. Accordingly, the House of Representatives does not accept these amendments.

Senate amendments Nos. 5, 6, 17 and 20, which would require an additional register of applications for accreditation, would impose an unnecessary administrative burden on the renewable energy regulator. They would expand the regulator’s responsibilities for maintaining public registers above the currently required register of registered parties, register of accredited power stations and register of renewable energy certificates. The additional register of applications for accreditation of power stations does not assist the public or the market to understand the scheme. Given the added cost and administrative burden these amendments impose, the House of Representatives does not accept these amendments.

Senate amendments Nos. 18 and 19 would have the effect of segmenting a market that is designed to offer a generic product, which is a megawatt hour of renewable energy. These amendments seem to propose that a certificate would identify whether the energy was created by, say, wind or solar power or some other source. Liable parties have made representations to the effect that they consider that disclosure of the fuel source used to create renewable energy certificates would complicate the operation of the market. It would complicate registry, trading and acquittal arrangements for what we want to be an easily understood renewable energy market. Given the impact of these amendments on the effective operation of the measure, the House of Representatives does not accept these amendments.

Senate amendment No. 22 for the insertion of a CPI indexation clause into the Renewable Energy (Electricity) Bill 2000 would bring the constitutionality of the scheme into question. Measures related to a rate of taxation must be incorporated into a separate bill. Therefore, an amendment of this nature can only be introduced into the Renewable Energy (Electricity) (Charge) Bill 2000. Amendments moved to the original amendment proposed by the opposition in the Senate have also left this amendment indexing only a penalty charge, which would be rarely used—for example, a penalty charge payable under part 9. This amendment would need to be further amended if the rate of shortfall charged to be paid by
parties not meeting their obligation was indexed annually. The indexation of the rate of shortfall charge, given a commitment to review the operation of the scheme, including a level of penalties provided under the act, is therefore not accepted by the House of Representatives.

Senate amendment No. 23 would require that draft regulations be available for public comment for a period of not less than 30 days before the regulations are made. (Extension of time granted) This amendment would substantially delay the implementation of the measure and, as a result, the scheme would not be able to commence on 1 July 2001. Under this particular legislation, participants in the scheme will not be able to be accredited if the regulations have not been finalised by the proposed date. A 30-day consultation process would substantially reduce the likelihood that the regulations for this measure could be tabled in the 2000 sitting period. A delay in the commencement of the measure would impact substantially on those parties who have already made investments based on an expectation that the measure will commence on 1 January 2001. Accordingly, the House of Representatives does not accept this amendment.

Mr MARTYN EVANS (Bonython) (10.15 p.m.)—Many of the detailed matters associated with many of these amendments that the government proposes to disagree with have been canvassed in depth in the Senate, and I do not propose to go through all of those arguments again here tonight, in view of the hour. I am sure that would not suit the convenience of the House. However, I do feel that it is very important to make a point about the CPI relating to that amendment, because that goes to the very core of the bill itself. The failure of the government to propose a suitable indexation mechanism for the charges under this bill means that over a period of time—and it is contemplated that this bill will act over a period of about the next decade—the CPI will progressively weaken the value of the alternative charge which people must pay and, therefore, will weaken the incentive for renewable energy projects. Of course, it cuts the other way as well because, by having a CPI indexation measure, you would ultimately increase the value of that charge to another, quite higher, figure over the period of the 10 years that this act is expected to operate over. Indeed, by the end of the 10 years, on any reasonable assumption of CPI measures over that period—and of course I understand it is not possible to accurately predict the CPI over the next 10 years—any reasonable statistical forecast of that would field quite a substantial difference, of the order of some $23, in the value of the penalty with or without indexation.

Of course, at the end of the day that will mean quite a significant difference in the incentive for a renewable energy project. So, while the opposition notes the fact that the government proposes not to have a CPI indexation clause in the bill, the reality is that over time that will significantly undermine the very basis of the bill, which is to encourage the formation of renewable energy projects. While the time is not available to canvass all of the matters before us here this evening, it is important to highlight that one particular amendment because of the way in which that will undermine the very purpose of the bill itself.

Question resolved in the affirmative.

Dr STONE (Murray—Parliamentary Secretary to the Minister for the Environment and Heritage) (10.18 p.m.)—I move:

That the reasons be adopted.

Question resolved in the affirmative.

Dr STONE (Murray—Parliamentary Secretary to the Minister for the Environment and Heritage) (10.18 p.m.)—I move:
That Senate amendment No. 24 be disagreed to and the following amendment be made in place of it:

(1) The Minister must cause an independent review of the operation of this Act to be undertaken as soon as possible after the third anniversary of the commencement of this Act.

(2) A person who undertakes such a review must give the Minister a written report of the review.

(3) The Minister must cause a copy of the report of the review to be tabled in each House of the Parliament within 12 months after the third anniversary of the commencement of this Act.

(4) In this section:

independent review means a review undertaken by persons who:

(a) in the Minister’s opinion possesses appropriate qualifications to undertake the review; and

(b) include one or more persons who are not employed by the Commonwealth or a Commonwealth authority.

Ms GILLARD (Lalor) (10.20 p.m.)—Prior to the debate being interrupted, members may recall that I had discussed the genesis of the Criminal Code Amendment (Theft, Fraud, Bribery and Related Offences) Bill 1999, the magnitude of fraud in Australia, the public policy tensions in this area, the impact of the Internet on fraud monitoring and detection and the definition of jurisdiction; and I had of course raised the magnificent performance of the Werribee Legal Service in managing to assist the large number of people that it does assist with only 1.8 staff. I know that the members who were here in the House when I was making those remarks were truly amazed at the amount of work that the Werribee Legal Service gets done with such limited resourcing.

I turn back now to matters more directly on the bill. Prior to the debate being interrupted, I was discussing the question of the general dishonesty offence. In the original version of the bill, there had been a general dishonesty offence included in relation to obtaining a gain, causing a loss and influencing a Commonwealth public official. It should be noted that this offence was not based on an appropriation having taken place or a deception having occurred, or on there having been a conspiracy by a number of persons to do something. So there was not, if you like, a physical manifestation of an offence, in the sense that something had been unlawfully appropriated, a deception had occurred or even an allegation had been made that there was a conspiracy between a number of people to do something. Consequently, the offence could be said to arise because of one person’s— that is, the defendant’s—state of mind, and the proof would lie in showing that defendant’s state of mind.

Question resolved in the affirmative.

BILLS RETURNED FROM THE SENATE

The following bill was returned from the Senate without amendment or request:

Renewable Energy (Electricity) (Charge) Bill 2000

CRIMINAL CODE AMENDMENT (THEFT, FRAUD, BRIBERY AND RELATED OFFENCES) BILL 1999

Second Reading

Debate resumed.
Australian law requires them to do or to not do, so that they can be certain about both their rights and their responsibilities. In that setting, the introduction of a general dishonesty offence, relying as it did on proof of state of mind rather than any physical act or manifestation or indeed any conspiracy process, was seen as being draconian.

However, there was the counterdebate that introducing such an offence could give the code a necessary degree of flexibility and that a generalised offence could be used to criminalise inappropriate conduct, the specifics of which were not foreseen at the date of the bill being drafted or passed by this House. So in that discussion around the merits or otherwise of a general dishonesty offence we see played out very clearly the public policy tensions in this area between certainty and consistency on the one hand—consistency, if not uniformity, across Australia and certainty in the sense that a person can relatively easily work out from a piece of legislation what it is that the law requires them to do or not do—versus the competing but equally laudable aims of having some flexibility in legislation because, as we are aware, the class of criminal conduct is never closed. Whilst human vices might be fairly well known and capable of easy recitation from the 10 commandments onwards—or even before—we know that the way in which offences are committed is constantly changing and, as I have discussed in the course of this contribution, with the advent of the Internet and e-commerce, we can easily see that the manner in which the well-known offences of fraud, theft and deception may be committed in the future will be quite different from the way in which they were committed historically. So there was this tension around the general dishonesty offence between consistency and certainty and flexibility.

That debate was had fairly and squarely by the House of Representatives committee when it considered this bill, and it recommended that the general dishonesty offence not be proclaimed until the Attorney-General and the committee were satisfied by the DPP that prosecution guidelines which would be appropriate to the nature of the offence. So appropriate prosecution guidelines would be developed by the DPP; and that was seen as being adequate to satisfy the committee’s concerns on the uncertainty and lack of consistency grounds.

I am pleased to see that the government has gone down that track. I noted at the outset of my speech that this course was first embarked upon in 1987, and to have a further stage might seem to be the very slow way home—and I am sure that extra delay was not something that was viewed as desirable by those who would follow the process over a large number of years, though I trust that there is nobody who has been on the job since 1987. I can see from a wry smile in the advisers box that there may well be one person who has been on the case since 1987, and they deserve this House’s admiration for that degree of fortitude. But in this case, whilst it might be frustrating for those involved, the slow way home is the appropriate way home, and this very difficult issue can be resolved in this way by further dialogue and discussion.

All in all, this bill has the opposition’s support, and I would commend to the House the remarks made by the shadow minister earlier. However, I would take this opportunity to urge upon the government a more generous approach in some related matters to this bill. Those related matters are legal aid—that is, giving people who are accused of offences in our society the appropriate legal resources to make sure that they are fully apprised of their rights and that they do not get a worse outcome than a more monied defendant would. So I would urge a more generous approach by the government to the question of legal aid. I would also urge a more certain approach by the government to the future of community legal centres in Victoria. They have lived with uncertainty for too long and, given the contribution they make to advising impecunious defendants who otherwise would be left unrepresented, I think they deserve that certainty. Finally, I would urge upon the government, this House and parliamentarians generally a vigilance in relation to the effect of new technology on our criminal law, given, as we have noted,
that it will change the way in which offences are committed and the way in which they are monitored and detected. Ultimately, it will change legal prosecution systems, as we struggle to deal with complex jurisdictional questions. (Time expired)

Debate (on motion by Mr Brough) adjourned.

ADJOURNMENT

Motion (by Mr Brough) proposed:
That the House do now adjourn.

Community Volunteers

Ms GERICK (Canning) (10.28 p.m.)—On many occasions over the past two years since becoming the member for Canning, I have spoken in this place about the wonderful job that volunteers do. Not only in Canning, I recognise, but nationally, we have a wonderful army of people who work very hard to build a strong and solid community. Over the last 12 months, though, I have spoken about the increasing pressures that are being placed on our volunteers and the feeling that a number of them have that their work is not valued. I know that a number of the people in my electorate were very concerned about the introduction of the GST and felt that possible penalties that would be placed on them if they made a mistake would make the job not worth doing. These people felt very undervalued.

Another concern which has recently been raised with me in Western Australia is about the possible change to legislation which would mean that drivers would have to go through a range of tests and change their class of licence in order to be a volunteer driver. Volunteer drivers carry out a whole range of services, be it picking up people who are unable to drive and taking them to medical appointments or taking our senior citizens to do their shopping so that they can spend longer in their own homes before needing to move into care. In a number of cases—for example, that of Armadale Home Help—they take groups of senior citizens away on holidays. It is good for everybody to be able to get out and about for a while.

The proposed legislation is causing some confusion. When this was raised in state parliament in Western Australia, we had three different responses. When asked a question on notice, the Minister for Health said, ‘Yes, volunteer drivers will be required to get an F-class licence.’ When the Minister for the Police was asked, he said, ‘No, volunteers will not be required to get an F-class drivers licence.’ When asked, the state government department concerned said that it was not their problem. This is not an issue where people can just buck pass. We need our volunteers to be confident, and we need them to be able to go ahead and provide the service that we have all become accustomed to and that we like to think those in need are able to avail themselves of.

I will give you an example of some of the issues that people are being faced with. If the volunteers use their own cars, they are now going to need to register their vehicles as charity vehicles. That means a high insurance premium will be due. One of my charity workers told me that their car premium is going to increase by approximately $600 a year. Quite often you find that volunteers are retired people who are doing this to make their contribution, and I do not know many people who can afford an extra $600 a year because they want to go out and do good work. They have also been told that, if they receive any donations, 50 per cent will have to be paid to the government. When they are going through the process to get the F-class licence, they are going to be subject to medical examinations every five years until they reach 45 and annually after 65 years. There have been no provisions put in place to assist volunteers with any of the costs involved in this. There is going to be an application form where they have to produce character references, pass a written regulation test, do another questionnaire, have an eyesight test, submit the detailed application form and have medical examinations and a driving test.

At Hills Home Help, all the volunteer drivers have a disability of some sort. So far, they have lost five drivers who do not want to go through this process. We need each and every one of our volunteers to feel treasured and appreciated for the hard work they do. We do not want drivers who are going to put our seniors at risk. We all know that they
must have a licence and that they must take
due care. But, when I have asked each one of
my charities, none of them have had any se-
rious accidents with volunteer drivers. It is
probably a record that a number of us would
envy. You are going to take care when you
have people in your car—you want to look
after them. It is important that the govern-
ment clarify these issues and make sure they
put something in place so that our volunteers
are not scared off or placed under a financial
burden just because they have a good social
conscience and they want to work hard to
make Canning and every other area in Aus-
tralia a much better place to live.

Wannon Electorate: Olympians

Mr HAWKER (Wannon) (10.33 p.m.)—
Much has been said about the great achieve-
ments of Australians at the Olympics this
year in Sydney, but tonight I would like to
mention a few very special contestants in the
Olympics who come from my electorate of
Wannon. I think their achievements really
warrant a special mention in this chamber
tonight. All of them have shown that they are
not only great athletes and great competitors
but also great Australians. In no special or-
der, I would like to run through these athletes
tonight for those who have come from south-
west Victoria. I would like to start with Mi-
chelle Ferris—a name that I think is well
known to most members of this chamber
— who has achieved something unique in her
sport of cycling. Michelle is a 23-year-old.
She comes from Warrnambool in my elector-
ate, and she won the silver medal in the 500-
metre time trial, in which she did her per-
sonal best time. It is also very significant that
she won silver at the Atlanta Olympics and
she came fourth in the women’s sprint here
in Sydney. I think it is also very important to
note that she is the first Australian woman to
win two medals on the track in Olympic
competition.

The second person I would like to men-
tion is Christian Ryan, who not only comes
from Warrnambool as well but happens to be
a cousin of Michelle Ferris’s. Christian is a
rower, also aged 23. He was in the men’s
eight rowing. I think all of us would recall the
disappointment when the men’s eight just
failed to catch and win the gold. They ended
up with silver. They fought back from being
well behind at the 500-metre mark, when
they were fifth, and they still got within
eight-tenths of a second of winning gold.
Congratulations also to Christian and the
men’s eight on their silver. They prove that
Australia’s rowing continues to maintain
very high standards, and I know Christian is
part of a team that aims to get gold at Ath-
ens.

The third sportsman from Wannon is an-
other name that I think is well known, cer-
tainly in the cycling world and probably right
around Australia, and that is Shane Kelly. All
of us would recall the heartbreak that Shane
went through at Atlanta. His foot slipped
from the pedal at the beginning of the one-
kilometre time trial when everyone had pre-
dicted that he was in very strong contention
to win gold. Nonetheless, Shane has come
back for the third time. He won a bronze
medal in Sydney in the one-kilometre time
trial. He also won a silver medal at the Bar-
celona Olympics. It is quite an achievement.
This is his third Olympics in which he repre-
sented Australia. It is a fantastic achieve-
ment, and I think everyone would congratu-
late Shane Kelly from Ararat for what he has
done and for the dedication that he has dem-
onstrated in competing in three Olympics.

I would like to mention Sue McCready,
who also comes from Ararat. Sue competed
in the shooting field in the 10-metre air rifle.
She achieved a very credible 15th place and
it is important to note that she was the
youngest member of the Australian shooting
team. Congratulations to Sue on a great
achievement and we hope to see a lot more
of her.

I would like to mention Lisa O’Keefe,
who competed in the tae kwon do. She
comes from Bushfield, which is just out of
Warrnambool, and congratulations to her on
a great effort representing Australia and also
representing south-west Victoria.

Those who saw the official yoyo biscuits
on the coffee trolleys in the Olympic village
might not have known this, but they came
from Hamilton, and I know it was a huge
effort to make all of those. The waratahs in
the presentation posies came from just out-
side Hamilton, the Smith Family Woollen
Mills produced the fabric from which the horse rugs and the saddle blankets were made and Jason Hill, who is a local physio, worked at the Olympics. I am sure everyone in the chamber tonight will join with me in congratulating all those who either competed in or contributed to our Olympics. They have every reason to feel very proud of their efforts and we are very proud of their efforts too.

Scullin Electorate: Church of Sveti Petka

Mr JENKINS (Scullin) (10.38 p.m.)—Nearly 140 years ago, in 1861, a bluestone church opened in Plenty Road in what is now known as Mill Park. In 1861, it was known as Springfield. The land for this church was donated by the great-great-grandfather of the former member for McEwen, Peter Cleeland. His great-great-grandfather, William Ford Cleeland, donated the land. He had come as a pioneer migrant from Ireland some 14 to 15 years before. The foundation stone was laid by a Mrs Brock, who is described in the papers of the time as the ‘Lady of Alexander Brock Esq.’ A descendant of these Brocks is Peter Brock, who went on to fame in car racing. The article about the laying of the foundation describes how Mr Cleeland presented a silver trowel to Mrs Brock, with which that lady proceeded to lay the stone, ‘praying God’s blessing to attend the work’.

For some 100 years, this bluestone church was used as a place of worship by the Presbyterian Church. Then, with the dwindling of the congregation, it went into disrepair and was not used and, about 10 years ago, it looked like this by then heritage building was to be lost to the local community. A daughter of the Clements family—another local family—Judy Clements, embarked upon a campaign to see what she could do to save the building. Other denominations briefly used the building but finally, after a lot of conjecture and after it went into the ownership of somebody who was willing to pull it down, a saviour was found. On Saturday, this bluestone church, Janefield Presbyterian Church, was consecrated as the Church of Sveti Petka—St Petka—as a Macedonian Orthodox Church.

When we think about what this represents, it is very much the way in which Australia has developed as a multicultural society. In the electorate of Scullin, by the last census, some 6,000 people were born in Macedonia, the former Yugoslav republic. Some 11,000 people, or 10 per cent of the population, self-identify as speaking Macedonian at home. So the Macedonian community is a significant community. But the most important thing is the way in which the Macedonian Orthodox Church has changed this former Presbyterian church to make it a place of worship for their church without altering the outside nature of this bluestone heritage building. Anybody that drives along Plenty Road would not notice the difference from the outside. The difference that they would notice is that this is a building that has been preserved and it is a building that has been well looked after.

Once you step inside, the transformation into an Orthodox church is quite overwhelming. The ceiling space under the tiles of the original building has the domes of an Orthodox church, there is a screen across the altar, the front entrance is now the area behind the altar and the back entrance is now the entry to the church, indicating the changes that the Orthodox faith requires. Saturday was a day of great celebration for the local Macedonian community, but it was also a day of great celebration for the wider community because this heritage building has been saved. For each of us, there are instances in our own electorates about which we say, ‘This is my Australia, the Australia that I know,’ and it is different for each person that comes here to represent an electorate. Each of our electorates is vastly different. But it is important that we share the successes of modern Australia, like this event, which is a multicultural event well and truly.

The descendants of the Presbyterians were there on Saturday, they were overwhelmed and delighted at the way in which the building has been preserved, they were truly thankful that this Macedonian Orthodox church has been created and they look forward to next year celebrating the 140th anniversary with an ecumenical service between those descendants of the Presbyterians and the Macedonian Orthodox Church. (Time expired)
Monday, 9 October 2000

Groom Electorate: Toowoomba Range Crossing

Giddy Goanna Road Safety Project

Mr IAN MACFARLANE (Groom)

I rise tonight to speak about an issue which is not unfamiliar to this House. It is an issue which I raised in my maiden speech and it is an issue which continues to cause me great concern. It is the second range crossing for the great city of Toowoomba and for the great western part of Queensland. Yesterday afternoon, around 3 o’clock, a miracle occurred. The miracle was that a fully loaded semitrailer completely out of control reached the bottom of the range, crossed the median strip, flattened the rail and yet did not kill anyone. The people of Groom and the people who use the Warrego Highway to Brisbane cannot continue to rely on miracles. It is almost a year to the day and 100 metres to the same spot that a semitrailer of similar build, a double-decker cattle truck, careened out of control down the Toowoomba Range. On that occasion, we were less fortunate than yesterday—because one person in an oncoming vehicle was quite badly injured.

It is simply unacceptable that a city as magnificent as Toowoomba, a region as vital and as important in the economic cycle of Australia as the Darling Downs and an area as vast as the western part of Queensland is being serviced by this road and continues to be disadvantaged by a road that is really just a clogged artery. It is unacceptable that this road is the only access from western Queensland through Toowoomba to Brisbane. It is unacceptable that 8,000 trucks a day travel through the heart of Toowoomba—that is one truck every 10 seconds—to access Brisbane from places as far afield as Darwin. There is no other city in Australia the size of Toowoomba, which is the second biggest inland city in Australia after Canberra, that does not have a bypass, and there is certainly no other city in Australia that has an access road which is so slow and so dangerous as Toowoomba’s.

It is time something was done about this road, before someone is killed. It is time that this road was moved to the top of the priority list in Australia’s national highway system. It is simply unacceptable in the extreme to have a situation where the economic development and the safety of a region are being compromised. This issue should not be sidelined and continue to be sidelined simply because of its cost—$300 million is a lot of money in anyone’s language, but the lives of people and the economic development of regional Australia are at risk. The economic development of regional areas west of Toowoomba is being hampered by a range crossing which continues to slow the development, which continues to create enormous problems and from time to time because of accidents sees the greatest inland city in Australia, bar none, isolated from its capital city of Brisbane.

It is unacceptable that this situation continues, and it is about time those members who sit opposite us allow us to sell Telstra and reinvest the money that is currently invested in Telstra in improving the infrastructure of regional Australia. It is about time that people realised that government involvement in Telstra is no longer required and that that company should be cut free and allowed to operate in a commercial sense and that this government be allowed to reinvest the people’s assets in infrastructure which is going to develop inland Australia—infrastructure like roads, like railways and like water.

Before I close, though, and while speaking about issues related to safety on the road, I should mention that this Friday—it is very opportune that the member for Scullin mentioned the Brock family—a descendant of the Brock family, Peter Brock, will launch the fourth book in the Giddy Goanna series, a great little child safety project which I happen to be chairman of—but I am completely unbiased—at the Willmot Park School near Craigieburn in the wonderful electorate of McEwen, well represented by a good Liberal member. That book will continue the process of Giddy Goanna. It happens to be about road safety and keeping our kids safe on the road. I commend the book to the House, and I suggest that those people who are committed to road safety and preserving their children and their grandchildren buy a copy of
that book and have a good browse through it.

(Time expired)

Middle East: Conflict

Mrs CROSIO (Prospect) (10.48 p.m.)—Five months have elapsed since a subcommittee of the Foreign Affairs, Defence and Trade Committee decided on a direction to look at Australia’s relations with the Middle East nations. There seemed to be at that time a growing sense of confidence in the Middle East, and I believe the whole world was awaiting the news that, following the many successful meetings between Prime Minister Barak of Israel and President Arafat of Palestine, peace would finally prevail in that region. I acknowledge that Australia may not be a large player in the politics in the Middle East, but I think we have to stand up and be counted when we see on our TVs and read in our press the extraordinary conflicts that are now taking place between Israel and Palestine. The Sydney Morning Herald today had a very small summary which people may have overlooked which needs to be repeated here in the House. They have put down how, within a few short days, that region has slipped towards war. It says:

September 28: A visit by right-wing Israeli opposition leader Ariel Sharon to the east Jerusalem mosque compound ... They believed this was the spark that started the violence. It continues:

September 29: Seven Palestinians killed and 220 wounded when Israeli security forces fire on thousands of Palestinians who invaded the mosque area.

September 30: Violence spreads to the West Bank and Gaza Strip, causing 16 Palestinian deaths and leaving more than 300 injured. The death of a 12-year-old Palestinian boy, Mohammed al-Duri ... is filmed— and we all remember it so very vividly, by that French television crew. It continues:

October 1: The clashes intensify, without the Palestinians, many of them police, resorting to firearms and the Israelis responding with helicopter gunships and missiles ...

October 2: Violence continues in the West Bank and Gaza Strip and intensifies in Israel. About 50 people are wounded when Israeli helicopters attack apartment buildings and other targets in Gaza City.

October 3: A spokesman for Israeli Prime Minister, Ehud Barak, announces that Barak and Palestinian leader, Yasser Arafat, are to meet in Paris with the US Secretary of State, Madeleine Albright. The Israeli Government rejects any international investigation of the incidents.

October 4: Most members of the UN Security Council accuse Israel of using excessive force against the Palestinians but call on both sides to take advantage of Paris meetings. After meeting separately with Albright and French President Jacques Chirac, Barak and Arafat finally come together with Albright but reach no agreement.

October 5: Israeli police open fire on Palestinian stone throwers in Arab East Jerusalem following Muslim Friday prayers ...

October 6: “Day of Rage” as Palestinian protesters attack Israeli troops and loot and burn and nearly destroy a Jewish shrine in the Palestinian city of Nablus. The Israeli Army temporarily withdraws ...

October 7: Barak warns Palestinians they have two days to stop a wave of violence ...

And it just goes on and on. I know, Mr Speaker, that you too have seen some of those places. We talk about it, read about it and understand and appreciate the concerns when people were now saying around the world that surely we were going to have peace in the Middle East. I do not condone the kidnapping of the three Israeli soldiers— in fact, I condemn it completely— but now, with the latest count of 90 people being killed and over 1,800 wounded, I think we have to condemn the action that is taking place. There seemed to be a gridlock in that peace process. So much had been achieved. So much work had been put into it—there were the Camp David meetings and how President Clinton had brought the two parties together. I believe that the world, as I stated before, was waiting with bated breath to see that finally Palestine would be able to declare itself as an individual state and, more importantly, we would have peace in that region.

All that has now gone by the wayside. I believe that, if all that work goes, it will be an absolute crime. I appeal to both sides— and I feel sure that our Prime Minister and our foreign affairs minister should be doing the same—to let commonsense prevail. Killing does not achieve any goal. All it does is install hatred for the next generation to
stall hatred for the next generation to come. They feel they are required to avenge the death of their family members and therefore that hate goes on and on. I think that region has seen enough over many years. It is about time that commonsense prevailed. I also believe that the two people who are leading the talks—Prime Minister Barak and President Arafat—have the ability to bring peace to that region. If either of those people pull out of that peace consultation process because of what has happened in these last few days and we do not see peace in the Middle East, it will be a long time before that region has settlement. I appeal to both the Prime Minister and the foreign affairs minister to at least voice Australia’s concerns, and say to the leaders over there: ‘We do not condone what is happening; we condemn both sides in the conflict. What we should be about as a nation of the world is peace. Let us work together to see that that is achievable.’ We cannot afford any more killings in that region or in any other region of the world but, more particularly, we cannot see all that work go by the wayside. (Time expired)

**Browne, Mr Peter Grahame**

Mr **HAASE** (Kalgoorlie) (10.53 p.m.)—It is my melancholy duty, and honour, I might say, to rise this evening to inform the House that one of our colleagues who served this House well—that is, Mr Peter Grahame Browne—has passed away. I am aware, Mr Speaker, that shortly afterwards you brought his death to the attention of honourable members in the House. But I rise this evening to inform the House of some detail of the good works done by this man.

He was an interesting man and he had an extremely varied career before joining parliament. He was born in Sydney on 15 July 1924, but grew up in both Sydney and Melbourne over the short time before, in 1940, he put his age up and joined the Australian Military Forces. He was first posted to Darwin as a gunner and, in fact, endured the Japanese bombing of that city. It was shortly after this that he tired of that particular task, deciding instead that he could see himself as an airman. I think the fact that he was something of a larrikin in those days meant that he saw himself as a fighter pilot. He joined the Royal Australian Air Force in 1943. It was very sad that, as a result of his time as a gunner, his hearing was less than satisfactory. He was discharged from military service and spent the rest of the war ferrying fuel out of New Guinea and elsewhere to the attacking American forces in the Pacific.

He returned to the Kimberley region in the Northern Territory after the war and spend a lot of time there as horse breaker and cattle drover extraordinaire before joining Elder Smith Goldsborough Mort in Bridgetown, Western Australia. It was there that he met and married his wife, Margaret, in 1950. He spent some time in Carnarvon after that, managing and operating banana plantations. Sadly, in a cyclone a plantation was destroyed—I think that it was in 1955. He then moved to Kalgoorlie as an organiser for the Liberal Party.

He decided that he had a future in politics. He was very community minded and served his community well. It was in the 1958 election that he decided he would do a dummy run, so to speak, in the election campaign, and be very serious in his attempt to win the seat of Eyre in the next state election. But he was successful, by a mere 180 votes, in winning the unwinnable seat of Kalgoorlie in 1958. It was on 17 February 1959 that he made his maiden speech, and I would like to quote from that speech. He said:

Speaking of my own electorate, of which about 500,000 square miles lie north of the Tropic of Capricorn, there is plenty to be done if we are to retain our moral right to hold these regions. We have an abundance of natural resources, including iron ore, copper, manganese, bauxite—and there may even be a little oil there. We have some of the best grazing land in Australia, and water to irrigate it, if necessary.

We have the potential there to support a large population. In a world already concerned with the problems of over-population, it is unacceptable to our Asian neighbours that this part of Australia, with its obvious wealth, is virtually uninhabited. As there are many millions of these people living closer to the Kimberleys than do most honourable members of this House, I cannot stress too much the importance of developing the area. From the points of view of our economy, defence and security is vital.
I am happy to inform the House that since 1959 much has happened. We have built the North-West Shelf oil project at a cost of $13 billion, we have developed the Ord River and of course the world knows about the wealth of iron ore in the Pilbara. The things that have changed are many, but we still have a long way to go in populating that area. Mr Browne lost his seat of Kalgoorlie in 1961, and went on to serve the Australian people very well as Private Secretary to Harold Holt. (Time expired)

Question resolved in the affirmative.

House adjourned at 10.59 p.m.

NOTICES

The following notices were given:

Ms Kernot to present a bill for an act to establish an authority to monitor the operations of the Job Network.

Mr Price to move—

(1) That a Standing Committee on Appropriations and Staffing be appointed to inquire into:

(a) proposals for the annual estimates and the additional estimates for the House of Representatives;

(b) proposals to vary the staff structure of the House of Representatives, and staffing and recruitment policies; and

(c) such other matters as are referred to it by the House;

(2) That the committee shall:

(a) in relation to estimates—

(i) determine the amounts for inclusion in the parliamentary appropriation bills for the annual and the additional appropriations; and

(ii) report to the House upon its determinations prior to the consideration by the House of the relevant parliamentary appropriation bill; and

(b) in relation to staffing—

(i) make recommendations to the Speaker; and

(ii) report to the House on its determinations prior to the consideration by the House of the relevant parliamentary appropriation bill;

(3) That the committee consist of the Speaker and 11 other members, 6 members to be nominated by the Chief Government Whip or Whips and 5 members to be nominated by the Chief Opposition Whip or Whips or any independent Member;

(4) That the committee elect a Government member as its chair;

(5) That the committee elect a deputy chairman 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 chairman at that meeting;

(6) 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;

(7) 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;

(8) That the quorum of a subcommittee be a majority of the members of that subcommittee;

(9) 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;

(10) That the committee or any subcommittee have power to send for persons, papers and records;

(11) That the committee or any subcommittee have power to move from place to place;

(12) That a subcommittee have power to adjourn from time to time and to sit during any sittings or adjournment of the House;

(13) That the committee have leave to report from time to time; and

(14) That the foregoing provisions of this resolution, so far as they are inconsistent with the standing orders, have effect notwithstanding anything contained in the standing orders. (Notice given 9 October 2000.)

Mr Price to move:

(1) That standing order 28B be amended by inserting the following paragraph after paragraph (b):

(ba) annual and additional estimates contained in the appropriation bills presented to the House
shall stand referred for consideration by Members of the relevant committee (as determined in accordance with the provisions of paragraph (b) for the consideration of annual reports), and, for the purposes of this consideration:

(i) six Members of each committee, determined by the committee in each case, shall consider the estimates;

(ii) the Members of the committee selected to consider the estimates shall meet with Members of the relevant Senate legislation committee so that the Members and Senators may meet together for the purposes of considering the estimates;

(iii) members of the relevant House and Senate committees, when meeting together to consider estimates, shall choose a Member or a Senator to chair the joint meetings;

(iv) the provisions of Senate standing order 26 shall, to the extent that they are applicable, apply to the consideration of estimates under this paragraph, and

(v) that, upon the completion of joint meetings at which evidence is received or written answers or additional information considered, it shall then be a matter for the Members of the relevant committee to consider the terms of any report to the House on the estimates.

(2) That a message be sent to the Senate acquainting it of this resolution and requesting that it concur and take action accordingly. (Notice given 9 October 2000.)

Mr Price to move:

That the standing orders be amended by inserting the following standing order after standing order 94:

Closure of Member

94A A motion may be made that a Member who is speaking, except a Member giving a notice of motion or formally moving the terms of a motion allowed under the standing orders or speaking to a motion of dissent (from any ruling of the Speaker under standing order 100), “be not further heard”, and such question shall be put forthwith and decided without amendment or debate.

Mr Price to move:

That the standing order 129 be omitted and the following standing order substituted:

Presentation of petitions

129 At the time provided for the presentation of petitions, the following arrangements shall apply to the presentation of petitions certified to be in conformity with the standing orders:

(a) in respect of each petition, the petitioner, or one of the petitioners, may present the petition to the House by standing at the Bar of the House and reading to the House the prayer of the petition, and

(b) where a petitioner is not able to present the petition in accordance with paragraph (a) of this standing order, the Member who has lodged the petition may present it to the House by reading to the House the prayer of the petition.

Mr Price to move:

That the standing orders be amended by inserting the following standing order after standing order 143:

Questions to committee chairs

143A Questions may be put to a Member in his or her capacity as Chair of a committee of the House, or of a joint committee, in connection with the work or duties of the committee in question.

Mr Price to move:

That the standing orders be amended by inserting the following standing order after standing order 145:

Questions without notice—Time limits

145A During question time:

(a) the asking of each question may not exceed 1 minute and the answering of each question may not exceed 4 minutes;

(b) the asking of each supplementary question may not exceed 1 minute and the answering of each supplementary question may not exceed 1 minute; and

(c) the time taken to make and determine points of order is not to be regarded as part of the time for questions and answers.

Mr Price to move:

That the standing order 275A be omitted and the following standing order be substituted:

Statements by Members

275A Notwithstanding standing order 275, when the Main Committee meets on a Thursday, the business before the Committee shall be interrupted at 1 p.m. and the Chair shall call for statements by Members. A Member, other than a Minister, may be called by the Chair to make a statement for a period not exceeding 3 minutes. The period for Members’ statements may continue for a maximum of 1 hour. Any business under discussion at 1 p.m. and interrupted under the provisions of this standing order shall be set down on the Notice Paper for the next sitting.
QUESTIONS ON NOTICE

The following answers to questions were circulated:

Refugees: Free Legal Assistance
(Question No. 1510)

Mr McClelland asked the Attorney-General, upon notice, on 10 May 2000:

(1) Is it the case that approximately three years ago the Commonwealth prohibited Legal Aid Commissions from providing initial assistance to persons making refugee applications on the basis that the Department of Immigration and Multicultural Affairs was providing free legal assistance to such persons in all States and Territories.

(2) Does a scheme operate in the Northern Territory to provide that assistance.

(3) Is it further the case that the need for such assistance has been contained in requests from the Legal Aid Commissions in representations to both his Department and the Department of Immigration and Multicultural Affairs.

(4) Is the Northern Territory one of the most affected areas of Australia involving refugees and other migration problems.

(5) Why has such assistance not been provided and when will the commitment to provide such assistance be honoured.

Mr Williams—The answer to the honourable member’s question is as follows:

(1) I am advised by the Department of Immigration and Multicultural Affairs that the Department does not provide ‘free legal assistance’. Immigration advice and application assistance services are provided to eligible applicants by contracted migration agents (some of whom are legal practitioners) under the Immigration Advice and Application Assistance Scheme.

I am further advised that the Immigration Advice and Assistance Scheme provides visa application advice and assistance to all asylum seekers in immigration detention and to other eligible visa applicants in the community. It is provided at no cost to applicants.

Under the revised legal aid guidelines issued by my Department which took effect from 1 July 1998, Legal Aid continues to be available for matters where there are differences of judicial opinion which have not been settled by the Full Court of the Federal Court or the High Court, or where proceedings seek to challenge the lawfulness of detention. However, it is no longer widely available for migration matters and is not available to provide assistance to persons seeking to make visa applications. Assistance with applications in this regard may be (more appropriately) available under the Immigration Advice and Application Assistance Scheme.

The legal aid guidelines are also framed to complement the assistance given to protection visa applicants through the Immigration Advice and Application Assistance Scheme and other avenues of assistance.

In addition the guidelines reflect the Government’s policy that applicants may seek independent merits review of a refusal decision. Should they wish to pursue their case further by way of judicial review this should be at their own and not the taxpayers expense.

(2) Yes. I am advised by the Department of Immigration and Multicultural Affairs that that department has a contract with the Northern Territory Legal Aid Commission to provide visa application assistance to people in detention in the Northern Territory. I am further advised that in June 1999, the Northern Territory Legal Aid Commission was offered further funding for a period of two years starting on 1 July 1999 for the provision of visa application assistance to persons in the community. I am advised that the level of funding offered was calculated on the basis of visa application rates in previous years. I am advised that the Northern Territory Legal Aid Commission declined that funding offer on 15 June 1999. I am further advised that Department of Immigration and Multicultural Affairs records note the Northern Territory Legal Aid Commission’s intention at that time to provide such assistance on a pro bono basis. Nonetheless, people in the community requiring immigration assistance or advice in the Northern Territory may seek this from Immigration Advice and
Application Assistance Scheme service providers in other States. I am advised in addition that Immigration Advice and Application Assistance Scheme service providers offer a range of assistance and advice through telephone advice services, which can be accessed from the Northern Territory.

The Department of Immigration and Multicultural Affairs advises that it remains ready to conclude a contract with the Northern Territory Legal Aid Commission to provide visa application assistance to people in the community should the Commission have changed its views.

(3) The Department of Immigration and Multicultural Affairs advises that it has no record of correspondence on the funding of the Northern Territory Legal Aid Commission for Immigration Advice and Application Assistance Scheme work since the Commission’s letter declining funding under the Scheme to assist visa applicants in the community and agreeing to receive funding to assist applicants in detention. The Northern Territory has recently made representations to my Department and I am proposing to write to the Minister for Immigration and Multicultural Affairs on this matter shortly.

(4) No. I am advised by the Department of Immigration and Multicultural Affairs that the Northern Territory is not one of the most affected areas of Australia involving refugees and other migration problems. I am further advised that the number of refugees and migrants settling in the Northern Territory is low, as is the number of Protection Visa applicants. In 1998-99, the year in which the Immigration Advice and Application Assistance Scheme funding contracts were last offered, there were 8,257 applications lodged for Protection Visas. Six of these were from people in the Northern Territory.

As indicated above, the Immigration Advice and Application Assistance Scheme funding is calculated for each state according to the application rates in those states.

(5) As indicated above, I am advised by the Department of Immigration and Multicultural Affairs that Immigration Advice and Application Assistance Scheme services are available to individuals in the Northern Territory through a combination of funding provided to the Northern Territory Legal Aid Commission to assist individuals in detention and the opportunity for visa applicants in the community to seek assistance and advice by telephone from service providers interstate.

As the Immigration Advice and Application Assistance Scheme is within the responsibility of the Minister for Immigration and Multicultural Affairs, I would ask that the honourable member direct any further questions in relation to the operation of that Scheme to that Minister.

China: Dissidents
(Question No. 1656)

Mr Danby asked the Minister for Foreign Affairs, upon notice, on 21 June 2000:

(1) Is he able to say whether activists from the China Democracy Party including
(a) We-li Xu, Yong-min Qin, You-cai Wang (Executive Chairs),
(b) Xin-jiao You (Chairman of China National Fu Xing Party),
(c) Jian-guo Cha, Ming-hong Gao, Shi-jun Liu (Chairpeople of the CDP: Beijing and Tianjin branch),
(d) Yu-fu Zhu, Qing-xiang Mao (Cadres of Zhejiang Committee),
(f) Ze-chen Zhu, Wen-jiang Wang (Cadres of CDP Liaoning branch),
(g) Shi-dong Tun (Cadres of CDP Hunan branch),
(h) Shi-chang Xiao (Secretary-General of CDP Hubei branch),
(i) Shen-ping Fu, Li-fa Han (Cadres of CDP Shanghai branch),
(j) Tian-xiang Yu (Cadres of CDP Gansu branch),
(k) Feng Yu (Chairman of CDP Hebei branch),
(l) Xian-bin Liu (Cadre of CDP Sichan Branch) and the Cadres of other CDP branches; and
(m) Xin-heng Yang (Shanghai), Gui-hua Cai (Shanghai), Xi-an Li (Zhejiang), Zheng-ming Zhu (Zhejiang), Liang-qing Shen (Anhui), Xian-li Liu (Anhui), Yi-ping Fan (Guangdong), Tao
Yang (Guangdong), Zhi-lou Li (Guangxi), Wang-bao She (Sichan), Cheng-ming Guo (Liaoning), Xin-min Guo (Gansu), Fong-shan Wang (Gansu), You-ju Zhang (Hebei), Zhong-ho Chen (Hebei), Jin Liu (Hebei), Jian Zhang (Hebei) have been arrested by the Chinese authorities.

(2) Has the Australian Government made inquiries into the welfare and whereabouts of these individuals; if so, (a) what is their current situation and (b) where are they.

(3) Will he raise the arrest of these individuals at the Australia-China Human Rights Dialogue in Canberra in June 2000.

Mr Downer—The answer to the honourable member’s question is as follows:

(1) and (2) The most recent information available on the persons listed is (unless otherwise noted, all those below were convicted of subversion):

(a) Xu Wenli was sentenced to 13 years imprisonment on 21 December 1998, which he is serving in Beijing.

(b) Qin Yongmin was sentenced to 12 years imprisonment on 22 December 1998, which he is serving in Hanyang Prison, Wuhan.

(c) Wang Youcai was sentenced to 11 years imprisonment on 21 December 1998, which he is serving in Hangzhou.

(d) Yu Xinjiao was sentenced to seven years imprisonment for rape in August 1999.

(e) Zha Jianguo was sentenced to nine years imprisonment on 2 August 1999, which he is serving in Qincheng Prison, Beijing.

(f) Gao Hongming was sentenced to eight years imprisonment on 2 August 1999, which he is serving in Qincheng Prison, Beijing.

(g) Zhu Yufu was sentenced to seven years imprisonment on 9 November 1999, which he is serving in Hangzhou Number One Prison.

(h) Mao Qingxiang was sentenced to eight years imprisonment on 9 November 1999, which he is serving in Hangzhou Number One Prison.

(i) Han Lifia was sentenced to nine months reform through labour in October 1998 for hiring prostitutes. His sentence was extended by a further two years on 23 July 1999.

(j) Yue Tianxiang was sentenced to ten years imprisonment on 5 July 1999, which he is serving in Tianshui.

(k) Yu Feng was arrested on 8 June 1999.

(l) Liu Xianbin was sentenced to 13 years imprisonment on 6 August 1999.

(m) Yang Qinheng was sentenced to three years reform through labour for disturbing social order (drug trafficking) in March 1998.

Cai Guihua was sentenced to reform through labour on 30 July 1999 for visiting prostitutes, which he is serving in Shanghai.

Li Xi’an was arrested in Hangzhou in May 1999.

Zhu Zhengming was sentenced to ten years imprisonment in April 2000.
Shen Liangqing was sentenced to two years reform through labour in March 1998 for unauthorised contacts with foreign journalists.
Liu Xianli was sentenced to four years imprisonment on 10 May 1999.
Fan Yiping was sentenced to three years imprisonment on 21 July 1998 for assisting dissident Wang Xizhe to leave China.
Yang Tao was arrested in Guangzhou on 5 May 1999.
Li Zhiyou was sentenced to three years imprisonment on 30 May 1999, which he is serving in Guilin Prison.
She Wanbao was sentenced to 12 years imprisonment on 4 August 1999 which he is serving in Guan'an.
Guo Chengming was arrested in Xianyang on 5 July 1999.
Guo Xinmin was sentenced to two years imprisonment on 5 July 1999, which he is serving in Tianshui.
Wang Fengshan was sentenced to two years imprisonment on 5 July 1999, which he is serving in Gansu.
Zhang Youjun was sentenced to four years imprisonment on 27 May 1999, which he is serving in Zhangjiakou.
Chen Zhonghe was arrested in Wuhan on 1 September 1999.
Liu Jin was sentenced to three years imprisonment on 29 September 1999.
Zhang Jian was arrested on 25 June 1999 in Zhangjiakou.

(3) The Australian delegation to the bilateral human rights dialogue in 1999 and 2000 has raised its concerns about the crackdown on the China Democracy Party. Specific representations were made on behalf of Wang Youcai, Qin Yongmin, Zha Jianguo, Gao Hongmin, Xu Wenli, Li Xianbin, and She Wanbao.

Department of Education, Training and Youth Affairs: Transactions
(Question No. 1687)

Mr Tanner asked the Minister for Education, Training and Youth Affairs, upon notice, on 26 June 2000:

(1) How many individual transactions with individual members of the public were conducted by each agency in the Minister’s portfolio in (a) 1998-99 and (b) 1999-2000, and if available, what are the forecast figures for (c) 2000-01, (d) 2001-02, (e) 2002-03 and (f) 2003-04.

(2) What definition of transaction is used to determine these figures.

(3) What proportion of these transactions were or are expected to be conducted online.

(4) What was the total cost of administering these transactions for each agency in (a) 1998-99 and (b) 1999-2000 and what is the estimated cost for (c) 2000-01, (d) 2001-02, (e) 2002-03 and (f) 2003-04.

(5) What was the total cost of administering the online transactions in (a) 1998-99 and (b) 1999-2000 and what is the estimated cost for (c) 2000-01, (d) 2001-02, (e) 2002-03 and (f) 2003-04.

Dr Kemp—The answer to the honourable member’s question is as follows:

(a) Data for the 1998-99 financial year is not available due to the transfer of the Employment function under Administrative Orders in October 1998.

(b) Total Departmental transactions with individuals for the 99-00 financial year were: 7 316 transactions which included 2 168 Accounts Payable transactions and 5 148 Accounts Receivable transactions; of the 2 168 Accounts Payable transactions, 568 were paid to individuals as an online direct credit payment into their bank account. Note that multiple direct credits for an individual with common payment dates are consolidated into one online direct credit into the individual’s bank account. This is reflected in the low number of actual online payments.
Details of Accounts Payable Administered transactions with individuals for the 99-00 financial year were as follows: for the NAC programme the number of online transactions into individuals bank accounts totalled 25,650. for the remaining DETYA programmes, 150,418 transactions resulted in 69,880 online transactions.

(c), (d), (e), and (f): no forecasts of transaction volumes are available.

(2) “Individual members of the public”- assumed to be those who have identified themselves, or been identified, as “non-business individuals” – excludes employees and APMIS tutors

“transactions”

. Accounts Payable - submission of an invoice (individual to DETYA) or registration of a contract for payment is deemed to be one type of transaction; payment by DETYA into an individual bank account is a second type of transaction;

. Accounts Receivable – the issue of a DETYA invoice (to an individual) is one transaction, receipt of payment from the individual to DETYA is deemed to be second Accounts Receivable transaction.

“on-line transactions” – deemed to be those transactions (payments) made by DETYA onto an individuals’ bank account.

(3) The Accounts Payable transaction definition includes the initial receipt of an invoice from an individual. None of these transactions were received online for either Departmental or Administered transactions for the 99-00 financial year.

The Accounts Receivable transaction definition includes the issue of a DETYA invoice. No transactions were processed online.

DETYA’s online payment into an individual’s bank account for Departmental transactions averaged at least 53%.

DETYA’s online payment to an individual’s bank account for Administered transactions averaged 93%.

(4) The Department does not collect administration and system costs to effect payments to individuals.

(5) Data is not available on the cost to administer online transactions to individual members of the public.

Goods and Services Tax: Trade Portfolio Compliance

(Question No. 1766)

Mr Hatton asked the Minister for Trade, upon notice, on 14 August 2000:

(1) Is the Minister’s Department and agencies within the Minister’s portfolio compliant in respect of the Goods and Services Tax.

(2) What action did the Minister’s Department and agencies within the Minister’s portfolio take to ensure that they were GST ready by 1 July 2000.

(3) Is the Minister able to guarantee that no agency within the Minister’s portfolio will suffer negative impacts on its budget or services due to the GST; if not, or if the guarantee was subsequently proved incorrect, would the Minister be prepared to resign.

Mr Vaile—The answer to the honourable member’s question is as follows:

Austrade & Export Finance and Insurance Corporation (EFIC)

(1) In June 2000, the chief executives of Austrade and EFIC were asked to provide me with written confirmation that they would be able to comply with The New Tax System from 1 July 2000. I received such assurances from them.

(2) A special unit comprising two full time staff supported by other staff and private sector tax advisors as required was established by Austrade in October 1999. The unit, which was oversighted by a high level Steering Committee, was responsible for the interpretation of the new tax laws, changes to policy, procedures and systems, staff education and awareness and pricing matters.
EFIC commissioned a project in August 1999 to implement the GST. Following assistance from consultants, the project was staffed by a team from the finance and business areas of the Corporation, with the involvement of the internal auditors. The project was completed on schedule.

(3) The implementation and ongoing management of tax reform by agencies is the responsibility of their respective chief executive officers. While the Government will continue to monitor the impact of the implementation of the New Tax System, the reforms are not expected to reduce the level of funding of agencies in this portfolio in real terms.

**Goods and Services Tax: Communications, Information Technology and the Arts Portfolio Compliance**

(Question No. 1768)

Mr Hatton asked the Minister for Communications, Information Technology and the Arts, upon notice, on 14 August 2000:

(1) Is the Minister’s Department and agencies within the Minister’s portfolio compliant in respect of the Goods and Services Tax.

(2) What action did the Minister’s Department and agencies within the Minister’s portfolio take to ensure that they were GST ready by 1 July 2000.

(3) Is the Minister able to guarantee that no agency within the Minister’s portfolio will suffer negative impacts on its budget or services due to the GST; if not, or if the guarantee was subsequently proved incorrect, would the Minister be prepared to resign.

Mr McGauran—The Minister for Communications, Information Technology and the Arts has provided the following answer to the honourable member’s question:

(1) In June 2000, the chief executives of all agencies within my portfolio were asked to provide me with written confirmation that they would be able to comply with the New Tax System (NTS) from 1 July 2000. I received such assurances from all agencies.

(2) The Department

The Department of Communications, Information Technology and the Arts appointed a project team in August 1999 to manage GST issues within the portfolio. The project team included two full-time and one part-time staff members.

The Department’s GST compliance project involved the following activities:

- Identification of all departmental transactions and possible GST effects on those transactions.
- Review of current systems and procedures (including grants, contracts, administrative procedures and the Financial Management Information Systems (FMIS)).
- Configuration of systems and processes involved extensive training of staff responsible for grants, contracts and financial processes. The FMIS was reconfigured to meet the requirements of the NTS and for electronic reporting.

These activities were conducted over the period August 1999 – June 2000 in accordance with project deadlines.

In addition the Department’s project team provided assistance to portfolio agencies to achieve GST compliance. Agencies with limited resources were given direct assistance on GST compliance. A coordinating role was played with other agencies, such as leading consultation with the ATO on private rulings.

**Portfolio Agencies**

The actions taken by portfolio agencies in achieving GST compliance were monitored by the Department over the period January – June 2000. All agencies followed a similar process to that described for the Department, with slightly different emphasis depending on the nature of their business. Many agencies engaged consultants to assist in achieving GST compliance. The use of consultants was addressed in the answer to Senator Faulkner’s QON (21 June).
The implementation and ongoing management of tax reform by agencies is the responsibility of their respective chief executive officers or boards of management (as applicable). While the Government will continue to monitor the impact of the implementation of the NTS, the reforms are not expected to reduce the level of funding of agencies in this portfolio in real terms.

**Goods and Services Tax: Foreign Affairs and Trade Portfolio Compliance**

(Question No. 1771)

Mr Hatton asked the Minister for Foreign Affairs, upon notice, on 14 August 2000:

1. Is the Minister’s Department and agencies within the Minister’s portfolio compliant in respect of the Goods and Services Tax.
2. What action did the Minister’s Department and agencies within the Minister’s portfolio take to ensure that they were GST ready by 1 July 2000.
3. Is the Minister able to guarantee that no agency within the Minister’s portfolio will suffer negative impacts on its budget or services due to the GST; if not, or if the guarantee was subsequently proved incorrect, would the Minister be prepared to resign.

Mr Downer—The answer to the honourable member’s question is as follows:

Department of Foreign Affairs and Trade (DFAT), AusAID and Australia Japan Foundation (AJF)

1. In June 2000, the chief executives of DFAT, AusAID and AJF were asked to provide me with written confirmation that they would be able to comply with The New Tax System from 1 July 2000. I received such assurances from them.

2. A Steering Committee to oversee the implementation of GST was established in the Department of Foreign Affairs and Trade, as well as a Taskforce and Reference Groups to address policy, pricing, procedural and systems issues. The implementation was managed by a team of 3 staff and supported by other staff as required. Consultants were engaged for specific issues. All areas within the Department were provided with briefings and training.

AusAID established a GST Implementation Steering Committee (GSTISC) to handle the implementation of The New Tax System. The GSTISC issued a Circular to all staff to provide guidance on The New Tax System. A series of training sessions were also held covering contracting, invoicing and system issues.

The Australia-Japan Foundation operates as a separate agency on the Department’s electronic accounting system and received certification of system compliancy from DFAT. It participated in DFAT’s Taskforce and Reference Groups. It undertook its own scoping process. Secretariat staff received briefing and training from DFAT and undertook relevant DoFA and commercially available seminars throughout the implementation period.

3. The implementation and ongoing management of tax reform by agencies is the responsibility of their respective chief executive officers or boards of management (as applicable). While the Government will continue to monitor the impact of the implementation of The New Tax System, the reforms are not expected to reduce the level of funding of agencies in this portfolio in real terms.

While AusAID will continue to monitor the impact of the implementation of the New Tax System, the GST is not expected to have any significant impact on the global aid budget or delivery of the aid program.

**Goods and Services Tax: Agriculture, Fisheries and Forestry Portfolio Compliance**

(Question No. 1779)

Mr Hatton asked the Minister for Agriculture, Fisheries and Forestry, upon notice, on 14 August 2000:

1. Is the Minister’s Department and agencies within the Minister’s portfolio compliant in respect of the Goods and Services Tax.
(2) What action did the Minister’s Department and agencies within the Minister’s portfolio take to ensure that they were GST ready by 1 July 2000.

(3) Is the Minister able to guarantee that no agency within the Minister's portfolio will suffer negative impacts on its budget or services due to the GST; if not, or if the guarantee was subsequently proved incorrect, would the Minister be prepared to resign.

Mr Truss—The answer to the honourable member’s question is as follows:

(1) In June 2000, the chief executives of all agencies within my portfolio were asked to provide me with written confirmation that they would be able to comply with the New Tax System from 1 July 2000. I received such assurances from each agency.

(2) The GST implementation unit in DoFA assisted agencies with their preparations for the New Tax System by coordinating the provision of financial, taxation and business management advice to enable them to adjust their business to operate in the new tax environment.

As part of this role, the GST Implementation Unit:
- organised a GST manual and two series of associated seminars for agencies;
- provided advice and information to agencies through specialist officers in the Unit;
- arranged for an out-sourced helpdesk; gave presentations on a range of issues; maintained a GST website; issued frequent news sheets;
- established a panel of accredited consultants; coordinated a log of issues that needed to be referred to the ATO; and
- worked with agencies and systems suppliers to ensure the agencies’ systems needs would be met.

The Department of Agriculture Fisheries and Forestry and its portfolio agencies also undertook the following actions to ensure that they were GST ready:
- all systems and practices were reviewed to determine which would need amending to accommodate the new tax regime;
- advice was sought from the Treasury, the GST Implementation Unit in DoFA, the Australian Tax Office and independent consultants to determine the applicability of the GST to different activities, operations and transactions;
- systems and practices were either developed or modified. The systems were tested to ensure that they were to cater for the New Tax System; and
- staff in portfolio agencies were trained in the application of the New Tax System and in the changed systems and procedures.

Post implementation reviews were also conducted to ensure that the requirements of the new tax regime were being complied with.

(3) The implementation and ongoing management of tax reform by agencies is the responsibility of their respective chief executive officers or boards of management (as applicable). While the government will continue to monitor the impact of the implementation of the New Tax System, the reforms are not expected to reduce the level of funding of agencies in this portfolio in real terms.

Director of Public Prosecutions: Budget

(Question No. 1789)

Mr McClelland asked the Attorney-General, upon notice, on 14 August 2000:

(1) What was the budget for the Office of the Director of Public Prosecutions (DPP) in (a) 1998-9, (b) 1999-2000 and (c) 2000-01.

(2) How much of each of those budget amounts was or is earmarked for salaries for legal officers.

(3) When those salary components were identified, were any external comparisons made to remuneration of solicitors in private practice or to legal officers in other Commonwealth agencies: if not, why not.
(4) How many solicitors at Level 2 or above have left the DPP in the period January 1998 to August 2000.

(5) How many of those who left the DPP gave remuneration as a reason.

(6) If the information sought in part (5) is not available, why not.

(7) Is he able to say whether a solicitor at Level 2 in the Department of Employment, Workplace Relations and Small Business base salary is $81,692 with increments to $86,247.

**Mr Williams**—The answer to the honourable member’s question is as follows:

(1) I am advised that the budget for the DPP in the last 3 financial years is as follows:

   (a) Cash Budget 1998/1999  $55.177m
   (b) Accrual Budget 1999/2000  $56.176m
   (c) Accrual Budget 2000/2001  $58.105m

(2) I am advised that budgets allocated for salaries are not earmarked for any particular group of staff. Each Office of the DPP is allocated a budget which covers all of its running costs, including salaries. Salary budgets are allocated from this according to priorities and needs. However, the high percentage of legal staff within each Office ensures that a substantial portion of the budget is used for the payment of their salaries and salary on costs such as superannuation.

(3) I am advised that comparisons, both internal to the Commonwealth and external to the Commonwealth, are undertaken from time to time.

(4) I am advised that 17 Principal Legal Officers have left the DPP in the period January 1998 to August 2000.

(5) I am advised that one Principal Legal Officer identified remuneration as a reason for leaving. Typically, the majority of staff who leave the DPP at that level do so to further their career in law, by either moving to the Bar or private practice or to undertake judicial appointments. Many see the DPP as a useful stepping stone to further their career opportunities.

(6) The information is available (see answer to question 5).

(7) I am advised that Principal Government Lawyers employed at the Department of Employment, Workplace Relations and Small Business (DEWRSB) who are at the top increment of the salary range receive a salary of $81,692. Under the DEWRSB Certified Agency Agreement 2000-2002, that salary will increase to $84,143 on 7 December 2000 and to $86,247 on 13 September 2001.

**Judiciary: Superannuation Surcharge**

(Question No. 1811)

**Mr Kelvin Thomson** asked the Minister representing the Assistant Treasurer, upon notice, on 15 August 2000:

Have all judges been sent their superannuation surcharge notice and have all judges met all their superannuation surcharge liabilities.

**Mr Costello**—The Assistant Treasurer has provided the following answer to the honourable member’s question:

No, because not all judges are subject to surcharge. Those that were appointed prior to the legislation receiving Royal Assent are excluded from the operation of the measure and these have been identified.

Membership of judges’ pension schemes, usually constitutionally protected schemes, is not necessarily restricted to judges. Members can include other officers of the courts, such as, magistrates, industrial relations commissioners, prothonotaries, registrars and masters and also solicitors-general and directors of public prosecution, none of whom are excluded from the operation of the surcharge law. There is no justification for specifically identifying non-excluded judges as members of those schemes.

Surcharge assessments for the financial years ended 30 June 1997, 1998 and 1999 have issued to members of constitutionally protected schemes.
The Commissioner of Taxation is required to keep surcharge debt accounts for members of constitutionally protected schemes. Payment of the amount in the surcharge debt account is not required until a retirement benefit is paid by the scheme to the member, although the member may choose to pay the liability as it arises.

**Department of the Prime Minister and Cabinet: Salary and Staffing Levels**

(Question No. 1822)

Mr Tanner asked the Prime Minister, upon notice, on 16 August 2000:

In 1999-2000 in the Minister’s Department, what was the (a) average salary paid in each Australian Public Service salary band and (b) average staffing level (average number of employees) for each band.

Mr Howard—The answer to the honourable member’s question is as follows:

I am advised by my department as follows:

<table>
<thead>
<tr>
<th>(a) APS Level</th>
<th>Nil</th>
<th>(b) Nil</th>
</tr>
</thead>
<tbody>
<tr>
<td>APS Level 2</td>
<td>$30,284</td>
<td>15</td>
</tr>
<tr>
<td>APS Level 3</td>
<td>$32,546</td>
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<td>APS Level 4</td>
<td>$38,130</td>
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<td>APS Level 5</td>
<td>$42,704</td>
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<td>APS Level 6</td>
<td>$48,147</td>
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<tr>
<td>Executive Level 1</td>
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<tr>
<td>Executive Level 2</td>
<td>$70,671</td>
<td>64</td>
</tr>
<tr>
<td>SES</td>
<td>$95,405</td>
<td>44</td>
</tr>
</tbody>
</table>

The department’s actual staffing figure at 30 June 2000 was 381.

**Department of Foreign Affairs and Trade: Salary and Staffing Levels**

(Questions Nos 1825 and 1830)

Mr Tanner asked the Minister for Foreign Affairs and the Minister for Trade, upon notice, on 16 August 2000:

In 1999-2000 in the Minister’s Department, what was the (a) average salary paid in each Australian Public Service salary band and (b) average staffing level (average number of employees) for each band.

Mr Downer—The answer to the honourable member’s question is as follows:

As indicated above, the honourable member has asked identical questions of both ministers

In 1999-2000 the average salary paid by the Department of Foreign Affairs and Trade was:

(i) $26,441 at APS Level 1
(ii) $30,612 at APS Level 2
(iii) $34,807 at APS Level 3
(iv) $39,020 at APS Level 4
(v) $42,362 at APS Level 5
(vi) $47,833 at APS Level 6
(vii) $59,117 at Executive Level 1
(viii) $69,710 at Executive Level 2
(ix) $84,219 at SES Band 1
(x) $104,508 at SES Band 2
(xi) $126,406 at SES Band 3
(xii) $72,506 at SES Specialist Band 1
(xiii) $76,211 at SES Specialist Band 2
(xiv) $75,373 at Medical Officer Grade 2  
(xv) $94,583 at Medical Officer Grade 4  

(b) For deployment and management of staff the Department of Foreign Affairs and Trade uses full time equivalent (FTE) averages by broadband and not by APS level. In 1999-2000 the Department had an FTE average staffing level of  
(ii) 796.5 at Broadband 1 (APS 1-4)  
(iii) 773.3 at Broadband 2 (APS 5-Exec 1)  
(iv) 248.5 at Broadband 3 (Exec 2)  
(v) 94 at SES Band 1  
(vi) 44 at SES Band 2  
(vii) 11.5 at SES Band 3  
(viii) 1 at SES Specialist Band 1  
(ix) 1 at SES Specialist Band 2  
(x) 5 at Medical Officer Grade 2  
(xi) 1 at Medical Officer Grade 4  

Department of Family and Community Services: Salary and Staffing Levels  
(Question No. 1829)  

Mr Tanner asked the Minister representing the Minister for Family and Community Services, upon notice, on 16 August 2000:  

In 1999-2000 in the Minister’s Department, what was the (a) average salary paid in each Australian Public Service salary band and (b) average staffing level (average number of employees) for each band.  

Mr Anthony—The Minister for Family and Community Services has provided the following answer to the honourable member’s question:  

Department of Family and Community Services  

<table>
<thead>
<tr>
<th>APS Salary Band</th>
<th>Average Salary</th>
<th>ASL for Band</th>
</tr>
</thead>
<tbody>
<tr>
<td>Australian Public Service Level 1</td>
<td>$23,179 pa</td>
<td>37</td>
</tr>
<tr>
<td>Australian Public Service Level 2</td>
<td>$30,815 pa</td>
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<tr>
<td>Australian Public Service Level 3</td>
<td>$35,074 pa</td>
<td>237</td>
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<td>Australian Public Service Level 4</td>
<td>$38,921 pa</td>
<td>651</td>
</tr>
<tr>
<td>Australian Public Service Level 5</td>
<td>$43,199 pa</td>
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<td>Australian Public Service Level 6</td>
<td>$48,196 pa</td>
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<tr>
<td>Research Officer 1</td>
<td>$32,616 pa</td>
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</tr>
<tr>
<td>Graduates</td>
<td>$28,857 pa</td>
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<tr>
<td>Executive Level 1</td>
<td>$58,376 pa</td>
<td>348</td>
</tr>
<tr>
<td>Executive Level 2</td>
<td>$71,414 pa</td>
<td>156</td>
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<td>Senior Executive Service Band 1</td>
<td>$90,908 pa</td>
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<tr>
<td>Senior Executive Service Band 2</td>
<td>$107,383 pa</td>
<td>8</td>
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<tr>
<td>Senior Executive Service Band 3 and the Secretary</td>
<td>$162,987 pa</td>
<td>3</td>
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Child Support Agency  

<table>
<thead>
<tr>
<th>APS Salary Band</th>
<th>Average Salary</th>
<th>ASL for Band</th>
</tr>
</thead>
<tbody>
<tr>
<td>Australian Public Service Level 1</td>
<td>$23,043 pa</td>
<td>113</td>
</tr>
<tr>
<td>Graduate</td>
<td>$27,757 pa</td>
<td>17</td>
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<tr>
<td>Australian Public Service Level 2</td>
<td>$29,712 pa</td>
<td>164</td>
</tr>
<tr>
<td>APS Salary Band</td>
<td>Average Salary</td>
<td>ASL for Band</td>
</tr>
<tr>
<td>--------------------------------------------------</td>
<td>----------------</td>
<td>--------------</td>
</tr>
<tr>
<td>Australian Public Service Level 3</td>
<td>$33,354 pa</td>
<td>1264</td>
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<tr>
<td>Australian Public Service Level 4</td>
<td>$37,343 pa</td>
<td>444</td>
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<td>Australian Public Service Level 5</td>
<td>$41,113 pa</td>
<td>229</td>
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<td>Australian Public Service Level 6</td>
<td>$45,952 pa</td>
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<tr>
<td>Executive Level 1</td>
<td>$57,441 pa</td>
<td>95</td>
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<tr>
<td>Executive Level 2</td>
<td>$71,455 pa</td>
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<tr>
<td>Senior Executive Service Bands 1 &amp; 2</td>
<td>$90,555 pa</td>
<td>6</td>
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</table>

**CRS Australia**

<table>
<thead>
<tr>
<th>APS Salary Band</th>
<th>Average Salary</th>
<th>ASL for Band</th>
</tr>
</thead>
<tbody>
<tr>
<td>Australian Public Service Level 1</td>
<td>$26,589 pa</td>
<td>136.73</td>
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<tr>
<td>Australian Public Service Level 2</td>
<td>$29,708 pa</td>
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<tr>
<td>Australian Public Service Level 3</td>
<td>$34,255 pa</td>
<td>94.65</td>
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<tr>
<td>Australian Public Service Level 4</td>
<td>$37,464 pa</td>
<td>30.6</td>
</tr>
<tr>
<td>Australian Public Service Level 5</td>
<td>$41,663 pa</td>
<td>16.1</td>
</tr>
<tr>
<td>Australian Public Service Level 6</td>
<td>$48,397 pa</td>
<td>84.8</td>
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<tr>
<td>Executive Level 1</td>
<td>$58,664 pa</td>
<td>31.75</td>
</tr>
<tr>
<td>Executive Level 2</td>
<td>$73,129 pa</td>
<td>10.5</td>
</tr>
<tr>
<td>Rehabilitation Consultant Level 1</td>
<td>$37,384 pa</td>
<td>381.28</td>
</tr>
<tr>
<td>Rehabilitation Consultant Level 2</td>
<td>$47,093 pa</td>
<td>563.36</td>
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<tr>
<td>Senior Executive Service Bands 1 &amp; 2</td>
<td>$103,427 pa</td>
<td>2</td>
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**Social Security Appeals Tribunal**

<table>
<thead>
<tr>
<th>APS Salary Band</th>
<th>Average Salary</th>
<th>ASL for Band</th>
</tr>
</thead>
<tbody>
<tr>
<td>Australian Public Service Level 1</td>
<td>$27,478 pa</td>
<td>2.05</td>
</tr>
<tr>
<td>Australian Public Service Level 2</td>
<td>$31,107 pa</td>
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</tr>
<tr>
<td>Australian Public Service Level 3</td>
<td>$35,533 pa</td>
<td>29.1</td>
</tr>
<tr>
<td>Australian Public Service Level 4</td>
<td>$39,672 pa</td>
<td></td>
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<tr>
<td>Australian Public Service Level 5</td>
<td>$43,673 pa</td>
<td>6.1</td>
</tr>
<tr>
<td>Australian Public Service Level 6</td>
<td>$48,822 pa</td>
<td></td>
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<tr>
<td>Executive Level 1</td>
<td>$59,298 pa</td>
<td>3</td>
</tr>
<tr>
<td>Executive Level 2</td>
<td>$73,068 pa</td>
<td>1</td>
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**Centrelink**

<table>
<thead>
<tr>
<th>APS Salary Band</th>
<th>Average Salary</th>
<th>ASL for Band</th>
</tr>
</thead>
<tbody>
<tr>
<td>Australian Public Service Level 1</td>
<td>$22,873 pa</td>
<td>256.66</td>
</tr>
<tr>
<td>Australian Public Service Level 2</td>
<td>$26,563 pa</td>
<td>254.22</td>
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<tr>
<td>Australian Public Service Level 3</td>
<td>$31,575 pa</td>
<td>2,264.34</td>
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<td>$36,484 pa</td>
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<td>Australian Public Service Level 5</td>
<td>$41,484 pa</td>
<td>3,233.34</td>
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<tr>
<td>Australian Public Service Level 6</td>
<td>$45,654 pa</td>
<td>1,845.36</td>
</tr>
<tr>
<td>Executive Level 1</td>
<td>$58,499 pa</td>
<td>1,050.43</td>
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<tr>
<td>Executive Level 2</td>
<td>$71,786 pa</td>
<td>452.52</td>
</tr>
<tr>
<td>Senior Executive Service Bands 1</td>
<td>$85,317 pa</td>
<td>53.7</td>
</tr>
<tr>
<td>Senior Executive Service Bands 2 and 3</td>
<td>$133,150 pa</td>
<td>8.31</td>
</tr>
</tbody>
</table>
Pension Recipients: Victoria
(Question No. 1909)

Ms Burke asked the Minister representing the Minister for Family and Community Services, upon notice, on 31 August 2000:

(1) On the most recent data, how many aged pension recipients reside in the postcode areas of (a) 3148, (b) 3149, (c) 3150, (d) 3151, (e) 3166, (f) 3167, (g) 3168 and (h) 3127.

(2) On the most recent data, how many disability pension recipients reside in the postcode areas of (a) 3127 (b) 3129, (c) 3125, (d) 3147, (e) 3148, (f) 3149, (g) 3150, (h) 3151, (i) 3166, (j) 3167, (k) 3168 and (l) 3128.

Mr Anthony—The Minister for Family and Community Services has provided the following answer to the honourable member’s question:

(1) (a) 1341, (b) 3352, (c) 4547, (d) 1149, (e) 2212, (f) 1427, (g) 2114, and (h) 1188.

(2) (a) 188, (b) 305, (c) 388, (d) 317, (e) 345, (f) 571, (g) 762, (h) 291, (i) 623, (j) 378, (k) 541, and (l) 445.

Lifelong Learning Project
(Question No. 1918)

Mr Latham asked the Minister for Education, Training and Youth Affairs, upon notice, on 4 September 2000:

(1) What are the findings and recommendations of ANTA's Lifelong Learning Project.

(2) What progress has been made in the implementation of this report.

Dr Kemp—The answer to the honourable member’s question is as follows:

(1) It is assumed that the question refers to the ANTA national marketing strategy project which is the result of work on lifelong learning and the development of a training culture.

The project found that the majority of Australians value learning, but that this does not always translate into participation in education and training for some segments of the community. The project identified 11 market segments of Australian employers and individuals based on attitudes towards learning.

The final report to the ANTA Ministerial Council entitled National marketing strategy for VET: Meeting client needs (June 2000) outlined strategies and initiatives for each of the segments and overarching initiatives to be addressed by the VET sector. The marketing strategy (including all strategies and initiatives) is available on the ANTA website along with key research documents produced as part of the project.

(2) Marketing strategies have been developed to encourage Australian employers to strengthen their investment in employees’ skills and to address the needs of people considered at risk of dropping out of learning. On 30 June 2000, the ANTA Ministerial Council approved, in principle, the implementation of four marketing strategies targeting Australian enterprises and identified groups within the general community. ANTA is working on implementation of those strategies.

Child-Care Centres: Qualified Preschool Teachers
(Question No. 1923)

Mr Latham asked the Minister representing the Minister for Family and Community Services, upon notice, on 4 September 2000:

(1) What proportion of Australia’s child care centres employ qualified preschool teachers.

(2) Does the Government propose to increase the component of preschool education in the child care sector; if so, what are the details of this initiative.
Mr Anthony—The Minister for Family and Community Services has provided the following answer to the honourable member’s question:

(1) The Commonwealth Department of Family and Community Services’ 1999 Census of Child Care Services data indicates that of the 3633 long day care centres surveyed, 2017 centres (56%) responded that they had at least one staff member who was a qualified teacher in early childhood.

Also, 41% of centres are providing an in-house preschool program run by a qualified early childhood teacher.

(2) The provision of preschool education is a responsibility of State and Territory Governments, some of which also provide funding for preschool programs in long day care centres.

In relation to long day care centres, consideration of the developmental appropriateness of all activities affecting the children is central to accreditation by the National Child Care Accreditation Council (NCAC) achieved through participation in the Commonwealth’s Quality Improvement and Accreditation System (QIAS). This requirement ensures age appropriate programs are provided, including programs preparing children in long day care centres for the transition to formal primary school education.

Note: Participation in the Commonwealth’s QIAS is voluntary for long day care centres. However, as a very strong incentive to participate, eligibility to access Child Care Benefit on behalf of families using the service is directly linked to accreditation by the NCAC.