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SITTING DAYS—2001

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RADIO BROADCASTS
Broadcasts of proceedings of the Parliament can be heard on the following
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   CANBERRA  1440 AM
       SYDNEY  630 AM
     NEWCASTLE  1458 AM
       BRISBANE  936 AM
     MELBOURNE  1026 AM
       ADELAIDE  972 AM
        PERTH  585 AM
      HOBART  729 AM
       DARWIN  102.5 FM
Mr SPEAKER (Mr Neil Andrew) took the chair at 9.30 a.m., and read prayers.

HOWARD GOVERNMENT: ECONOMIC AND FISCAL POLICIES

Mr BEAZLEY (Brand—Leader of the Opposition) (9.31 a.m.)—I move:

That so much of the standing and sessional orders be suspended as would prevent the Leader of the Opposition moving a motion requiring the Government to immediately instruct the Secretary to the Department of the Treasury and the Secretary to the Department of Finance to publicly provide a report on the Commonwealth’s economic and fiscal outlook, noting:

(a) the significant full time job losses since the introduction of the GST;
(b) the serious fiscal deterioration associated with backflips on the GST;

Government members interjecting—

Mr SPEAKER—The Leader of the Opposition has the call. He is entitled not only to be heard in silence but also to be heard by the chair.

Mr BEAZLEY—The motion continues:

(c) the Howard/Costello Government as the highest taxing government in our history;
(d) the halving of Australia’s growth rate as a result of the GST, and before the world economic downturn; and
(e) the doubling of Australia’s inflation rate in the year of the GST;

so that:

(a) Australians are given an honest picture of the state of the Commonwealth’s books ahead of the forthcoming federal election; and

(b) all parties have the opportunity to responsibly detail their financial commitments before the calling of the election; and the motion being debated forthwith.

Mr Speaker, the government is in a—

Motion (by Mr McGauran) put:

That the member be not further heard.

The House divided. [9.36 a.m.]

(Mr Speaker—Mr Neil Andrew)

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<th>73</th>
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<td>Noes</td>
<td>62</td>
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<td>Majority</td>
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AYES

Abbott, A.J.  Anderson, J.D.
Andrews, K.J.  Anthony, L.J.
Bailey, F.E.  Baird, B.G.
Barresi, P.A.  Bartlett, K.J.
Billson, B.F.  Bishop, B.K.
Bishop, J.I.  Brough, M.T.
Cadman, A.G.  Cameron, R.A.
Causley, I.R.  Costello, P.H.
Draper, P.  Elson, K.S.
Eatsch, W.G.  Fahey, J.J.
Fischer, T.A.  Forrest, J.A.*
Gallus, C.A.  Gambaro, T.
Gash, J.  Georgiou, P.
Haase, B.W.  Hardgrave, G.D.
Hawker, D.P.M.  Hockey, J.B.
Hull, K.E.  Jull, D.F.
Kelly, D.M.  Kelly, J.M.
Kemp, D.A.  Lawler, A.J.
Lindsay, P.J.  Lloyd, J.E.
Maclaurian, I.E.  May, M.A.
McArthur, S.*  McGauran, P.J.
Moylan, J. E.  Nairn, G. R.
Nehl, G. B.  Nelson, B.J.
Neville, P.C.  Pearce, C.J.
Prosser, G.D.  Pyne, C.
Reith, P.K.  Ronaldson, M.J.C.
Ruddock, P.M.  Schultz, A.
Scott, B.C.  Secker, P.D.
Sliper, P.N.  Somlyay, A.M.
Southcott, A.J.  St Clair, S.R.
Stone, S.N.  Sullivan, K.J.M.
Thompson, C.P.  Thomson, A.P.
Truss, W.E.  Tuckey, C.W.
Vail, M.A.J.  Vale, D.S.
Wakelin, B.H.  Washer, M.J.
Williams, D.R.  Woolridge, M.R.L.
Worth, P.M.  Worth, P.M.

NOES

Adams, D.G.H.  Albanese, A.N.
Beazley, K.C.  Bevis, A.R.
Berretton, L.J.  Burke, A.E.
Byrne, A.M.  Corcoran, A.K.
Cox, D.A.  Crean, S.F.
Crosio, J.A.  Edwards, G.J.
Emerson, C.A.  Evans, M.J.
Ferguson, L.D.T.  Ferguson, M.J.
Fitzgibbon, J.A.  Gerick, J.F.
Gibbons, S.W.  Gillard, J.E.
Hatton, M.J.  Hoare, K.J.
Mr CREAN (Hotham) (9.40 a.m.)—Record high taxes, job losses, the GST—

Motion (by Mr McGauran) put:

That the member be not further heard.

The House divided. [9.42 a.m.]

(Mr Speaker—Mr Neil Andrew)

Ayes……………… 73
Noes……………… 62
Majority………… 11

AYES

Abbott, A.J. Anderson, J.D. Hull, K.E. Jull, D.F.
Andrews, K.J. Anthony, L.J. Kelly, D.M. Kelly, J.M.
Bailey, F.E. Baird, B.G. Kemp, D.A. Lawler, A.J.
Barresi, P.A. Bartlett, K.J. Lindsay, P.J. Lloyd, J.E.
Billson, B.F. Bishop, D.A. Macfarlane, I.E. May, M.A.
Cadman, A.G. Cameron, R.A. Moynan, J. E. Nairn, G. R.
Causley, I.R. Costello, P.H. Nehl, G. B. Nelson, B.J.
Draper, P. Elson, K.S. Neville, P.C. Pearce, C.J.
Entsch, W.G. Fahey, J.J. O’Byrne, M.A. Pyne, C.
Fischer, T.A. Forrest, J.A. * Prosser, G.D. Pyne, C.
Gallus, C.A. Gambino, T. Short, L.M. Short, L.M.
Gasior, P. Georgiou, P. Sidebottom, P.S. Smith, S.F.
Haase, B.W. Hardgrave, G.D. Snowdon, W.E. Snowdon, W.E.
Hawker, D.P.M. Hockey, J.B. Tanner, L. Thomson, A.P.

Hull, K.E. Jull, D.F.
Kelly, D.M. Kelly, J.M.
Kemp, D.A. Lawler, A.J.
Lindsay, P.J. Lloyd, J.E.
Macfarlane, I.E. May, M.A.
McArthur, S. * McGauran, P.J.
Moynan, J. E. Nairn, G. R.
Nehl, G. B. Nelson, B.J.
Neville, P.C. Pearce, C.J.
O’Byrne, M.A. Pyne, C.
O’Keefe, N.P. Pyne, C.
Price, L.R.S. Price, L.R.S.
Ruddock, P.M. Ruddock, P.M.
Reith, P.K. Scott, B.C.
Ruddock, P.M. Scott, B.C.
Somlyay, A.M. Somlyay, A.M.
St Clair, S.R. Sullivan, K.J.M.
Thompson, A.P. Thomson, C.P.
Tuckey, C.W. Truss, W.E.
Vale, D.S. Waikelin, B.H.
Wampler, J.M. Williams, D.R.
Woolridge, M.R.L. Worth, P.M.

NOES

Adams, D.G.H. Albanese, A.N.
Beazley, K.C. Bevis, A.R.
Beretor, L.J. Burke, A.E.
Byrne, A.M. Corcoran, A.K.
Cox, D.A. Crean, S.F.
Croso, I.A. Edwards, G.J.
Emerson, C.A. Evans, M.I.
Ferguson, D.T. Ferguson, M.J.
Fitzgibbon, J.A. Gerick, J.F.
Gibbons, S.W. Gillard, J.E.
Hatton, M.J. Hoare, K.J.
Hollis, C. Horne, R.
Irwin, J. Jenkins, H.A.
Kernot, C. Kerr, D.J.C.
Kerr, D.J.C. Lee, M.J.
Latham, M.W. Macklin, J.L.
Livermore, K.F. Martin, S.P.
McClennan, J.S. McLeay, L.B.
McMullan, R.F. Melham, D.
Mossfield, F.W.
Murphy, J. P. O’Byrne, M.A.
O’Connor, A.K.
Price, L.R.S.
Ripoll, B.F.
Ruddock, P.M.
Ruddock, P.M.
Somlyay, A.M.
St Clair, S.R.
Sullivan, K.J.M.
Thompson, A.P.
Tuckey, C.W.
Vale, D.S.
Waikelin, B.H.
Wampler, J.M.
Woolridge, M.R.L.

* denotes teller

Question so resolved in the affirmative.
PAIRS

Charles, R.E. Griffin, A.P.
Downer, A.J.G. Lawrence, C.M.
Lieberman, L.S. Hall, J.G.

* denotes teller

Question so resolved in the affirmative.

Original question put:
That the motion (Mr Beazley's) be agreed to.

The House divided. [9.44 a.m.]

(Mr Speaker—Mr Neil Andrew)

Ayes………….. 62
Noes………….. 73

Majority……….. 11

AYES

Adams, D.G.H. Albanese, A.N.
Beazley, K.C. Bevis, A.R.
Briske, L.J. Burke, A.E.
Byrne, A.M. Corcoran, A.K.
Cox, D.A. Crean, S.F.
Crosio, J.A. Edwards, G.J.
Emerson, C.A. Evans, M.J.
Ferguson, L.D.T. Ferguson, M.J.
Fitzgibbon, J.A. Gerick, J.F.
Gibbons, S.W. Gillard, J.E.
Hatton, M.J. Hoare, K.J.
Hollis, C. Horne, R.
Irwin, J. Jenkins, H.A.
Kiernt, C. Kerr, D.J.C.
Latham, M.W. Lee, M.J.
Livermore, K.F. Macklin, J.L.
Martin, S.P. McClennan, R.B.
McFarlane, J.S. McLeay, L.B.
McMullan, R.F. Melham, D.
Morris, A.A. Mossfield, F.W.
Murphy, J.P. O'Byrne, M.A.
O'Connor, G.M. O'Keefe, N.P.
Paisley, T. Price, L.R.S.
Quick, H.V. Ripoll, B.F.
Roxon, N.J. Rudd, K.M.
Sawford, R.W. * Sciacca, C.A.
Sercombe, R.C.G. * Short, L.M.
Sidebottom, P.S. Smith, S.F.
Snowdon, W.E. Swan, W.M.
Tanner, L. Thomson, K.J.
Wilkie, K. Zahra, C.J.

NOES

Abbott, A.J. Anderson, J.D.
Andrews, K.J. Anthony, L.J.
Bailey, F.E. Baird, B.G.
Barresi, P.A. Bartlett, B.G.
Billson, B.F. Bishop, B.K.
Bishop, J.I. Brough, M.T.
Cadman, A.G. Cameron, R.A.
Causley, I.R. Costello, P.H.
Draper, P. Elson, K.S.
Eatsch, W.G. Fahey, J.J.
Fischer, T.A. Forrest, J.A.*
Gallus, C.A. Gambaro, T.
Gash, J. Georgiou, P.
Haase, B.W. Hardgrave, G.D.
Hawker, D.P.M. Hockey, J.B.
Hull, K.E. Jull, D.F.
Kelly, D.M. Kelly, J.M.
Kemp, D.A. Lawler, A.J.
Lindsay, P.J. Lloyd, J.E.
Macfarlane, I.E. May, M.A.
McArthur, S. * McGauran, P.J.
Moylan, J. E. Nairn, G. R.
Nehl, G. B. Nelson, B.J.
Neville, P.C. Pearce, C.J.
Prosser, G.D. Pyne, C.
Reith, P.K. Ronaldson, M.J.C.
Ruddock, P.M. Schultz, A.
Scott, B.C. Secker, P.D.
Slipper, P.N. Somlyay, A.M.
Southcott, A.J. St Clair, S.R.
Stone, S.N. Sullivan, K.J.M.
Thompson, C.P. Thomson, A.P.
Truss, W.E. Tuckey, C.W.
Vaile, M.A.J. Vale, D.S.
Wakelin, B.H. Washer, M.J.
Williams, D.R. Woolridge, M.R.L.
Worth, P.M.

PAIRS

Griffin, A.P. Charles, R.E.
Hall, J.G. Lieberman, L.S.
Lawrence, C.M. Downer, A.J.G.

* denotes teller

Question so resolved in the negative.

MIGRATION LEGISLATION AMENDMENT (PROCEDURAL FAIRNESS) BILL 2001

First Reading
Bill presented by Mr Ruddock, and read a first time.

Second Reading
Mr RUDDOCK (Berowra—Minister for Immigration and Multicultural Affairs and Minister for Reconciliation and Aboriginal and Torres Strait Islander Affairs) (9.48 a.m.)—I move:

That the bill be now read a second time.
This bill amends the Migration Act 1958 to restore the original intention of parliament and to ensure that all a decision maker needs to do to make a lawful decision in relation to visas is to comply with the codes of procedure as set out in the Migration Act.

The Migration Reform Act 1992 introduced codes of procedure for dealing fairly, efficiently and quickly with the processing of visa applications. It also introduced other detailed codes of procedure for the cancellation of visas and the revocation of the cancellation of visas. In 1998, similar codes of procedure for the Migration Review Tribunal and the Refugee Review Tribunal were enhanced.

The parliament’s legislative intention was to establish codes that would enable decision makers to deal with visa applications and cancellations fairly, efficiently and quickly. It was also intended that they should replace the uncertain common law natural justice or procedural fairness ‘hearing rule’ requirements which had previously applied to visa decision makers.

However, the recent High Court decision of re Minister for Immigration and Multicultural Affairs ex parte Miah [2001] HCA 22 found that the code of procedure for making decisions about visa applications had not clearly and explicitly replaced the common law natural justice or procedural fairness ‘hearing rule’.

This meant that even where the decision maker had followed the code in every single respect, there could still be a breach of the natural justice or procedural fairness ‘hearing rule’. The consequence was a return of the legal uncertainty about the procedures which decision makers are required to follow to make lawful decisions.

The majority of the court emphasised that parliament’s intention to exclude natural justice must be made unmistakably clear. It concluded that this intention was not made apparent in relation to the code of procedure for dealing with visa applications.

Therefore the purpose of this bill is to make it expressly clear that particular codes in the Migration Act do exhaustively state the requirements of the natural justice or procedural fairness ‘hearing rule’.

This will have the effect that common law requirements relating to the natural justice or procedural fairness ‘hearing rule’ are excluded.

The key amendments will affect the codes of procedure contained in the act, relating to:

- Visa applications;
- Visa cancellations under sections 109 and 116;
- Revocations of visa cancellations without notice under section 128; and
- The conduct of reviews by the merits review tribunals.

I reiterate that these amendments are necessary to restore the original intention for having codes of procedure that allow fair, efficient and legally certain decision making processes.

I commend the bill to the chamber and table the explanatory memorandum.

Mr SPEAKER—The debate must now be adjourned.

Mr Kerr—In moving that the debate be adjourned, might I say that it is apparent that the bill cannot progress through this parliament and I am surprised at the minister taking this course—

Mr SPEAKER—Order! The member for Denison will resume his seat.

Mr Ruddock interjecting—

Mr Kerr—I invite the minister to move—

Mr SPEAKER—The member for Denison!

Mr Kerr—The minister interjected—

Mr SPEAKER—The member for Denison is warned!

Debate (on motion by Mr Kerr) adjourned.

INTERNATIONAL TAX AGREEMENTS AMENDMENT BILL 2001
First Reading

Bill presented by Mr McGauran, and read a first time.
Second Reading

Mr McGauran (Gippsland—Minister for the Arts and the Centenary of Federation) (9.53 a.m.)—I move:

That the bill be now read a second time.

This bill will provide legislative authority for the domestic entry into force of a new comprehensive taxation agreement with the Russian Federation. The bill will insert the text of the agreement into the International Tax Agreements Act 1953 as a schedule to that act.

The agreement between Australia and the Russian Federation was signed on 7 September 2000.

The new Russian agreement generally accords with the other comprehensive taxation agreements concluded by Australia in recent years.

The government believes the conclusion of the new agreement will strengthen trade, investment, and wider relationships between Australia and Russia.

The Russian agreement will enter into force when diplomatic notes are exchanged advising that all of the necessary domestic processes to give them the force of law in each country have been completed. The enactment of this bill, and the satisfaction of the other procedures relating to proposed treaty actions, will complete the processes followed in Australia for those purposes.

Full details of the amendments are contained in the explanatory memorandum.

I commend the bill and present the explanatory memorandum.

Mr Speaker—The debate must now be adjourned. I call the member for Denison to adjourn the debate.

Mr Kerr—I move—

Mr Speaker—The member for Denison has the call. He will come to the dispatch box, as is the custom of the House.

Mr Kerr—I apologise, Mr Speaker, for the provocation I am giving you. I am simply making the point that these matters cannot be proceeded through this parliament, but I do move the adjournment.

Mr McGauran—On a point of order—

Mr Speaker—The minister will resume his seat. If there was anything acting outside the standing orders, clearly they would not be being introduced to the parliament. The procedure is entirely in keeping with what has been the custom for parliaments for over 100 years.

Mr McGauran—On a point of law, Mr Speaker. I do not wish to be too sanctimonious in this instance because I have also fallen foul of Speakers in the past, but I am distressed by the honourable member’s behaviour. I do believe that he was defying you.

Mr Speaker—The minister will resume his seat.

Debate (on motion by Mr Kerr) adjourned.

CRIMINAL CODE AMENDMENT (ESPIONAGE AND RELATED OFFENCES) BILL 2001

First Reading

Bill presented by Mr Williams, and read a first time.

Second Reading

Mr Williams (Tangney—Attorney-General) (9.56 a.m.)—I move:

That the bill be now read a second time.

In May 1999 an Australian citizen, Mr Jean-Philippe Wispelaere, was arrested in the United States and charged with a range of offences associated with the unauthorised disclosure of United States intelligence material.

At that time the government affirmed its commitment to protecting Australia’s national security.

It announced a range of initiatives designed to further protect sensitive information held by government agencies.

The Inspector-General of Intelligence and Security, Mr Bill Blick, was commissioned by the Prime Minister to undertake a review of security procedures.

In 2000, the Inspector-General provided a comprehensive report to government in which he made more than 50 recommendations.

The recommendations were designed to enhance security arrangements on a Public
Service wide basis and improve security practice in intelligence and security agencies.

The government adopted these measures in principle, and then proceeded to give effect to these measures.

The review of Australia’s espionage laws had, in fact, begun before the Inspector-General made his recommendations.

In 1991, the Committee to Review Commonwealth Criminal Law, headed by the Rt Hon. Sir Harry Gibbs, recommended that espionage offences be rewritten in a simpler form using modern language.

Since then, the Inspector-General’s report has confirmed the need for this government to strengthen Australia’s espionage laws and impose tougher penalties on those who choose to break these laws.

This bill has evolved as a result of both the Gibbs and Blick reviews.

We have also conducted a separate review, and extensive consultation, to ensure that the offences in the bill establish an effective legal framework that both deters, and punishes, people who intend to betray Australia’s security interests.

As part of our review we have considered such things as technological advances in information management and communication as well as international standards and experience.

As a result, the proposed offences are consistent with equivalent provisions in the United States, the United Kingdom, New Zealand and Canada.

This bill will strengthen Australia’s espionage laws in a number of ways.

By referring to conduct that may prejudice Australia’s security and defence, rather than safety and defence, and explicitly defining this term, we are affording protection to a range of material that may not be protected under the current laws.

In particular, the term will include the operations, capabilities and technologies of, and methods and sources used by, our intelligence and security agencies.

This term will apply to both the proposed espionage offence as well as the existing official secrets offences.

The type of activity that may constitute espionage has also been expanded.

A person may be guilty of an espionage offence if they disclose information concerning the Commonwealth’s security or defence intending to prejudice the Commonwealth’s security or defence.

They may also be guilty of an offence if they disclose information concerning the Commonwealth’s security or defence, without authorisation, to advantage the security or defence of another country.

The latter will capture Wispelaere-type situations where the information that is compromised does not necessarily prejudice Australia’s security or defence.

Instead, the compromise is designed to advantage the security or defence interests of another country.

Importantly, the new offences will also protect foreign sourced information belonging to Australia.

As a result, we can offer greater assurances to our information exchange partners that, when they provide information to us in confidence, we will protect that information in the same way that we protect our own sensitive information.

A person who compromises foreign information in our possession will face the same penalty as a person who compromises Australian generated information.

This penalty will be severe to reflect the seriousness of the offence.

As a result of this bill, the maximum penalty for a person convicted of espionage will be 25 years imprisonment.

The maximum penalty for espionage is currently only seven years imprisonment.

This government considers seven years imprisonment to be a grossly inadequate punishment for the more serious acts of espionage during peace.

Penalties in comparable countries for equivalent offences range from the death penalty in the United States to 14 years imprisonment in the UK, Canada and New Zealand.
We should regard espionage as seriously as these countries.

In addition to strengthening the offence provisions, the bill will also further support the process of bringing cases of espionage to trial.

The most important measure in this regard is to guarantee that only a judge of a state or territory Supreme Court decides the question of bail.

In addition, the Australian Federal Police commissioner will issue an order to all members of the AFP that, as a general policy, bail should be opposed in espionage cases.

The bill covers a wide range of matters, including the definition of prohibited places, initiation of prosecutions, holding hearings in camera and forfeiture of articles.

These provisions were originally enacted in the Crimes Act.

They have been substantially replicated in this bill except to the extent that the provisions have been modernised and repackaged for the purposes of moving them to the Criminal Code.

Combined, these recommendations send a clear message that this government regards espionage, and espionage related activities, very seriously.

I present the explanatory memorandum to the bill.

Debate (on motion by Mr Kerr) adjourned.

TELECOMMUNICATIONS INTERCEPTION LEGISLATION AMENDMENT BILL 2001
First Reading

Bill presented by Mr Williams, and read a first time.

Second Reading

Mr WILLIAMS (Tangney—Attorney-General) (10.02 a.m.)—I move:

That the bill be now read a second time.

The bill effects amendments to both the Telecommunications (Interception) Act 1979 and the Customs Act 1901.

I turn first to the amendments to the Interception Act.

First, the bill is intended to strengthen the act by ensuring the availability of telecommunications interception as an investigative tool in connection with the investigation of serious arson and child pornography related offences.

Today, telecommunications services such as Internet and email are increasingly employed in child pornography related offences.

Indeed, in some cases relevant offences are committed exclusively via electronic means.

In these circumstances, telecommunications interception is a key tool necessary to enable the effective investigation and later prosecution of these offenders.

Similarly, telecommunications interception will be a valuable tool in the more effective investigation of serious arson offences.

While many arson offences are very serious, telecommunications interception has, to date, been unavailable in their investigation.

These amendments address the need for the use of interception in these cases.

Consistent with the existing serious offence threshold provided in the act, a warrant authorising telecommunications interception can only be sought in relation to the arson and child pornography related offences, where the relevant offence is punishable by seven years or more imprisonment.

Second, the bill amends the act to ensure that lawfully intercepted information can be used by and communicated to commissioners of the respective police services in connection with the possible dismissal of an officer of that service.

The amendments will therefore assist commissioners to more effectively manage their respective services by ensuring that they are able to receive and act upon any lawfully intercepted information that may give rise to a decision to dismiss an officer.

In particular, the amendments will ensure that commissioners are able to appropriately deal with corrupt conduct where evidence of that conduct is found in lawfully intercepted information.
The bill also amends the act to permit intercepted information to be used in connection with the investigation of serious improper conduct by the Anti Corruption Commission of Western Australia.

The amendment will permit the Anti Corruption Commission to more effectively discharge its function of investigating allegations of corrupt conduct, criminal conduct, criminal involvement or serious improper conduct by police officers and other public officers.

The bill also effects a number of amendments to clarify selected aspects of the act and ensure the ongoing effective operation of the Australian telecommunications interception regime.

In addition to the amendments with respect to telecommunications interception, the bill also amends the Customs Act 1901.

The bill amends that act to permit a judge of a court created by parliament to consent to be nominated to issue listening device warrants under the act.

This amendment will have the effect of extending the class of persons who may consent to be nominated to include federal magistrates.

In this respect, the amendments will bring the act into line with analogous provisions in the Australian Federal Police Act 1979.

The amendments have no significant financial impact.

I present the explanatory memorandum.

Mr DEPUTY SPEAKER (Mr Jenkins)—The debate must now be adjourned.

Mr Kerr—Mr Deputy Speaker, might I seek your indulgence to suggest that it might have been a better course for these to be put forward as—

Mr DEPUTY SPEAKER—I am not sure what the indulgence is, which makes it difficult for me.

Mr McGauran—On a point of order—

Mr DEPUTY SPEAKER—I appreciate a point of order is going to be made. The chair’s difficulty is that it is in the chair’s realm to give the indulgence.

Mr McGauran—Mr Speaker, on a point of order: unbeknownst to you, the honourable member for Denison has been playing this trick all morning. He has been seeking to intervene at various points, when his restricted role is to adjourn the debate for another day. Quite frankly, this is a try-on by the honourable member. The Speaker did not tolerate it earlier. Seeking indulgence is simply a smokescreen.

Mr DEPUTY SPEAKER—I remind the honourable member for Denison that he has already been warned by the chair earlier this morning, and that is his status. He should be very careful in the things he puts by way of indulgence. This will be very brief indulgence.

Mr Kerr—Thank you. I simply—

Mr McGauran—Mr Deputy Speaker, I rise on a point of order.

Mr DEPUTY SPEAKER—Order! The minister will resume his seat. Regrettably, it is in the chair’s realm to give the indulgence. I have no idea what submission will be put to me, but I have warned the honourable member for Denison that the chair, being the Speaker, gave him a warning and he takes the risk. I will give that undertaking to the minister. The point we are at is that the debate must now be adjourned. The minister is correct; usually I would be giving the call to the honourable member for Denison to move the adjournment. You are seeking indulgence, but you will be very brief and direct.

Mr Kerr—Prior to seeking my adjournment, might I just take a point of order and say that I understand that the standing orders provide that, in an instance like this, the motion of adjournment must be put without debate. I am seeking your indulgence so that I might make the remark and explain to the House that these pieces of legislation might better be regarded as exposure drafts because there is no prospect of their passage through this parliament. That is simply all.

Mr DEPUTY SPEAKER—Is the honourable member going to move the adjournment?

Mr Kerr—that was a point of order, but I will move the adjournment.
Debate (on motion by Mr Kerr) adjourned.

**JURISDICTION OF COURTS LEGISLATION AMENDMENT BILL 2001**

**First Reading**

Bill presented by Mr Williams, and read a first time.

**Second Reading**

Mr WILLIAMS (Tansey—Attorney-General) (10.09 a.m.)—I move:

That the bill be now read a second time.

The Jurisdiction of Courts Legislation Amendment Bill 2001 amends the Federal Court of Australia Act 1976 and the Judiciary Act 1903 to allow the Australian Capital Territory to establish an ACT Court of Appeal.

The bill also amends the Federal Court of Australia Act 1976 to abolish the redundant office of judicial registrar and to make some changes to the practices and procedures of the Federal Court.

Following self-government for the Australian Capital Territory, responsibility for the ACT Supreme Court was transferred to the Territory on 1 July 1992.

However, the Federal Court continued to exercise appellate jurisdiction for the ACT Supreme Court.

It is now appropriate for the ACT to establish its own appeal court with the consequent removal of the appellate jurisdiction from the Federal Court.

The ACT legislative assembly has passed the Supreme Court Amendment Act 2001, which provides for an ACT Court of Appeal to hear appeals from the ACT Supreme Court.

The provisions in this bill complement the ACT legislation.

The ACT legislation provides that the ACT Court of Appeal comprises all the ACT Supreme Court judges, resident, additional and acting.

The legislation also provides for the appointment of a President of the Court of Appeal.

The ACT Government has recently announced the appointment of Justice Crispin as President of the Court of Appeal.

Since the establishment of the Federal Court in 1977 it has been the usual practice for a resident ACT Supreme Court judge to sit on the Full Federal Court in an appeal from the ACT Supreme Court.

Judges of the Federal Court have made a significant contribution to the appellate work from the ACT and that work has been of the highest quality.

It is expected that the current system of Federal Court judges being appointed as additional judges to the ACT Supreme Court will continue.

These judges will also be eligible to sit on the Court of Appeal.

There are transitional provisions in the bill which provide that where the substantive hearing in an appeal from the ACT Supreme Court has already commenced in the Federal Court, it will continue to be heard in the Federal Court.

The bill will make a number of other amendments to the Federal Court Act.

One amendment will provide for the abolition of the office of judicial registrar. There are no longer any judicial registrars appointed to the Federal Court.

With the establishment of the Federal Magistrates Service it is no longer necessary to retain the position of judicial registrar as the Federal Magistrates Service would now handle less complex work that previously was considered suitable for judicial registrars.

Other amendments to the Federal Court Act make some changes to the practices and procedures of the Federal Court.

These amendments are of a minor policy nature.

The bill amends the Federal Court Act to allow the registrar to appoint as a marshal a person who is not engaged under the Public Service Act 1999.

The court has experienced difficulty when a person who is not engaged under the Public Service Act needs to be appointed as a marshal.
This can arise in a remote area where there are no staff of the Federal Court or other appropriate Commonwealth employees.

This amendment would allow a person not engaged under the Public Service Act to be appointed as a marshal.

The bill will also allow the Chief Justice to refer part of a matter to the full court.

This amendment makes it clear that the court has jurisdiction to refer part of a matter, as well as a whole matter, to the full court.

The bill will amend the Federal Court’s interlocutory jurisdiction where a matter is referred by a tribunal or authority.

Subsection 20(2) of the act provides for the full court to exercise jurisdiction in a matter from a tribunal or authority constituted by a judge.

The amendments provide that certain interlocutory matters may be heard or determined by a judge or a Full Court.

The act provides that an appeal shall not be brought from an interlocutory judgment unless the court gives leave to appeal.

The bill amends the act to provide that the rules will prescribe the types of interlocutory judgment covered by this provision.

The amendment is designed to remove any uncertainty about what is an interlocutory matter by providing for the rules to specify such matters.

Section 25 of the act provides for the exercise of appellate jurisdiction.

The bill will amend section 25 to allow a single judge in an appeal to order that an appeal be dismissed for want of prosecution or failure to comply with a direction of the court.

In order to facilitate the processing of matters electronically, the bill amends the act to allow a writ, commission or process to be signed by affixing an electronic signature.

Another amendment will allow locally engaged diplomatic staff in Australian embassies to witness affidavits.

This amendment will bring the provisions of the Federal Court Act into line with amendments made to various other acts regarding the witnessing of documents, by allowing locally engaged staff at Australian consular offices to undertake such tasks.

Importantly the amendments will provide clearer provision for the use of video and audio links in Federal Court proceedings.

Section 47 of the act currently provides some guidance for the use of video and audio links.

The court requested that the act be amended to provide detailed provisions for the use of video or audio links or other appropriate means.

The new provisions are based on those in the Federal Magistrates Act 1999.

Although these amendments do not represent major policy changes, they will improve the efficiency of the Federal Court and its delivery of services to the community. I commend the bill to the House and present the explanatory memorandum.

Debate (on motion by Mr Kerr) adjourned.

MARRIAGE AMENDMENT BILL 2001

First Reading

Bill presented by Mr Williams, and read a first time.

Second Reading

Mr WILLIAMS (Tangney—Attorney-General) (10.15 a.m.)—I move:

That the bill be now read a second time.

The Marriage Amendment Bill 2001 gives effect to the reform of the marriage celebrants program and other technical amendments to the Marriage Act 1961. This bill is the culmination of a four-year process that I began in 1997.

The marriage celebrants program was established over 25 years ago to provide marrying couples who did not want to have a religious ceremony with a dignified and meaningful alternative to a registry wedding.

When the program was launched in 1973 less than one couple in six chose a civil marriage. Today, over half of all marriage ceremonies within Australia are conducted by civil marriage celebrants.

The growing demand for civil ceremonies has resulted in a steady increase in the num-
bers of authorised civil marriage celebrants and an even greater increase in interest in the profession of celebrancy, with inquiries from people wishing to become a marriage celebrant running at approximately 3,000 per year.

There are now some 1,700 civil and 1,700 non-recognised denomination religious marriage celebrants appointed under the program.

However, since the program commenced, the process for authorising especially civil marriage celebrants has developed in an ad hoc way.

Prior to this government coming into office, marriage celebrants were appointed on an electorate by electorate basis. Labor government members would regularly involve themselves in the authorisation process. In 1997, the Howard government replaced this system of appointment with one based on regional or special community need.

However, the current system remains far from perfect. Authorisation based on regional or special need excludes many people who would make excellent celebrants from entering the profession.

The overarching catalyst for reforming the program is to ensure that couples intending to marry have wide access to thoroughly professional marriage celebrants.

This is the philosophy and intent behind the review process. It is a philosophy the government shares with the celebrant community.

The bill has two major focuses.

The first, and most significant, is to improve the marriage celebrants program through a range of reforms designed primarily to raise the level of professional standards required of celebrants and to capitalise on the unique position of celebrants in the community to encourage and promote pre-marriage and other relationship education services.

These reforms will be given effect by the provisions contained in schedule 1 of the bill and by regulations to be made to the Marriage Act.

The second focus is given effect by amendments in schedule 2 of the bill, which will provide for a series of technical amendments to the Marriage Act. These changes are primarily in relation to the notice of intended marriage; the introduction of passports as an acceptable means of identification for overseas couples; guidelines concerning the shortening of time between the lodgment of a notice of intended marriage and when a couple can marry; and the removal of redundant provisions in the act.

The provisions of this bill will commence either on proclamation or 12 months after the bill receives royal assent, whichever is the sooner. This time will allow for the development of the necessary training regimes and for regulations to be developed to cover such things as the new complaints mechanism. It is my intention that these steps be undertaken in close consultation with marriage celebrants and other interested stakeholders.

Moving to the detail of the bill, there is to be a statutory appointment to a position in my department to be called the Registrar of Marriage Celebrants. The registrar will have the functions and powers set out in the bill. The registrar’s primary function will be to establish and maintain the register of marriage celebrants. This register will be the mechanism for the appointment and revocation or suspension of all marriage celebrants.

Persons are to be authorised as marriage celebrants on a lifetime basis where the person has the necessary training qualifications or skills for appointment as prescribed in the regulations. In addition, the registrar must be satisfied that the person satisfies the fit and proper person criteria set out in the bill.

The necessary training will be available through distance education and online learning techniques to ensure that regional and rural areas are not disadvantaged.

There will be a transition period of five years from the commencement of the new provisions.
The registrar will conduct a review of the performance of each celebrant every five years, taking into consideration any complaints received, feedback from couples, the requirements of ongoing professional development and the code of practice. The registrar will be able to discipline the celebrant if the review is unsatisfactory.

The final details of the code of practice will be settled in consultation with celebrants.

Any celebrant whose authorisation has been revoked or suspended shall have the right to seek a review of that decision in the Administrative Appeals Tribunal—AAT. There will not be a right to seek merits review of other decisions.

All celebrants will be required to undergo ongoing professional development.

There will also be a detailed complaints mechanism that complies with the rules of natural justice. The current mechanism is inadequate. This bill contains power for such a mechanism to be established in accordance with regulations.

Despite doubts that were expressed when I released the proposals paper last November, the government has listened and acted upon the concerns expressed by celebrants. This is evident by the changes made to the package of reforms including, the maintaining of lifetime appointments, the removal of the requirement for existing celebrants to satisfy the new core competencies, the introduction of a five-year transitional period for the phasing in of the new appointments system, and by the fact that there will be no fees for being authorised as a marriage celebrant.

The development of the reform package for the marriage celebrants program has been a long and at times difficult process. Throughout this process the celebrant community has remained engaged and, in the main, very constructive in its approach to what the government had in mind. The celebrant community has recognised the need for change and has responded appropriately. Lasting and meaningful reforms cannot be achieved unless those most affected have put them to the test.

The reform of the marriage celebrants program will enable the profession of celebrancy to develop and flourish into what is clearly an expanding future. The changes will facilitate a better understanding of the true worth of celebrants.

Celebrants, both civil and religious, have been at the forefront of a major social change in only one generation. Their important role has long been underestimated.

By the year 2010, if present trends continue, some 60 per cent of weddings will be performed by civil celebrants under this reformed program. I also expect that the number of smaller religious groups seeking their own religious expression will continue to increase. Reform of the program to satisfy the community of the quality and integrity of the program into the future is critical.

I believe that this package of amendments will be fundamental to ensuring this outcome, but it will only be with the assistance and cooperation of celebrants that the outcome can be assured.

I commend the bill to the House and I present the explanatory memorandum.

Debate (on motion by Mr Kerr) adjourned.

DISABILITY DISCRIMINATION AMENDMENT BILL 2001
First Reading

Bill presented by Mr Williams, and read a first time.

Second Reading

Mr WILLIAMS (Tangney—Attorney-General) (10.23 a.m.)—I move:

That the bill be now read a second time.

This bill is an important precursor to the formulation of disability standards for accessible public transportation services and facilities. It is an essential element in ensuring that the standards, when implemented, operate in a fair, balanced and effective manner, both for people with disabilities and for public transport operators and providers of such services.

Under the Disability Discrimination Act 1992, the Attorney-General may formulate disability standards in a range of areas. To-
day, to coincide with the introduction of this bill, I will release for public information a final draft of the disability standards for accessible public transport.

When implemented, these disability standards will greatly assist in breaking down social and economic barriers faced by people with a disability or mobility problem. The standards will also benefit many older Australians and parents with infants in pushers or prams who need or want to use public transport services and facilities.

A lack of accessible transport services and facilities is a significant barrier for people with disabilities. People with disabilities are much less likely to be able to drive and are often faced with unreliable or expensive modes of transport.

The disability standards for accessible public transport will be the first of their kind and, as such, they represent this government’s strong commitment to improving the lives of people with disabilities.

The development of the standards has been a major initiative, involving extensive consultation over a long period to ensure that a broad range of views were canvassed across the public transport industry, the disability community, government agencies at all levels and other interest groups.

I propose to formulate and table these disability standards, in accordance with the act, when this bill is passed.

Section 55 of the Disability Discrimination Act 1992 currently empowers the Human Rights and Equal Opportunity Commission to grant temporary exemptions from the operation of provisions of the act. This power does not currently extend to exemptions from disability standards.

The government is keen to ensure that the disability standards are implemented in a practical and balanced way. This aim would not be realised if the standards were to give rise to unnecessary uncertainty on the part of transport operators and providers about their compliance obligations. This is particularly the case where an operator believes that they may not be required to comply with a particular requirement because to do so would cause unjustifiable hardship to the operator.

A mechanism to allow for temporary exemptions from part or all of the standards, where appropriate, will provide the means by which up-front certainty about compliance obligations can be assured. This bill will therefore amend the act to allow the Human Rights and Equal Opportunity Commission to grant exemptions from disability standards dealing with public transportation services and facilities. Extending the commission’s power to enable it to grant exemptions from these standards is consistent with the commission’s current power to grant exemptions from provisions of the Disability Discrimination Act 1992.

The bill also provides that, before granting an exemption from the disability standards, the commission must consult a body prescribed in the regulations. The body prescribed for that purpose will be the National Transport Secretariat.

The secretariat is jointly funded by all jurisdictions and reports to the Australian Transport Council. The secretariat will be able to provide the commission with invaluable technical advice in respect of an application for a temporary exemption from a requirement of the disability standards. The Australian Transport Council has agreed to the secretariat taking on this role.

The commission will also be able to consult with any other body or person it considers appropriate to consult, as is its current practice.

If the commission decides to grant an exemption to an operator or provider where, for example, unjustifiable hardship would be imposed in complying with a requirement of the standards, the exemption will provide protection from a complaint about a breach of that requirement.

Like an exemption from the provisions of the act, an exemption from the disability standards in relation to public transport services can be for a period of up to five years, and an application can be made to the commission for this to be extended. An exemption may be granted from particular requirements of the disability standards under terms and conditions specified in the exemption instrument. An exemption might be
granted, for example, on condition that an operator meet the targets it has set for itself in an action plan.

The disability standards for accessible public transport will spell out in greater detail rights and obligations under the Disability Discrimination Act 1992. They will provide transport operators with information to assist them in complying with their obligations under the act.

They will also provide a practical means of working towards meeting a key objective of the act, and that is to eliminate, to the extent possible, discrimination from public transport services, on the ground of a person’s disability.

Already, as we go about our daily business, we are becoming more familiar with signage, facilities and infrastructure which remind us about the requirements of people with disabilities.

They also remind us of how important it is to do what we can to facilitate the participation of people with disabilities in community life so that they may enjoy the many opportunities it has to offer. We can assist by removing some of the barriers that may prevent them from doing this.

That persons with disabilities have the same fundamental rights as the rest of the community is an important principle enshrined within the Disability Discrimination Act. The disability standards will help to promote increased recognition and acceptance within the community of that principle.

The bill provides for amendments that will help to set in place effective arrangements which represent a sensible and balanced approach to eliminating, as far as possible, discrimination against people with disabilities, while ensuring that industry is not unduly burdened in the process. I commend the bill to the House and present the explanatory memorandum.

Debate (on motion by Mr Kerr) adjourned.

SEX DISCRIMINATION AMENDMENT BILL (No. 2) 2001

First Reading

Bill presented by Mr Williams, and read a first time.

Second Reading

Mr WILLIAMS (Tangney—Attorney-General) (10.29 a.m.)—I move:

That the bill be now read a second time.

The Sex Discrimination Amendment Bill (No. 2) 2001 will clarify a number of provisions of the Sex Discrimination Act 1984 that protect pregnant, potentially pregnant and breastfeeding women from discrimination. In doing so, the bill addresses important concerns raised by Human Rights and Equal Opportunity Commission last year in its report Pregnant and productive: it’s a right not a privilege to work while pregnant.

The report resulted from the inquiry that I requested the commission to undertake into the rights and responsibilities of employers and employees in relation to pregnancy and work issues. This was the first national inquiry into pregnancy and work issues, aimed at addressing the concerns and protecting the interests of both employees and employers.

In November last year, the government announced its acceptance of the majority of the recommendations made in the report.

Three of these recommendations were directed at addressing confusion as to the meaning and operation of the act. These related to the asking of questions about pregnancy or potential pregnancy, the use of pregnancy related medical information and whether breastfeeding is a ground of sex discrimination. The amendments to the act put forward in this bill will assist in eliminating the confusion. In doing so, it will not only help to prevent discrimination against employees but greatly assist employers to manage their staff and to ensure that they meet their legal obligations.

Proving that a woman was not offered a position because she told her prospective employer that she was pregnant or planning a pregnancy can be difficult. The report identified that the current provisions of the act are unclear about whether such information can
be requested in the first place. This can lead to confusion for employers seeking to engage new staff and for potential employees. The amendments to section 27 of the act will clarify that it is unlawful to request information—for example, during a job interview or a recruitment process—that could be used to unlawfully discriminate against a woman—for example, by refusing to employ a woman because she is pregnant or may become pregnant. Such questions can marginalise women and may be detrimental to their performance in job interviews. This amendment will clarify that asking such questions is unlawful. Importantly, the clarification ensures that employers will better understand their obligations and avoid unintentionally breaching the act.

Currently, the act provides an exception to the general prohibition on requesting information about pregnancy or potential pregnancy, where medical information concerning the pregnancy is requested. The report identified that without clarification the current provision may lead to the inappropriate conclusion that it is not unlawful to discriminate in relation to medical examinations of pregnant employees during recruitment. The addition of a note at the end of section 27(2) clarifies that information about pregnancy or potential pregnancy may be sought only for legitimate reasons, such as for occupational health and safety purposes. It may not be used by an employer to discriminate unlawfully against a woman in contravention of other provisions of the act.

The report also noted that there is some confusion over whether discrimination on the grounds of breastfeeding is covered by the act. The government considers that discrimination on the grounds of breastfeeding is prohibited by the act. However, to make this clear, the bill amends the definition of ‘sex discrimination’ in section 5 of the act to make it clear that breastfeeding is a characteristic that pertains generally to women, removing any doubt that discrimination against a woman on the basis that she is breastfeeding is unlawful. In making these amendments, the bill does not expand the operation of the act but greatly improves, simplifies and clarifies its operation.

Once again, practical and concrete steps are being taken by this government to remove sex based workplace discrimination and to improve the lives of working women, while assisting employers to understand laws that impact upon their business in important ways. Of course, the provisions apply not only in the workplace but also to other areas of public life where the act applies, such as when applying for rental accommodation, purchasing goods or services or applying for a bank loan. These amendments clarify the operation of the act in these important areas.

The bill was prepared in consultation with the Human Rights and Equal Opportunity Commission, as well as with the Australian Chamber of Commerce and Industry and the Australian Council of Trade Unions.

The bill will have little, if any, financial impact.

Legislation is only part of the answer in preventing unlawful discrimination. An important aspect of eliminating discrimination rests with employers and employees themselves in individual workplaces. There are many different employment situations which may require different approaches to address these issues. What may work well for one woman or one business may not necessarily work well for another. Employers and employees are likely to know best what can and cannot work for their particular situation. Cooperation can go a long way to ensuring that non-discriminatory arrangements are developed between employers and employees that meet the particular needs of a business or employee.

In addition to these amendments, the government is working to raise awareness of pregnancy and work issues, to ensure information is available to all workplace participants about their rights and responsibilities. This is fundamental to achieving cultural change and lasting improvements in equal opportunity for women in employment and other areas of public life.

The bill, together with the other initiatives arising from the government response to the report, will go a long way to redressing remaining discrimination against women—especially pregnant, potentially pregnant and
breastfeeding women. I commend the bill to the House, and I present the explanatory memorandum.

Debate (on motion by Mr Laurie Ferguson) adjourned.

DELEGATION REPORTS
Australian Official Observer Delegation to the 2001 Constituent Assembly Election in East Timor, 28 August to 1 September 2001

Mr TIM FISCHER (Farrer) (10.35 a.m.)—by leave—I present the report of the Australian Official Observer Delegation to the 2001 Constituent Assembly Election in East Timor, 28 August to 1 September 2001 and seek leave to make a statement in connection with the report.

Leave granted.

Mr TIM FISCHER—It is a privilege, in making my last speech to this parliament, that I do so on an occasion of work orientation, rather than on anything sentimental. I am very happy about that. This afternoon, I should make way for other colleagues retiring, as I have had the opportunity elsewhere and previously, including at the dispatch box, to say thankyou to my electors, to my wife, Judy Fischer, to Bill Bott and to many others. I stand by those words of appreciation.

Today, however, I focus on this report on the second election held in East Timor, two years to the day after the popular consultation, when the East Timorese people chose, by 78 per cent to 22 per cent, to elect to become independent of Indonesia. Two years on, much has been achieved. I have made a total of four visits there: a week in 1999, for a bit of the mayhem following that particular ballot, twice more, and then last August to September for the second ballot. It is great to see the progress: the security that has been reinstated, the buildings which have been repaired, the refugees that have returned—sadly, not all—and such necessary steps as the Timor Gap treaty negotiations concluded between Australia and East Timor. There is more work to be done with regard to sovereign risk aspects in respect of the East Timor administration. The delegation met with Jose Ramos Horta and others, and raised those issues, as well monitoring the ballot. There seems to be a quiet determination to get that issue sorted, particularly the taxation aspect, and to work it through, and to step back from certain statements that were released upon the completion of those negotiations.

With regard to the ballot, I led the delegation and we met with many. I am pleased that I am joined by colleagues who were in the delegation. It was the same as last time with the exception of Mr Laurie Brereton, who was replaced by Mr Kevin Rudd, and also included Senator Marise Payne, Senator Vicki Bourne, very professional officers of DFAT on both occasions, NGOs, Mr Adam Roach and others. We went to eight very impressive polling places around the Bacau area. The poll was extremely well conducted with computerised electoral rolls. The process within the polling place was absolutely impeccable. In all that we saw, there was absolute integrity attaching to the elections in East Timor, which led to the declaration of a result: 88 members elected to the new Constituent Assembly. I note that 55 of those seats were won by the Fretilin, with a mixture of other parties and independents holding the balance.

The report I table today on behalf of the delegation makes a number of recommendations which I will not go through other than to highlight the fact that there will be the need for more confidence building on the education side, especially with regard to elections and other assistance, and a connection between this parliament and East Timor.

With regard to the East Timor effort, I particularly salute the work of the Navy, Army and Air Force—people such as Peter Cosgrove and Ken Brownrigg—the Australian Electoral Commission and all those involved on that side of things, the CIVPOL, UNTAET and all involved in their heroic work over the recent years, James Batley and the diplomatic team which have stood the test of time at post in Dili, East Timor, and the non-government NGO movement and people such as Father Frank Brennan and others. They can walk tall. East Timor and the East Timorese people can walk tall with regard to the progress they have made in their nation building. Above all else, I make the point that Australia collectively,
Australian government under the leadership of Prime Minister John Howard, and all those directly involved can be very proud of the work carried out on the ground in East Timor.

As for its future, I am more upbeat than many, having made a study on a range of fronts of the economic capacity of this small nation. Why am I upbeat? It is because there is a place in the world architecture for countries such as Mauritius, Bhutan, Singapore and, of course, East Timor. East Timor does have oil and gas capability, now negotiated between Australia and East Timor, which will generate millions of dollars of revenue—US dollars at that. It does have organic agriculture, including organic tea and coffee capacity, which is exciting, and, in my role as chairman of the Crawford fund on international agricultural research, it is just terrific to see the progress that is being made in getting organic tea and coffee production expansion, rice industry expansion and fisheries expansion. I see quite a good future for East Timor feeding itself and moving back into a limited export role.

Finally, I make the point that East Timor will need to build good relations with Indonesia particularly as part of its future equation, with Australia and with all its neighbours. We were encouraged at the end of monitoring the poll in the purposefulness of the leaders we had met in East Timor and their far-sighted approach, notwithstanding the unacceptable mayhem, that they should take the step of expanding their trade and other links between East Timor and Indonesia, and between East Timor and Australia.

I thank Minister Alexander Downer, the Department of Foreign Affairs and Trade and all involved for the privilege of leading the delegation to East Timor. As I conclude 31 years in state and federal parliaments, the most exciting week of all my activities associated with being a member of parliament representing my electors one way or the other was undeniably the time spent monitoring the popular consultation in East Timor on 30 August 1999. I look forward to returning, hopefully with my family. I will help establish the tourist industry by taking my family to be good tourists in East Timor. It is a beautiful country deserving of a great future. I commend the report to the House.

Mr RUDD (Griffith) (10.43 a.m.)—by leave—I rise to support the report of the Australian Official Observer Delegation to the 2001 Constituent Assembly Election in East Timor which has just been delivered by the member for Farrer, who was the head of delegation in which I participated in East Timor for the purpose of that country’s first democratic election. The member for Farrer led our delegation with distinction, and he has served this parliament with distinction throughout his parliamentary career. We on our side commend him as he goes into the future.

East Timor is a fragile democracy, with 400 years of Portuguese colonial rule, 25 years of Indonesian military occupation and now, for the first time, a democratic ballot. It was a privilege for those of us who were there to participate in this first democratic act on the part of the peoples of East Timor. The success of the conduct of that election was due in part to the Independent Electoral Commission, supported in large measure through AusAID, but, more particularly, through the agency of AusAID, the Australian Electoral Commission. Very little is known in this country of the role played by the Australian Electoral Commission in the conduct of democratic ballots around the world. They have done it in Cambodia, they have now done it in East Timor, and there are many other places around the world where this has occurred.

This has given an enormous fillip to Australia’s international diplomatic standing over the course of the last decade. I believe it is important that, as we approach the next decade, we see this as part and parcel of Australia’s future diplomatic engagement with the rest of the world. We, in this country, have a proud reputation as a robust democracy and as a democracy that runs fair elections. That is a rare reputation to have in the world, and it is through AusAID and the Australian Electoral Commission that we can take that assistance to emerging democracies around the world and do this nation’s international standing enormous good. In particular, I
commend the personal contribution of Mr Michael Maley of the AEC, who was based in Dili for a long period of time and was, in my judgment, the centre pin for ensuring that the professionalism of the IEC worked in the case of that ballot.

The second ingredient of the success of this ballot was the role played by CIVPOL and by AUSBATT. Without security, you could not have conducted an effective democratic election. I commend in particular in the sector in East Timor in which we were, Bobonaro, the AFP officer Neil Royle, who was in charge of the CIVPOL district, and the current commander of AUSBATT, Lieutenant Colonel Jeff Segelman. The sheer professionalism of these representatives of Australia in the field left many of us in complete admiration for the work that they do in the difficult circumstances under which they do it. It is little known in this parliament how dangerous the border regions between East Timor and West Timor still are, yet these individuals—particularly at a difficult time when a ballot was about to be held—did not flinch from their responsibilities, conducted those responsibilities with great professionalism and ensured security in the minds of the East Timorese people in the conduct of the ballot.

The event of East Timor’s independence causes us to reflect momentarily on the overall importance of foreign policy to this nation’s future. Rarely in our history has international policy, foreign policy and security policy been so much to the fore of this nation’s consciousness. Stability and security in East Timor are critical for our strategic environment. Stability and security in the Indonesian Republic are critical for our strategic environment. Stability in South Asia, Central Asia and in the Middle East is now seen as critical to our future security as well. Robust and uncompromising border security is also critical to Australia’s national security. Effective Australian diplomatic engagement in the countries of this region is equally critical to our future security, and an effective and professional Australian Defence Force—augmented, we hope, in the future by an Australian Coast Guard—is equally integral to Australia’s future security. In all these things, let all of us in this country have a continued abhorrence for any manifestation of the politics of race.

In conclusion on East Timor, what we see is a future challenge for all of us and for future governments of Australia to ensure that the politics of this new democracy remain stable, to ensure that its economy develops effectively through long-term capacity building, to ensure that the refugees are returned from the west to the east and are not forgotten, to ensure that the relationship with Indonesia—to which the member for Farrer has just referred—is restored and to ensure that we have to our north a stable and effective country. Long beyond when it ceases to be newsworthy in Australia, ceases to feature on the television news and ceases to feature in the page one news stories of our national newspapers, as a mark of a decent society in this country it is important that we remain engaged with a country whose development needs are great and whose security is integral to our own security future as well.

 STATES GRANTS (PRIMARY AND SECONDARY EDUCATION ASSISTANCE) AMENDMENT BILL (No. 2) 2001

Consideration of Senate Message

Bill returned from the Senate with a request for an amendment.

Ordered that the requested amendment be taken into consideration forthwith.

Senate’s requested amendment—

(1) Schedule 1, page 3 (after line 5), before item 1, insert:

<table>
<thead>
<tr>
<th>1A Schedule 3 (table)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Repeal the table, substitute:</td>
</tr>
<tr>
<td>Capital grants for government schools</td>
</tr>
<tr>
<td>Program Year</td>
</tr>
<tr>
<td>2001</td>
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<td>2002</td>
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<td>2004</td>
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<td>2005</td>
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<tr>
<td>2006</td>
</tr>
<tr>
<td>2007</td>
</tr>
</tbody>
</table>

Note 1: Amounts for 2005, 2006 and 2007 will be inserted by an amending Act.
Note 2: The operation of section 106 may affect the amount of the grants.

Dr KEMP (Goldstein—Minister for Education, Training and Youth Affairs and Minister Assisting the Prime Minister for the Public Service) (10.49 a.m.)—I move:

That the requested amendment be not made.

This amendment is a request to the House of Representatives to provide for an additional $30 million under the appropriation in section 111 of the States Grants (Primary and Secondary Education Assistance) Act 2000. I can advise from the outset that the government will not agree to the request from the Senate and will propose to advise the Senate accordingly.

The government has already delivered this $30 million to government schools through funding provided in the 2001-02 budget. The coalition provided an extra $238 million for government schools in this year’s budget—including $143 million over four years through funding identified by the enrolment benchmark adjustment and applied to develop students’ scientific, mathematical and technological skills; $28.8 million for literacy and numeracy over 2001-02 and 2002-03; $23.8 million over five years to support online curriculum; $32.7 million over four years to assist people moving from school to further education by maintaining the Jobs Pathway program at its current high level; $6.7 million over four years to the Enterprise and Career Education Foundation for extra work placement coordinators in remote areas of Central and Northern Australia; and $2.5 million to pilot career and transition advisers.

Of the specific schools initiatives in this year’s budget, 87 per cent of the funding is directed to the 69 per cent of students in the government sector, demonstrating the commitment of the government to government schools. On a proportionate basis, this is $50 million more than government schools could expect on the basis of their enrolments and $20 million more than is being requested by the opposition in this request. The government seeks to improve outcomes for all students by strengthening both government and non-government schools. To put this in context, it should be noted that this government’s spending on government schools is at the highest level ever. Total funding for government schools in 2002 is $2.2 billion from the Commonwealth, some $669 million more than Labor provided in its last year of office and an increase of 43 per cent. In the four years to 2004, total funding directly to government schools in tied grants from the Commonwealth will be around $9 billion. Without speedy passage of this bill, new schools will be denied their entitlements, which defeats the purpose of the grants in assisting new schools with their recurrent costs in their formative years.

Next Monday will be 1 October and the 54 new non-government schools with an entitlement for an establishment grant will not be paid unless the Labor Party passes this legislation. The Nyikina Mangala community school in the Kalgoorlie electorate will not receive $4,500 owed to it and, while that might seem a small sum of money, that is a very significant sum of money to that very poor school community. The Lumen Christi Catholic College in the Eden-Monaro electorate will not receive $17,750. The Bentleigh Chabad Jewish Day School in the Hotham electorate will not receive $6,000. The Living Faith Lutheran Primary School in the Dickson electorate will not receive $23,792. This is a disgraceful action on the part of the Labor Party. It is a precursor of the new schools policy that would be introduced by a Beazley government, if such a government were ever elected. It is a sign of things to come from the Labor Party, that it intends to drag money out of needy schools in the non-government sector in order to fund its so far uncosted and wild promises. The cynicism and hypocrisy involved in the Labor Party’s actions in this is almost beyond belief. The government therefore urges that the House reject the Senate’s requested amendment.

Mr LEE (Dobell) (10.53 a.m.)—This entire debate is about one simple question: should we treat all Australian students the same? Should we ensure that all Australian students are entitled to support and funding assistance from the federal government on a fair and equal basis? The Labor Party, with the cooperation of the Democrats and the Greens, have moved this amendment in the
Senate because we believe that the government should not be providing this increase in funding for establishment grants for non-government schools unless the government is prepared to provide a balancing increase in funding for students at government schools. All we are asking for is an extra $30 million for the 70 per cent of Australian students at public schools across the country. It is a request for $30 million extra for students at government schools at a time when the government has blown about $40 million in government advertising in the months of August and September. All we are saying is that the many students at the 7,000 government schools across the country deserve a fair go.

Why is there a problem at the moment? There is a problem today because the man sitting at this table, the Minister for Education, Training and Youth Affairs, has made a series of blunders. Last year he made a mistake when he massively underestimated how many new non-government schools there would be and how much this establishment grant program would cost. When his department told him in October that there was a massive underfunding of this program, he sat on his hands and did nothing, despite the fact that we spent weeks in both chambers of this parliament debating what should happen to the states grants bill.

He continued to sit on his hands throughout the months of January, February, March, April and May, and it was not until June that the minister, having been told last October that there was a problem, came into this House and moved the corrective legislation. He then sought to score political points by wrapping up the extra establishment grant funding with some higher education funding, and it was not until he was forced in the Senate to split those two measures that we were able to ensure that those other measures were able to pass.

This minister could have fixed the problem from last October. Every day since June, the minister has known that, if he wants the States Grants (Primary and Secondary Education Assistance) Amendment Bill (No. 2) 2001 passed, he has to do one thing and one thing alone: provide a balancing increase in funding for government schools. This minister has not done this because he has an ideological obsession with taking money away from government schools at every opportunity. Today we had the laughable example of the minister trying to argue that the government has given at least an extra $30 million to government schools because they abolished the enrolment benchmark adjustment. So this is a government and a minister that take money away from government schools and then say, 'That is a fair way to treat government schools, that we give them extra money by giving them back money we have already stolen from them.' The minister claims that that should in some way balance an extra funding increase for students at non-government schools.

For 30 years the Labor Party has been a strong defender of funding to non-government schools on a needs basis. Our view has not been that we should in some way deny non-government schools access to fair funding. Despite the false, misleading and deceiving claims by this minister on many occasions, the Labor Party supports funding to needy non-government schools. We support funding to non-government schools on a need basis.

We oppose the $1 million a year average increases to the 58 wealthiest non-government schools in Australia—those category 1 schools like the Kings School and Geelong Grammar which are this minister’s highest priority. Our highest priority is the needy schools throughout Australia, whether they are in the government or the non-government sector. Through the education priority zone program, we are going to ensure that extra Commonwealth government funds go to those needy schools, whether they are Catholic, Christian or public schools. They are the schools that should be the highest priority, not the Kings School and Geelong Grammar; not the schools that you are trying to shovel massive increases to over coming years. It is for those reasons that not only do we intend to press this amendment today but, if the parliament comes back in later weeks, we will time and time again hold this minister responsible for providing a decent level of funding to government schools. He claims that government schools have had
an increase, but they would know if they had had a 43 per cent increase. They know that all this minister has given them is basically the inflation indexation. *(Time expired)*

Motion (by Dr Kemp) agreed to:

That the question be now put.

Question put:

That the requested amendment be not made.

The House divided. [11.03 a.m.]

(Mr Deputy Speaker—Mr H.A. Jenkins)

Ayes………… 71

Noes………… 61

Majority……… 10

AYES

Abbott, A.J.
Andrews, K.J.
Baird, B.G.
Barrett, K.J.
Bishop, B.K.
Brough, M.T.
Cameron, R.A.
Draper, P.
Entsch, W.G.
Fischer, T.A.
Gallus, C.A.
Gash, J.
Haase, B.W.
Hawker, D.P.M.
Hall, K.E.
Kelly, D.M.
Kemp, D.A.
Lindsay, P.J.
Macfarlane, I.E.
McArdle, S.
Moylan, J. E.
Nehl, G. B.
Neville, P.C.
Prosper, G.D.
Reith, P.K.
Ruddock, P.M.
Scott, B.C.
Slipper, P.N.
Southcott, A.J.
Stone, S.N.
Thompson, C.P.
Truss, W.E.
Vaile, M.A.J.
Wakelin, B.H.
Williams, D.R.
Worth, P.M.

NOES

Adams, D.G.H.
Andren, P.J.
Berreton, L.J.
Byrne, A.M.
Cox, D.A.
Crosio, J.A.
Ellis, A.L.
Evans, M.J.
Ferguson, M.J.
Gerick, J.F.
Gillard, J.E.
Hoare, K.J.
Horne, R.
Kernot, C.
Latham, M.W.
Livermore, K.F.
Martin, S.P.
McFarlane, J.S.
McMullan, R.F.
Morris, A.A.
Murphy, J. P.
O’Connor, G.M.
Pilibbersek, T.
Quick, H.V.
Rudd, K.M.
Sciascia, C.A.
Short, L.M.
Smith, S.F.
Tanner, L.
Thomson, K.J.
Zahra, C.J.

ALBANESE, A.N.
Bevis, A.R.
Burke, A.E.
Corcoran, A.K.
Crean, S.F.
Edwards, G.J.
Emerson, C.A.
Ferguson, L.D.T.
Fitzgibbon, J.A.
Gibbons, S.W.
Hatton, M.J.
Hollis, C.
Irwin, J.
Kerr, D.J.C.
Lee, M.J.
Macklin, J.L.
McClelland, R.B.
Meehan, D.
Mossfield, F.W.
O’Byrne, M.A.
O’Keefe, N.P.
Price, L.R.S.
Ripoll, B.F.
Sawford, R.W. *
Sercombe, R.C.G. *
Sidebottom, P.S.
Snowdon, W.E.
Theophanous, A.C.
Wilkie, K.

PAIRS

Charles, R.E.
Downer, A.J.G.
Howard, J.W.
Lieberman, L.S.

* denotes teller

Question so resolved in the affirmative.

MIGRATION LEGISLATION AMENDMENT (JUDICIAL REVIEW) BILL 2001

Second Reading

Debate resumed from 26 September, on motion by Mr Ruddock:

That the bill be now read a second time.

Mr SCIACCA (Bowman) (11.07 a.m.)—The Migration Legislation Amendment (Judicial Review) Bill 2001 is one that has been around now for some years. In fact, it was brought before the parliament before the last parliamentary term ended. For some time the
opposition have been against the provisions of the bill on the basis that we do not believe the bill will pass the test of a challenge to the High Court. Accordingly, I move:

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) expresses its concern that amendments passed by the Senate that have attempted to exclude the original jurisdiction of the High Court in migration matters may be found to be unconstitutional or ineffectual;

(2) observes that the Government is yet to table its legal advice which confirms the constitutionality or efficacy of these measures;

(3) expresses its concern that the amendments may actually increase the number of migration decisions challenged in the High Court which will further delay the processing of migration cases and result in a further drain on our legal system;

(4) expresses its concern that the Government has not addressed the issue of vexatious or unwarranted proceedings being commenced as a tactical delay to the implementation of migration decisions;

(5) notes that the Opposition provided to the Minister for Immigration and Multicultural Affairs an alternative proposal to provide a fair but speedy form of judicial review in the form of a ‘one stop shop’ at the Federal Magistrates level; and

(6) expresses its disappointment that the Government has not provided a more constructive response to that proposal”.

The opposition, in the spirit of bipartisanship that was offered with respect to all these migration bills that have recently been before the Senate and the House, have agreed that we will allow this bill to pass. We do so, though, without in any sense or form being of the view that this is the answer to the problem. There is no question that the current system is failing because of the lengthy delays that occur in determining migration and refugee issues. I make this point: whilst the government have wanted the public to think that these appeals are only there for refugee appeals, for asylum seekers, the reality is that what the government are doing with this bill is effectively abolishing any rights of appeal to the court in all migration decisions. It is true that a significant number of these appeals have nothing whatsoever to do with refugees. A lot of these appeals are by people appealing normal migration decisions from the Migration Review Tribunal, not from the Refugee Review Tribunal. I guess that when people realise this they may not think this is as good a response as they had thought it was.

The reality is that currently determinations in migration and refugee matters are made by a delegate of the Minister for Immigration and Multicultural Affairs. An application may then be made for review of that decision to the Migration Review Tribunal or the Refugee Review Tribunal, as the case may be. Unsuccessful applicants then have two avenues of further appeal. The first avenue is to the Federal Court under a restricted range of grounds specified in part 8 of the Migration Act. An appeal from the decision of the Federal Court can then be lodged with the full court of the Federal Court. An application for special leave to appeal to the High Court can also be made. The second avenue is directly to the High Court under section 75(v) of the Constitution—known as the original jurisdiction of the High Court. In practice, applicants usually choose one of these avenues but not both.

The Migration Act currently prohibits the High Court remitting migration and refugee matters to any other court for review. This means that the judges of the High Court must themselves sit in judgment on matters involving applications for refugee status. This is placing enormous pressure on High Court judges, who now spend considerable time hearing these low-level migration matters rather than attending to the proper business of the court as the nation’s highest court of appeal—namely, constitutional issues, the application of the general criminal law and the ever burgeoning complexity of commerce related legislation. This is what concerns the opposition.

We have said to the government, as we have done on every piece of migration legislation that has come before this House in the last 2½ years, that we will pass this legislation because the minister and the government say that they need every one of
these migration matters to send appropriate messages to people smugglers. We in the Labor Party have continually said we are as one with the government when it comes to trying to stop the people smugglers. But the fact is that we are in opposition and we are supposed to point out difficulties to the government when we perceive that there are difficulties. With this particular piece of legislation, we have said continually that we believe that if this goes to the High Court and it is challenged, as it almost certainly will be, the High Court may well knock it out on the basis that we are interfering with their original jurisdiction under the Constitution. We have made that clear to the minister; we still believe that to be the case.

I know that the minister in particular likes to make it look to the public that we are in fact in opposition to a lot of these matters. The reality is that, after today, we have passed every piece of domestic legislation to do with the people-smuggling. The only one we did not pass was the original border protection legislation, which no self-respecting political party anywhere in the Western world would have passed. We said there were problems with it, we told the government what those problems were, they brought it back and we have passed it. That does not mean to say that we believe that everything they have done is correct. But, as I said, we have made this decision that we will support them, and we have supported them.

With respect to this bill, we had what we believed to be an appropriate solution. We had a set of amendments that we gave to the minister and asked for comments on. The amendments were not accepted. It is inappropriate for me, on behalf of the federal opposition, to put on the record what our solution was. At the moment, as I have said, there is substantial legal opinion that it would be unconstitutional to attempt to exclude the jurisdiction of the High Court in migration matters. That is because there is an explicit guarantee in the Constitution that the High Court has authority to hear applications for judicial review. It is highly unlikely that the High Court would accept that its original jurisdiction to hear migration matters could be excluded by way of legislation.

In August 2001 the Howard government introduced legislation which confers jurisdiction on the Federal Magistrates Court to hear appeals under the Migration Act. This legislation will give the Federal Magistrates Court concurrent jurisdiction with the Federal Court to hear migration appeals; that is, both the Federal Magistrates Court and the Federal Court have the authority to accept and deal with appeals from the Migration Review Tribunal and the Refugee Review Tribunal. Applicants who have had their appeals rejected by the tribunal will be entitled to choose whether to appeal to the Federal Court, as per the current rules, or to the Federal Magistrates Court. However, applicants who choose the Federal Magistrates Court to hear their case will automatically be entitled to a further appeal to the Federal Court. Despite the government’s stated claim that it is seeking to simplify appeal mechanisms, this may paradoxically create more opportunities for unsuccessful applicants to delay the resolution of their cases by introducing yet another layer of appeal. The amendments were put together not only by my colleague the member for Denison, who is one of my predecessors in this job and who knows this issue backwards, but also by my colleague the member for Barton, the shadow Attorney-General and me. The three of us are lawyers of great experience.

Mr Kerr—Eminent!

Mr SCIACCA—I am not eminent in constitutional law, but certainly my colleague the member for Denison is a well-known constitutional expert. We brought forward the amendments without trying to throw the baby out with the bath water. As I have said, we accept that the government was not prepared to do it. I must put on record what that plan was, because it should be known by the public of Australia that we believed that we had a resolution to what we considered to be a problem. If our plan had been implemented, it would not have been challenged before the High Court, would have kept some sort of judicial review, but would have
had a number of provisions to stop vexatious appeals.

Labor’s amendments would have provided for fair and expeditious review of applications while discouraging the bringing of applications which had no merit. Labor’s amendments would have retained judicial review, but they would have allowed applicants only a single opportunity for judicial review in the Federal Magistrates Court. There would have been no right of appeal from a decision of a federal magistrate. It would have been expected that most applicants would choose to lodge an appeal from a decision of the tribunal directly with the Federal Magistrates Court. The Federal Magistrates Court would then have applied the existing rules in part 8 of the Migration Act to determine the outcome of an appeal. The amendments would also have given the Federal Magistrates Court jurisdiction to hear matters which currently can be heard only by the High Court, because the High Court is prohibited from remitting those matters to other courts. Some applicants may have elected to seek a review of a decision of the Migration Review Tribunal or the Refugee Review Tribunal in the original jurisdiction of the High Court, as is presently the case. However, our amendments would have allowed the High Court to send those cases directly to the Federal Magistrates Court for decision. It was envisaged that the High Court would refer all but the most exceptional cases to the Federal Magistrates Court so that either way the matter would have been heard in the Federal Magistrates Court and dealt with fairly and quickly.

One of the major parts of the amendments that we put to the minister was to try to discourage appeals with no reasonable prospect of success. There is absolutely no doubt that there are lawyers and migration agents around this country who, knowing full well that people have no chance whatsoever of being successful in court, simply advise them to appeal so that they can prolong their stay in Australia. Only a minor percentage of cases that are appealed are overturned—in other words, are accepted. Recognising that few appeals against decisions of the tribunals are successful, our amendments would have introduced new rules designed to discourage lawyers and migration agents from encouraging applicants to make appeals which had no reasonable prospect of success. The rules would have allowed a court to impose a personal costs order of up to $5,000 on an adviser who encouraged a person to make an appeal which had no reasonable prospect of success. Bodies corporate would have been liable to fines of up to $10,000. This measure was designed to discourage advisers—and advisers are defined as people who do this for profit; we are not talking about community legal centres or volunteers—from urging or encouraging people to take up appeals that, while without foundation, will result in considerable further delay and expense and create unreasonable expectations of their remaining in Australia.

When these matters have been discussed in the House, I have said ad infinitum, ‘Minister, we will not agree to this, but we will agree to sit down and have an open mind on solutions, because we recognise the problem.’ I have said that publicly and I have said it many times in the House. We have ended up with exactly the same bill that for five years the government have been trying to pass. We gave them what we believed to be not only a reasonable solution but one which would probably have withstood challenges to the High Court. We unfortunately believe that this bill will not withstand challenges to the High Court, but, in a spirit of bipartisanship, the opposition has passed every piece of legislation relating to efforts to try to deter people smugglers that has come before the House in this parliamentary term.

The minister has been out there trying to say something different. In question time every day he tries to continue to put the wedge in, but there is no wedge here, Minister. I back what my colleague the member for Denison said only a couple of days ago when we were discussing the Border Protection Bill: you and your Prime Minister might feel smug today, you might feel as if you have got your way, and you have, but in five or 10 years, when history looks upon what you did on this issue in this parliament, we will see what people think of you then. There is no
question why you have introduced these bills at this time. There is no question why you were hairy-chested about the Tampa and everything else, although it was during your watch that these people have been coming in ad infinitum. You took certain actions because you knew that would be popular, and it has worked your way electorally. Let us see what happens in five or 10 years. Let us see how you go down in history.

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

Mr KERR (Denison) (11.23 a.m.)—I second the amendment and, with the consent of the government, I propose to speak immediately.

Mr DEPUTY SPEAKER (Mr Nehl)—Proceed.

Mr KERR—In the Senate committee which examined the proposed legislation some time ago, the Administrative Review Council stated:

In the Commonwealth context, it is therefore of fundamental constitutional importance that a decision made or action taken in the exercise of authority, whatever its source, is susceptible of review by the courts, if the decision maker or action taker is an officer of the Commonwealth or a person acting for or on behalf of the Commonwealth or Commonwealth authority and if the decision or action affects a right, privilege, duty, obligation or legitimate expectation of a person. The Migration Legislation Amendment (Judicial Review) Bill 1998 [2001] seeks to trample those protections that are fundamental to our constitutional environment. The opposition does not believe that these changes will survive the scrutiny of the High Court of Australia. The government itself recognises that that is a possibility. We believe that there were better and more effective ways to achieve the same objective of the government, that is, a simple, speedy and effective system but without removing the opportunity of independent scrutiny of executive action.

It is not true that executive action is always wise, always correct and never wrong. Earlier today, the Minister for Immigration and Multicultural Affairs mentioned the case of Miah. The case of Miah is a very good case to go to in terms of the difference between what is the substantive justice of a case and the kind of procedural restraints that this government wishes to put in place. Mr Miah’s circumstances were extraordinary. He grew up in a secular household in Bangladesh. His father was killed by Islamic extremists. During his school days, he continued in the same philosophy as his father and sought to express those secular views in a society which was deeply polarised and where Islamic extremism was growing. He suffered as a result of that and was subjected to assaults. He fled his village and went to Dhaka, thinking he would remove himself from those attacks. When he went to Dhaka, the place where he was working was subjected to a grenade attack. Not unnaturally, his employer politely asked him to leave and explained that he could not provide the protection that he needed. Mr Miah then went to Singapore, where he lived for a couple of years. He did not seek refugee status because he wanted to return home. He did return home with his new bride, a Hindu. He went back to his village and he and his wife were subjected to attacks and given 101 strokes of the cane because they were Hindu and secular rather than committed to the fundamentalist Islamic code. That man then fled and sought refugee status.

After a series of appalling delays, including misjudgments by the minister by refusing to accept that the matter had been improperly considered, his case was finally acceded to only after judicial review by the High Court of Australia. I want to take the House briefly to some of the passages in the decision of Her Honour Mary Gaudron. At paragraph 82 of her decision, she says:

His fear, if he returned to Bangladesh, was not merely that he would be the subject of further acts of persecution at the hands of Jamat-I-Islam but that they would kill him. His claims as to the violence and threats to which he was subjected and as to his fears that he would be killed were never evaluated. As already pointed out, the delegate proceeded simply on the basis that Mr Miah 'may have experienced harassment from Muslim fundamentalists.'

His claim in all those circumstances was never properly evaluated. At paragraph 98, her honour makes this point:
In the present case, the delegate did not simply reject the claims by Mr Miah. Indeed, he barely considered them.

So it is possible that administrative decision makers make wrong decisions. It is entirely possible that ministers make wrong decisions. When this matter came to the minister for an exercise of his discretion as to whether or not, in all those horrifying circumstances, the minister might exercise some discretion, he refused it. We had a wrong process in the tribunal; a minister insensitive to the realities and the need to assess this case on a proper basis; and a determination now to remove the opportunity for independent scrutiny of administrative actions.

We have a better proposal. Labor have a proposal that will simplify these matters, streamline them and avoid repetitive judicial review. We have proposals which will ensure that advisers who put up frivolous and vexatious cases carry the costs in relation to it. We need not take the course this bill provides for to solve the problem it addresses.

I conclude by saying that the bill states:

A privative clause decision:
(a) is final and conclusive;
(b) must not be challenged, appealed against, reviewed, quashed or called into question in any court; and
(c) is not subject to prohibition, mandamus, injunction, declaration or certiorari in any court on any account.

Of course that will not stand, and the minister knows that. The degree to which it will not stand is uncertain because the High Court has original jurisdiction under the Constitution of Australia, which states:

In all matters in which a writ of mandamus or prohibition or an injunction is sought against an officer of the Commonwealth, the High Court shall have original jurisdiction.

This jurisdiction cannot be removed. So, whatever this act means in practice and however it is interpreted, or whether it is directly overridden as unconstitutional and suspended in its operation in its entirety, the law will not be as this act proposes—and the government knows that. So we ask: why not follow a course which would have been constitutionally sound, available and not had these flaws?

The last point I make is that, if we open ourselves to a system where we say that the acts of the executive are immune from reviewability on the basis of their lawfulness—in other words, that capricious and unlawful acts of the executive are not subject to the scrutiny of an independent court—then why not apply the same system to the taxation laws? Why not apply them to other areas of administrative decision making in Australia? Why not do it in a way which removes entirely the citizens’ rights, which are fundamental, to have an independent chapter III constitutional court review those matters? The reason why this government has not adopted a process which is in conformity with the constitutional framework is beyond me.

Motion (by Mr Brough) put:
That the question be now put.

The House divided. [11.31 a.m.]

(Mr Deputy Speaker—Mr G. B. Nehl)

Ayes……………. 71
Noes……………. 61
Majority………. 10

AYES

Noes
Thursday, 27 September 2001

Prosper, G.D.
Reith, P.K.
Ruddock, P.M.
Scott, B.C.
Sliper, P.N.
Southcott, A.J.
Stone, S.N.
Thompson, C.P.
Tatham, W.E.
Vaile, M.A.J.
Wakelin, B.H.
Williams, D.R.
Worth, P.M.

Pyne, C.
Ronaldson, M.J.C.
Schultz, A.
Seeker, P.D.
Somlyay, A.M.
St Clair, S.R.
Sullivan, K.J.M.
Thomson, A.P.
Tuckey, C.W.
Vale, D.S.
Washer, M.J.
Wooldridge, M.R.L.

Adams, D.G.H.
Andren, P.J.
Brereton, L.J.
Byrne, A.M.
Cox, D.A.
Edwards, G.J.
Emerson, C.A.
Ferguson, L.D.T.
Fitzgibbon, J.A.
Gibbons, S.W.
Hatton, M.J.
Hollis, C.
Irwin, J.
Kernot, C.
Latham, M.W.
Livermore, K.F.
Martin, S.P.
McFarlane, J.S.
McMullan, R.F.
Morris, A.A.
Murphy, J. P.
O’Connor, G.M.
Pilbersiek, T.
Quick, H.V.
Roxon, N.L.
Sawford, R.W.
Sercombe, R.C.G.
Sidebottom, P.S.
Snowdon, W.E.
Thomson, K.J.
Zahra, C.J.

Pyne, C.
Ronaldson, M.J.C.
Schultz, A.
Seeker, P.D.
Somlyay, A.M.
St Clair, S.R.
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Sawford, R.W.
Sercombe, R.C.G.
Sidebottom, P.S.
Snowdon, W.E.
Thomson, K.J.
Zahra, C.J.

Original question resolved in the affirmative.

Bill read a second time.

Third Reading

Leave granted for third reading to be moved forthwith.

Bill (on motion by Mr Ruddock) read a third time.

FAMILY ASSISTANCE ESTIMATE TOLERANCE (TRANSITION) BILL 2001

Consideration resumed from 30 August.

Second Reading

Mr ANTHONY (Richmond—Minister for Community Services) (11.40 a.m.)—I move:

That the bill be now read a second time.

This bill follows through on the government’s recent announcement of a $1,000 tolerance for families with a family tax benefit or child-care benefit overpayment because of incorrectly estimated income or shared care in 2000-01.

The bill adapts an existing provision in the family assistance law so that the government’s decision can be put into effect through a disallowable instrument. The instrument will be made and tabled as soon as possible after the bill is enacted.

The new family assistance system put more than $2 billion extra into the pockets of Australian families. It meant, for the first time ever, that top-ups will be paid to families who have been paid less than their actual entitlement because they overestimated their income during the year.

The government’s information campaign to tell families about the new system has been very effective, with some 800,000 families updating their income estimates during the year. However, the first year was one of transition, and some families clearly needed extra help in adjusting to the new arrangements. While many families have got their income estimates right, there are families whose circumstances mean that it is difficult for them to estimate their income accurately. This special $1,000 tolerance will be available to those who have underestimated their income.
their income and have an overpayment as a result.

The $1,000 tolerance will also be available where a separated parent has incorrectly estimated their share of their child’s care. If a family has both a family tax benefit overpayment and a child-care benefit overpayment, the $1,000 tolerance will apply to each overpayment.

Any family who still has an excess payment after the $1,000 tolerance may have it recovered by adjusting their future payments. Of course, many families who overestimated their income will reap one of the main benefits of the new system when they are paid their family tax benefit or child-care benefit top-ups with their tax refund or in a direct payment.

Now that families have had time to adjust to the first year of the new system with the benefit of this lenient approach, the Family Assistance Office is working closely with them to help them with their income and shared care estimates for 2001–02. I present the explanatory memorandum to the House.

Mr ALBANESE (Grayndler) (11.43 a.m.)—As foreshadowed in the Senate second reading debate on the Family Assistance Estimate Tolerance (Transition) Bill 2001, the Australian Labor Party will support this bill, although I do intend to make some general remarks about the government’s deceit in handling this matter and the utter contempt that it has shown consistently towards Australian families over the last five years. Firstly, however, I wish to outline some details concerning the bill. This bill is technical in nature, amending provisions in the Family Assistance Administration Act that deal with the waiver of debts. The amendments in this bill are relatively straightforward. They will allow a disallowable instrument to be tabled that will give effect to the government’s announcement to waive the first $1,000 of debts attributable to families and arise from the introduction of the new family tax benefit and child-care benefit payment systems in July of last year.

Though the disallowable instrument is yet to be tabled, we understand that only debts attributable to parental and dependent child income estimation, as well as shared care, will be included in the $1,000 waiver. The waiver will be a one-off, applying only to overpayments in the 2000-01 financial year. The government’s estimate is that around 400,000 families will be affected by the waiver. With some interesting accounting, the government says that some $220 million in revenue from debt recovery will be forgone. Only time will tell whether this is the extent of the problem.

What we do know, however, is that this is a problem of the government’s own creation. Once again we have a bill introduced to fix up the mess that the government has made of the family and community services portfolio, in particular under this minister’s stewardship. Yesterday the shadow minister’s office once again attempted to obtain figures from the minister’s office about the progress of the reconciliation process. We asked some pretty fundamental questions. We asked how many families have thus far had reconciliations, how many have debts and what the size of those debts are. But, of course, we received no answers to those questions. This is a government that does not believe in reconciliation of any sort, whether it be of the political variety or whether it be of the financial version. Nothing has been forthcoming, and as such we can only assume that this government has something to hide. However, I think that is probably unfair because, given this minister’s record, he probably just does not know. Putting aside the government’s non-cooperation, this bill and the waiver that it will ultimately provide for is a cocktail of bungling, deceit and now cheap political expediency. The government, of course, would not think twice about releasing figures if those figures showed that the family debt problems were not as bad as expected. We can only assume, therefore, that they are much worse.

This is a government that has no idea about family policy. This is a government that knows only about family policy failures. I am not surprised that the government is embarrassed by this performance and that it intends to guillotine the debate on this bill. The government does not want members from this side of the parliament, who genu-
inely represent their electorates, coming into this House and outlining exactly how this government has bungled this situation and how it has had a devastating financial impact on Australian families. After repeated denials of any problems with the family tax benefit and child-care benefit system introduced as part of the GST package, we now have yet another massive backflip from the government; another massive backflip to add to the backflips on petrol and the four changes to the GST on caravan parks—and it still does not have it right! There has been backflip after backflip by this government which have all had an economic impact on the budget, the result of which we will see only during the election campaign.

The government says that this is a transitional measure to help families in the first year of its operation. However, we know that the government opposed this happening. When the shadow minister for family and community services raised the problems that the government’s position was having on Australian families, we were told once again that we were wrong. We were told that this was just the Labor Party running a scare campaign. The government is pretty consistent about that. It says that we are running a scare campaign, then down the track it accepts what we are saying and introduces legislation to fix the problem that it created, which we told the government about before it even created the original legislation.

The truth is that the $1,000 debt waiver has nothing to do with the government’s genuine concern for families, and everything to do with the government’s concern for its own family—those people who sit on that side of the House temporarily who, indeed, are having their last day sitting on that side of the House. This is a cheap exercise in saving their own political skins. As I said, the government says that this is a transitional measure to help families in the first year of its operation. It is a transitional measure all right—a measure to see the coalition through the election due to be called in just a matter of days. The government’s legislation is very interesting, as are the changes that we have seen on Ansett. The government is prepared to help Ansett just until the election campaign is over. And here we see that the government is prepared to help Australian families just until the election is over. That is why this legislation applies for only one year. The government does not care about families and the way that the new payment system has put them into debt; it just cares about how those families will vote in the election.

Minister Vanstone and her predecessor are about as competent in formulating policies for families as Minister Bishop is at looking after frail, older Australians. To demonstrate the scope of the problem, I might briefly recap how the current system works. As with most social benefits, assistance is determined by income, with lesser benefits made to those with greater means. The new payment system introduced by the government as part of the GST relies on calculating family benefits based on an estimate of income in the corresponding financial year. This requires families to estimate their income over a year in advance. Around March of each year, families are asked to estimate their future income for the forthcoming financial year. Under the new system, at the end of the tax year, the payments made on the basis of the estimate and any updates are reconciled with actual income over the course of that year. If actual income exceeds the estimated income a debt for any overpayment is raised.

This sounds relatively simple but it is hideously complex for families. And the Department of Family and Community Services agree; they recognise serious shortcomings with this tax assessment based regime. But this is a new problem. Under the previous system, family and child-care payments were based on the previous year’s taxable income—the base tax year—and there was no reconciliation that could give rise to a debt. A small number of families could elect to provide a current year estimate, but the family payment system allowed a 10 per cent buffer between the estimated and the actual income upon reconciliation.

This buffer, which has been abolished under the new zero tolerance system, something that characterises this government when it comes to any issues of compassion towards the most vulnerable people in our community, gave some leeway for families
when their income fluctuated. With no buffer in the coalition’s zero tolerance family policy, far more families are drawn into the debt trap. Disturbingly, lower income families are those at most risk; those who must claim their payments fortnightly rather than annually. This group is also more likely to have fluctuating income due to part-time work or the need to do overtime, thus exceeding their estimated income. Also at risk are single income families where the parent at home wants to do a bit of part-time work in order to get by. These families can get a triple-decker debt from each of family tax benefit A, family tax benefit B and the child-care benefit. Indeed, we have done a few figures that show that such a family can accumulate a $1,000 debt with just $1,500 in extra total income.

Under the coalition, families are punished for working harder. But the government knew that this was going to occur because we warned them. This disaster in the making goes right back to the introduction of the initial GST legislation. In June 1999 shadow minister Wayne Swan made the following remarks in relation to family income estimate debts during the second reading debate of the A New Tax System (Family Assistance) (Administration) Bill 1999. He said:

Provisions in this bill can make things only worse as all families applying for assistance will be required in the future to estimate their income and not to go on their past taxable income. Currently, many families elect to base their assessment on previous tax returns. For many, this is the safe option. Surely, as a result of these changes, more families will unwittingly incur debts ...

There you have it: in June 1999 the member for Lilley once again showed what a visionary he is in family and community policy, compared with the vacuous emptiness that we see opposite here today. Subsequently, scores of press releases have been issued by the Australian Labor Party highlighting this issue and other flaws in the family tax benefit and child-care benefit system. The government denied all. As far as it was concerned there was no problem. It decided to deceive Australian families. Senator Newman, the previous minister, stated in a press release on 5 April 2000:

Australian families should not be scared by Labor fear campaigner Wayne Swan in his attempt to claim that increased debts will be raised by Centrelink under the New Tax System.

I call upon the minister to address this issue in his closing remarks, because it is very clear there that, on the record on 5 April 2000, Senator Newman was saying, ‘No problem.’ She obviously did not learn the old adage: when you are in a hole stop digging. The minister kept digging, and she went on to say:

Of the 2.1 million families to receive FTB Part A, around 1.75 million will not have their rate affected by an under or over-estimate of income. Of the remaining 350,000, few are expected to incur a debt because of the improved system.

Really? Is that right, Minister? Why, then, is there a need for this legislation if there were not going to be any problems created? The current minister also peddled that line by denying strenuously that there were any problems. In a press released dated 18 April 2001, since stripped from Senator Vanstone’s web site, she asserted:

The suggestion that many low income families might face overpayments of $1000 or $2000 is ridiculous.

Low income families have been the big winners under the new scheme. Mr Swan’s comments to the contrary are self-serving in the extreme and serve no purpose but to scare low income families away from a scheme that can greatly assist them. Who looks ridiculous now, Minister? It is this government that once again looks ridiculous. At the last sittings before the winter recess, a leaked document came into our hands. It showed that the government had been secretly making preparations to claw back family payments from up to half a million families after they had lodged their tax returns this year. I seek leave to now table the document.

Leave granted.

Mr ALBANESE—It is devastating. Families were to have the money stripped from their tax refunds without warning. Any residual amounts would result in bills being sent for the outstanding amount. Contingency plans to deal with the so-called debts were detailed. The measures being pursued
including the formation of a ‘National command and control group’. This government likes the military. Next came ‘Saturday morning office openings’ and ‘flying squads’. There was also to be a ‘boost in call-centre staff above the levels during the introduction of the GST’. There were to be ‘delays to tax return processing to moderate the impact on Centrelink’, ‘instructions to avoid “normal work’” and ‘the cancellation of staff leave’.

These extraordinary revelations pointed to the size of the problem. But Minister Vanstone continued to play down the crisis and argued that any overpayments be repaid. On 27 June this year she told the Senate:

The people who understand about getting no more than you are entitled to are the families who are in need. I do not think that they are going to be unhappy, if they have been overpaid, to pay it back into the till.

She went on:

... if a family understates its income and as a consequence has received higher benefits that it would otherwise have been entitled to, it will have to pay that money back.

Just three days later, on 1 July—not coincidentally, just two weeks before the Aston by-election—the Prime Minister spilled the beans and did yet another backflip. The government, through the measure that we are debating today, would waive debts of up to $1,000 for some 400,000 families who would otherwise have had debts this year. Right up to the last minute there were denials by the government that this was needed. Then, as the issue was exposed by the opposition, a fortnight before the Aston by-election the government caved in with its short-term, tricky political fix. Also we are having this debate on the last day of sitting before a federal election. If every year were an election year, perhaps we would see this generosity every year. But this legislation, of course, applies only during the election year. Like a number of the bills that we are debating, the Family Assistance Estimate Tolerance (Transition) Bill 2001 perhaps should be changed to read Family Assistance Estimate Tolerance—forget about ‘Transition’—Election Year Bill. The $300 payment to pensioners and all the changes that we have seen have all been designed around jobs, but unfortunately the only jobs that this government cares about are the jobs of the members of the coalition. This is such a cynical exercise.

The government had said on the record that the Labor Party’s position on this was ‘scaremongering’ and ‘ridiculous’, yet we have been proven right and they have been proven wrong. Perhaps this is an opportunity for the Minister for Community Services to find some humility somewhere—deep down, it is there somewhere. They are all born to rule—generations of them have represented Richmond, which is about to end. Maybe he will find some humility and will say, ‘I was wrong. Wayne Swan was right and I was wrong.’ Perhaps that could happen—this is an opportunity—and it would probably go down well. Member for Richmond, I will give you a tip: it will probably go down well in your electorate for a bit of humility to be found—

Madam DEPUTY SPEAKER (Mrs De-Anne Kelly)—All remarks are to be addressed through the chair.

Mr ALBANESE—because it is certainly needed. I can certainly understand why the government would not want hundreds of thousands of families to be hit with massive debts in the course of an election campaign, especially since many families would not have expected the massive debts. I had a constituent in my office the other day, with a letter from the government asking him to pay 1c. How much did it cost the government to deliver that letter? But it does not matter to this government, because this government is about punishing, and it will go back to punishing as soon as the election is over. Many families simply did not expect to get this massive debt. The government’s waiver provides for up to $2,000 to be waived per family: $1,000 for family tax benefit and $1,000 for child-care benefit. In this, we start to understand why the new system is a failure. No person in their right mind would believe that 400,000 families could deliberately accumulate debts of up to $2,000, nor would the government be prepared to waive debts of this size if it were
convinced that the families actually received payments to which they were not entitled.

The fact is that this massive backflip from the government is confirmation that the family payment system is generating erroneous debts for families. The system is flawed and it is flawed because it raises retrospective family payment and child-care benefit debts for periods of the year when families were actually entitled to the benefits. The government is still having difficulty in coming to terms with this. Indeed, its only advice to families—to keep Centrelink updated on income changes—is flawed, because debts may still accumulate. Families who have complied with all their obligations to advise of changes in income can still get debts. The system is simply not responsive to fluctuations in income. The estimate system and the annual income reconciliation, as they currently work, are bad policy. The new family payment system is unable to recalculate payments properly to ensure that there is no net debt at the end of the year. The government’s announcement for a one-off debt waiver does not fix the systematic problems that will saddle average families with debts next year and the year after.

The coalition is sitting on a family payment system that is a debt trap, and it is refusing to do anything about it. Why does the coalition want to place ordinary struggling families deeper into debt? The government has not articulated any strategy to fix this problem, nor is there likely to be one. The government knows full well that the whole idea of the new system was to save money and to pay less GST compensation to families than was originally promised, and we know about the infamous clawback system that applied earlier this year. By moving to a current year income estimate, the government has effectively forced all families to declare higher incomes, which in turn reduce family payments—a concerted, deliberate strategy by the government to reduce its liability in family payments—which it pays to struggling families out there.

Wages growth means that the new system has, as a starting point, family incomes at around four per cent higher than those that would have been used under the old system. If the income guidelines of the old system remained, a family which had payment based on an income of $45,000 would have a new income of around $46,800 under the new system. The difference—some $1,800—reduces their family payment by at least $540 per year and up to $1,080 per year, or even more if child care is used. It appears that this significant differential was not taken into account with the government’s new tax system cameos. The fudge was used by the coalition to claim higher family benefit increases under its ANTS cameos—very sneaky, very tricky, very mean. Indeed, this is confirmed by the logic of the government’s argument about why the waiver will not cost the budget surplus. The government estimates that $220 million in debt recovery will be forgone, but it says that there is no underlying cost because it overestimated outlays in the last financial year. It is so bad that the Minister for Finance and Administration has had to come in here to give instructions to the Minister for Community Services about the damage he is creating to the budgetary position. That is how bad this government is, and that is how incompetent this minister is on financial matters.

The figure is even greater than this, because there will be those who have debts in excess of the $1,000 waiver. The government overstated the GST compensation in the new payment system by more than $220 million. This is 10 per cent of the total GST compensation claimed by the government. It would follow that families have been short-changed by 10 per cent; in other words, the government has caught itself out paying families 10 per cent less than they were promised as compensation for the GST. It is little wonder that many families are telling us that they are under greater financial pressure with the GST.

Families know that tax cuts and the claimed family payment compensation were eaten up by price hikes under the GST. Polls consistently show that very few Australians feel they are better off under the GST. AC Nielsen reported in the Age on 14 February 2001 that only 10 per cent believed they were better off. Newspoll reported in the
Australian on 31 May 2001 that only 10 per cent believed they were better off. Quadrant reported in the Herald Sun on 18 June 2001 that only nine per cent believed they were better off. The opposition has also exposed examples of families that have been left worse off under the new tax system.

The operation of the new income test for family tax benefit part B has left couple families with a parent leaving or entering the work force, before or after caring for children, demonstrably worse off. The loss of the basic partnered parenting payment has not been offset by tax cuts or other family payment compensation. Despite denying problems with the new income test the government introduced a one-off compensation measure for families affected—but it was one-off only for last financial year. But, to add insult to injury, some families missed out on this. Parents who swapped parenting roles during the year were not eligible.

Labor has also drawn attention to the plight of large families on low incomes. These families were dunned. The abolition of the variable income-free area, the pitiful increase in the large family supplement, and the failure to benefit from the relaxed taper and income tax cuts combined to squeeze these families against the big price increases they faced under the GST. The government’s response to these serious issues is similar to the debt problems exposed by the opposition: deny all. We say that the government is doing a great disservice to families by not acknowledging, least of all rectifying, these serious shortcomings.

To conclude, it is obvious that the government’s administration of FTB and child-care benefit has been an unmitigated disaster. Worse than that, it has been a vehicle for the government to shortchange families on their GST compensation. Just like pensioners, they have been deceived. We intend reminding families of the government’s conduct in the ensuing election campaign. We have a coalition government that is not prepared to fix the core problems with its family payment system that will hit families with debts next year and the year after.

Here is an election promise that the coalition will not be advertising: if the coalition is re-elected, it is guaranteed that families will be hit with massive end-of-year tax debts; tax returns will be stripped without warning and bills will be sent out. This is perhaps the only promise the coalition could be expected to deliver on if it is re-elected.

In contrast, Labor leader Kim Beazley has given a commitment to fix the problem of unfair debts for families. Only one party in this country understands families and is prepared to support them—the Australian Labor Party. It is no wonder that this government are preparing to gag this debate. They say it is so that the member for Macarthur and the member for Richmond can give their valedictories, but it is all because they do not want a debate on this issue. (Time expired)

Motion (by Mr Anthony) agreed to: That the question be now put.

Question resolved in the affirmative.

Bill read a second time.

Madam DEPUTY SPEAKER (Mrs De-Anne Kelly)—Is it the wish of the House to proceed to the third reading forthwith?

Opposition members—No!

Mr Anthony—I move that this bill be now read a third time.

Mr McMullan—Madam Deputy Speaker, I raise a point of order: you asked if it was the wish of the House to proceed to the third reading forthwith?

Opposition members—No!

Mr Anthony—I move that this bill be now read a third time.
Madam DEPUTY SPEAKER—The minister has moved that the bill be read a third time. The question is that the bill be now read a third time. Those of that opinion say aye; to the contrary no. I think the ayes have it.

Mr McMullan—No, no. Madam Deputy Speaker, I raise a point of order: I think the motion was put quite improperly. How is it that we got to the circumstance that that motion was moved when there was not agreement by the House to move to the third reading forthwith? The minister can move the third reading motion only when we have gone through the consideration in detail stage—which we never did and about which there was never agreement. We could have a lengthy discussion about this. I understand you are in a difficult position, Madam Deputy Speaker. I am not trying to make it harder for you, but I am trying to protect the rights of members to speak briefly on this matter.

Mr Albanese—As agreed.

Mr McMullan—I do not want to take more time; I just want to give those two colleagues the chance to speak briefly. You cannot move the third reading without a consideration in detail stage, without the consent of the House. You asked if it was the wish of the House to move to the third reading forthwith, and members distinctly said that, no, it was not. There was no leave to proceed in that manner; therefore the motion that you purported to move was not ever properly before us. I do not want to be in the position of dissenting from your ruling but, if you want to take a bit of time, we can do it. The proper process is that we move to the consideration in detail stage, in which case we will be quick. If we do not move to the consideration in detail stage, we will be slow. That is the choice before the House. If you want to move in accordance with the timetable, do it cooperatively and you will get cooperation; do it without cooperation, and there will be a blue. I will move dissent from your ruling if we do not get some movement on this matter.

Madam DEPUTY SPEAKER—We can proceed with the third reading debate, if that is acceptable to members.
Third Reading
Motion (by Mr Anthony) agreed to:
That the bill be now read a third time.
Bill read a third time.

LEAVE OF ABSENCE
Motion (by Mr Reith) agreed to:
That leave of absence be given to every Member of the House of Representatives from the determination of this sitting of the House to the date of its next sitting.

SPECIAL ADJOURNMENT
Mr REITH (Flinders—Leader of the House) (12.28 p.m.)—I move:
That the House, at its rising, adjourn until Monday, 22 October 2001, at 12.30 p.m., unless the Speaker fixes an alternative day or hour of meeting.
I reserve my right to speak to the motion later.
Mr FAHEY (Macarthur—Minister for Finance and Administration) (12.28 p.m.)—I take the opportunity in this debate to say what will probably be my last words as a parliamentarian. I do so with a fair degree of sadness. I can look around me and see faces that bring back a flood of memories, and I can say that those faces are on both sides of the House and in the gallery. I can look back and say, after close to 18 years, I have had a blessed life.

This is a time for me to acknowledge those who have made that professional parliamentary public life blessed. I will do so as best I can by, firstly, acknowledging the support that is given in this parliament by all of the support staff, from those in the chair like you, Madam Deputy Speaker Kelly; the clerks; the attendants who are so courteous and constantly opening a door or bringing a glass of water when the throat is in some difficulty; through to those who record what is said, Hansard; the caterers who make sure that the strength is always there by supplying food; the cleaners who simply, without you knowing, make sure that your desk and your office are always in order; those who work in security, which is unfortunately needed but, thank God, not needed in a manner that is required in so many other countries; those who drive us backwards and forwards to the...
place of work; and specifically the gardeners who have constantly created a place of joy, outside the walls of this building itself, which has given me, as a keen gardener, so much comfort when I have walked through those courtyards and extensive gardens.

I think back over this period of nearly 18 years, starting of course with those 12 years in the state parliament, and can say that it all starts because there is a constituency. A group of people decide at a particular election that they believe that you are the person who can best represent them, best represent their hopes and aspirations. To the extent that you go in there with the right to make that representation and take on additional responsibilities, all members of parliament owe it to those who vote for them, to their constituents and to those who give them such goodwill and support throughout their careers.

Servicing those constituents is where the electorate office is so important. I have been so lucky to have had some very talented and dedicated people in my electorate offices, including Sandra Raine and Fiona Murchie in the state electorate office; and Debby Dewbery, who has looked after my electorate office for the 5½ years that I have been a federal member of parliament, ably supported by Gavin Melvin and Jill Lynn. When I look back on my career, a great bulk of it has been in executive government. I think of the talented people, dare I say it, on both sides of the House who, because of reasons of timing, do not necessarily get the opportunities to enjoy executive government. I have had, as I said, an abundance of that and have enjoyed it immensely.

Going from those days in the state government through to the present time in ministerial offices, I have ticked over with some wonderful friends looking after me and doing things that on many occasions I took the credit for or was given the credit for. Frequently, the ideas were not mine and never could have been mine. They came from other good people who put in long hours and much in the way of thought, simply to make things that little bit better within the ministerial responsibilities. I thank Robert Maher; Barbara Williams, my personal assistant when I was Premier, who served others before and has continued to serve others subsequent to my time as Premier; and that office, which was fantastic. Some of the people who worked there have gone on and will continue to do very good things in public service. I think of people like Joe Hockey, Marise Payne, and John Brogden, who is a state member. They have had the opportunity to work with me and—I say it again—have enhanced the outcomes that I have achieved by their own capabilities, dedication and loyalty in the work that they have done throughout that period.

I turn to my existing office and acknowledge them in the gallery. I say to Danielle, Jason, Kate, Ron, Matthew, Lynne, Victoria, Chris, Melinda, Luke, Dino, Genevieve and Margo: thank you very much for the way in which you are there before me every day and for the way you do not leave until I leave each night. You have given me not only skills and that loyalty I have spoken of but an immense degree of talent harnessed into the work that has consistently been achieved in that office throughout the 5½ years that I have been the Minister for Finance and Administration. I have had other good people in that office, including Greg Barns and David and Nicole McLachlan. It is difficult when you start to mention people, because you are always going to miss out someone, but I can say that most of those who have worked with me have remained friends after departing. I hope that will always be the case. I have had a Christmas party at my home for about a dozen years now and most of the people that have worked for me over the period turn up, and I think that is a sign of the enduring friendships that I have developed throughout the process of doing the work that those in public life and parliament actually have to do.

I turn to my colleagues and say thank you for the support and frequently the enormous help that you have given me. When I came to this parliament, there were many who wondered who the hell this person from New South Wales was; a couple of my friends from New South Wales knew. But, in the nature of the business, I came in and I was immediately put into cabinet. It was a great privilege of course to be elevated to cabinet immediately; nevertheless, there were some
who wondered how a simple state politician, whatever rank he might have held, could even think he could cope with the complexities and difficulties of the big house down here in Canberra—the Australian team versus the state team. I did cope as well as I did because of the support and assistance given by so many of my colleagues in the ministry, in the cabinet and outside the cabinet. I have been given an enormous amount of friendship and an enormous amount of help, as I have indicated, from those colleagues.

I leave at a time when the world is not quite what I thought it was only a couple weeks ago. I think we all have that feeling of foreboding of what tomorrow might bring. I leave knowing that others with enormous capability are still going to be here to take up the challenges that are ahead of this nation, which of course can only be resolved by the virtue of those who lead this nation, particularly in this parliament. I have a great deal of comfort in that very fact.

I said when I announced that I intended not to stand this year that there was probably more behind me than in front of me. There is a time in everybody’s professional life when the past is a little longer than the future. I hasten to add ‘in my professional life’, because there are many things that I still want to do. It was probably time for me to look to do something else. I have often wondered when I look around—again, on all sides of politics—just what goes through the minds of so many. I think some stay too long, and few of us choose the time of our leaving—it is frequently, more often than not, decided by the public or by our own parties. So at least I guess I have that choice. I have made that choice. I can say that there was a crowbar there that I probably would have preferred not to have been present in bringing me to the conclusion that I came to: that question of health, which unfortunately was not too good earlier. I sincerely hope, as I am sure all who suffer the same affliction sincerely hope, that it is behind me and that there is a life ahead that will bring with it its rewards, as every day brings to all of us if we could only stop and think about it.

In that context I think it is appropriate for me to acknowledge in my concluding remarks that there are some around us who make it possible for us to actually serve the public. I can say—and I have said it constantly throughout my political life—that there is an enormous amount of goodwill by all who are elected and an enormous amount of effort put in by all who are elected, and that the hopes and aspirations do not necessarily change from one side of the House to the other. The methodology does, the priorities may; but the goodwill, the good intent and the service to the community are given by all who are given the privilege of serving in this and other parliaments. In that context there is a considerable amount of goodwill that is not always recognized.

To me, that is probably the saddest thing about public service. Those things which frequently are and ought always be the most important things in our lives are sometimes sacrificed because of the expediency of the moment—‘It is just so important to win that next election and therefore I cannot afford not to go to this public meeting tonight, or to the school presentation’—and, bit by bit, that becomes an all-enveloping existence and, in the process, we lose sight of what is actually important in our lives. To the extent that I can say, after nearly 18 years, that I still have a wonderful wife who is as supportive today of me as she was when I started, I suppose that is the biggest blessing of all. There are many times when I probably tested that; it was always my fault. Life is not always that rose bowl that, on balance, we acknowledge that it is. But the moments are there in between, being able to give an assessment to say that things overall are very, very good—her capacity to forgive, her capacity to back up again despite the fact that I was not doing the sorts of things that she had a right to expect, that I was not giving the time to her or, for that matter, the children that they had a right to expect. I can only say to them, ‘You have given me a chance to do some things which were important to me and perhaps
important to others. Hopefully, there is a better place because you gave me the chance to put a bit of time in and to express some of the passions that I have had.'

I want to say finally that I want to do some more things. I want to continue to give to the community. I intend to continue to work. I hope that, in giving to the community, there is a close association with the party that has been so good to me, a party that has given me a chance that was not otherwise possible. I was content as a country solicitor to work hard and enjoy a particular lifestyle. I found that working hard involved doing things for those around me on a voluntary basis as a lawyer and as someone who is interested in service clubs and sporting clubs, and then it became fairly clear that there was a chance to do that little bit more. I will not carry status or title in a very short time, but I hope that I can continue to give back, in a quiet way without any recognition, to the community that has given me so many chances and opportunities, to the charities and to the organisations within that community that supported me. I would like to get the chance—and, again, to enjoy the health to have the opportunity—to give a little bit more back; to go back down to those appropriate ranks that I am perfectly content being amongst and to do it quietly. I would like to do the sort of voluntary work we see happening day in, day out, within our communities right around Australia that makes this the best community in the world—and, of course, those communities, being the best, translate into the best nation in the world.

To all of my colleagues under the guidance of my leader, John Howard, who has an extraordinary capacity to put his finger on the touchstone of what the Australian community want, what the aspirations and hopes of so many Australians are, I say to you—and I acknowledge, on both sides of the House: you will probably have difficult times, and in many ways I will miss not being able to be part of the process of overcoming the difficult times ahead in this uncertain world, but I have considerable faith in your capacity to achieve an outcome which is good for Australia. I give you my best wishes. I shall not interfere with anything that you do. I shall watch with great interest. I shall do my best to forget about the whole process that becomes so addictive down here and to find a life that is satisfying. But I will never, obviously, lose sight of the responsibilities that you have got, and you will have my support in whatever form that might be, even if it is just a simple prayer for your goodwill as I go to bed at night. I thank you all for the kindness that you have shown to me.

Honourable members—Hear, hear!

Mr HOLLIS (Throsby) (12.44 p.m.)—I am pleased to speak, but with some reservations, at this time. I am also very pleased to follow the member for Macarthur. When I was first elected to this parliament, I was the member for Macarthur. It is interesting that Macarthur is the only seat in the federal parliament where the member has never sat in opposition. When the member for Macarthur was a state member and I was the federal member, he and I shared many social and other functions together. I particularly wish him well in his retirement.

It is often said that, of the many hundreds of speeches we make in parliament, the two most personal are our first and last. In the first speech the member usually outlines their hopes and aspirations—it is usually a very optimistic speech—and the last is often a cynical speech. Sometimes members realise how little they have achieved or can achieve. I hope that I am not cynical, but I guess I am wiser and more realistic—obviously, I am older than I was when I first came in here.

It has been an immense privilege to be a member of parliament, and that is how I have always regarded it. Despite the long hours, the many disappointments and the disruption to your life, I would have chosen no other job for the past 18 years. Incidentally, my time as an MP is the longest I have ever held one job continuously. I thank the ALP for the opportunity to be a member of parliament. When I was first elected, I defeated a sitting member from the other side. It was a marginal seat and I thought that I would be here for only one term. Seven terms later, I am still here. That is not necessarily a reflection on my ability; electoral changes helped me along the way, I have to admit.
When I was first elected, the parliament sat in the building down the hill. In 1988 we moved into this building with all its facilities. It was quite a change. Over the 18 years I have seen many changes, especially in our offices. When I was first elected, I inherited two manual typewriters. Now we have a modern communications unit: fax, phones, mobile phones, computers, printers and even something called a palm pilot. But I always keep my green diary; it never breaks down!

I am pleased to be leaving on my own terms at a time of my choosing. The member for Newcastle, who is also retiring, and I are the last of the class of ‘83 on our side of parliament; Mr Speaker and the member for Gippsland remain on the other side. We have seen many come and go. One thing you quickly learn in this place is that not all right and all wrong are on one side; people of goodwill can hold genuinely different points of view. We recently saw that on, say, the asylum seeker issue. Also, you quickly learn that not all your enemies are on the other side. The dagger often comes from your own side, and when it does it is usually very barbed and very accurate.

I have been immensely impressed with the standard of people who came in at the last election, especially the women on this side—young, articulate and very talented. I say to them: you have a great future, but do not spend all your life in here. The much younger people who come to parliament today should have the ability to spend a few terms here, do some work outside for a few years and then, if they choose, come back in. I suspect that parliament and they would be much better for that.

This place, despite its rewards, does take a toll on your enthusiasm, health and personal and family life. It is a toll that is not always appreciated by those outside. I have made many friends in this place, but many, especially from the class of ’83, have moved on—friends such as Jeannette McHugh and Robert Tickner. I note that my friend and colleague the member for Cunningham is still here, as are many others. The member for Cunningham will be a minister, I hope, by the end of the year.

I also have friends on the other side. I do not wish to embarrass any of them or lessen their chances of selection by naming them, but I will mention two. My friend and comrade the member for Corangamite and I have served on committees and travelled together. The member for Hinkler and I have enjoyed committee work and travelled together. I might disagree with them on some issues, but I often suspect that we are often closer on many issues, especially on transport issues, than we admit to each other. Naturally, I suspect that they are closer to my way of thinking than I am to theirs. I have also enjoyed the friendship of the member for Adelaide, and I have a good working relationship with the member for Gilmore and the member for Hughes, who have neighbouring electorates to mine.

I have enjoyed my committee work: my many years as Chairman of the Public Works Committee, where I hope I made a contribution and saved the taxpayer considerable sums of money; my work on the transport committee, especially its work on the ships of shame and on rail; and my work on the Foreign Affairs, Defence and Trade Committee, especially my time as Deputy Chair. Highlights of my time in this parliament are my journey to Antarctica with the member for Newcastle, even if we were icebound for three weeks, and what should have been a five-week journey turned into a seven-week adventure; and my time last year as the parliamentary adviser to the Australian mission to the United Nations for the 55th General Assembly.

I thank all my colleagues on both sides for the friendship they have always displayed towards me. I thank all the staff at Parliament House: the dedicated committee staff, the attendants, the staff in the dining room and the drivers. I also thank the clerks for the help and advice that they always provide.

It might not be fashionable to say, but I believe that Australia is well served by its federal politicians on both sides. The media are quick to find fault or to sensationalise. The media have a role, and government should be scrutinised, but the media also have a role to explain issues. Sometimes the media could explain more and not always
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sensationalise issues. Members of parliament, especially members of the House of Representatives, have incredibly hard workloads. I thank the ALP members in Throsby, the people of Macarthur who first elected me, and the people of Throsby, who re-elected me for a further six terms.

I want to especially thank my staff. Members know how dependent on our staff we are. They are the frontline in our electorate offices. They serve the people and deal with so many complex issues and so often protect us from political and electoral blunders. We are so dependent on their skills, dedication and loyalty. I have been especially fortunate in my personal staff. I thank Gino, Sandra and Dee, who have made my life so much easier over these last years. Finally, I thank my partner, Gordon, without whose support I could not have carried out my duties over the past 18 years.

Yes, I will miss this place, but everyone tells me that there is a life outside of politics. I want to see whether that is true. It is said that it is better to go a little early rather than a little too late, to enable one to do all those things one gives up in this place; to read the books passed by for papers and to travel at leisure. What am I saying? To enjoy life, because I believe that we have all, after our time in here, earned the right to enjoy life a little. We live in challenging and frightening times. It is a very uncertain world and we all worry about that, but I believe that this parliament will deal with any eventualities. I wish all my colleagues well. In fact, I wish everyone well, and I thank you for your friendship and assistance over the past 18 years.

Honourable members—Hear, hear!

Mrs SULLIVAN (Moncrieff) (12.54 p.m.)—I am indebted to parliamentary staff—the staff who will receive much mention during the valedictory speeches today—for the information that today is my 9,994th day as a member of parliament. In other words, next Wednesday I will have had the privilege of serving the Australian people as a member of parliament for 10,000 days. It is a meaningless statement unless, I suppose, you aspire to serve for 10,000 days—which was not something that I came here thinking about 27½ years ago.

I announced my retirement nearly 2½ years ago and, without any doubt, they have been the quickest 2½ years of my life. I announced my retirement for personal reasons with which members are well familiar. But when the tragic events of two weeks ago happened in New York and Washington, one of the thoughts that came to me was that it really is time for me to go. I am glad that I am not going to be a member of a parliament facing the world as it changed on that day. To me, it is devastating that, in this first year of the third Christian millennium, the world has changed so much. I pray for all those who are going to have responsibility in years to come to handle this very difficult world.

I know that some people come here with all sorts of thoughts about how long they would like to be here and what they want to achieve. I came here after 14 years as a political zealot within the Liberal Party. I thought I knew a lot of members of parliament and that I had taken a lot of notice of what happened in the Australian political process. However, I found myself sitting at tables in the dining room—in those days with senators who were old hands and who referred to this senator or that senator or member who had been here for 20 or 25 years and who had not left very long before, and I had never heard of them. This startled me, because I thought that one would know about people with that sort of longevity in politics. The thought came to me that, in fact, very few of us ever get our names in the history books; even very few prime ministers get their names in the history books. That is not what being here is about. We are just shadows that pass across the stage. For however many years we are here, for whatever opportunities we have, it is our responsibility to make the most of them, to take the opportunities that present themselves, to do our job to the best of our ability and to accept the privilege that it is to be part of the parliamentary process. It is a huge privilege to stand up in here, and I am very conscious of the fact that this is the last day I will have the privilege of standing in this chamber. I can enjoy all the other parliamentary privileges.
when I visit, but I cannot come into this chamber anymore. It is a huge privilege. We accept that privilege, we serve as best we can—and then we go on.

I came into the Senate—the other place, as it used to be referred to—in 1974, very much in the company of Senator Neville Bonner. We had been endorsed to run together for what was to be a half Senate election. He was my friend, my mentor and my black dad, and to this day I grieve his passing from the Australian parliament. It was one of the black days of the political process. Nobody can point the finger at the Liberal Party over that—of course they can—without remembering that, if the Labor Party had not put him last in their preferences, he would have continued to be a senator. It is a shame we share. I do not say that pointing a finger myself. I say it because that was the very worst thing that ever happened to me in my political life. But the very best thing that ever happened in my political life was coming in here with him. He was the greatest Australian I have ever known, and that is one of the things I would like to put on the record today in this context. Neville, I love you still.

I made the decision to change to the House of Representatives in 1984. In fact, I had had that thought for a long time, but I just did not see the opportunity. In 1984, the number of seats in the House of Representatives was increased, the seat of Moncrieff was created, and I took this great leap into the unknown. I did what I have done really all my life and what I am going to continue to do: I did what came next. There it was; if I really wanted to be in the House of Representatives, I had to have a go. It was not a Liberal seat that I nominated for. It is no thanks to any other political party in Australia except the Liberal Party that I am here. Even the Democrats directed their preferences against me—to the National Party, if you can believe it. Somebody was on my side and a few things were in my favour, not least the fact that my husband was there with me. I would be the first to say that I would not have made the transition if he had not been my husband and given me the sort of support that he gave me. I would have been out of parliament in December 1984 without him.

I made the decision for a number of reasons which I do not have time to go into now. I felt that I had run my race in the Senate and that it was time for me to move on. Nothing prepared me for the House of Representatives as it was in those days. When I was elected to the Senate in 1974, the women elected in those days—very few of us—were made to feel by the media like some kind of circus act. It was really quite extraordinary. It is very difficult to relive or to describe those days. It would be very difficult even to describe to the women here today what it was like in the House of Representatives in 1984. It was a totally macho place.

I will just give a quick history. I was the third Liberal woman member of the House of Representatives. Dame Enid Lyons—a wonderful lady and the first woman in the House of Representatives—had retired from the House in 1951. Over the next 15 years there were no women. Kay Brownbill was elected in 1966 and served until 1969. It was then another 15 years before I came in. I was really quite shocked by the attitudes I encountered, until finally the penny dropped and I realised that I was working with men who had no idea what it was like to work with women, who had only ever worked with men either in parliament or outside it. This House can sometimes lag a long way behind the general community.

This House did not reflect the Australia of 1984 when I came in. The expectations of people outside—by women and men—of women were totally different from the expectations in here. One of the early pieces of advice I was given by one of my best friends was, ‘Don’t just talk about women. That is what the Labor women do all the time and it is a terrible mistake.’ So I started listening to the Labor women’s speeches and I found out that they did not just talk about women. They talked about women where it was relevant. They also talked about peace, employment and all sorts of things, but when it was relevant they mentioned women. However, they had been typcast. That was one of the very big challenges and difficulties for women
then. One of the effects of that was to almost blackmail us out of ever mentioning women. My colleagues can attest to the fact that that is blackmail I never gave in to.

I would like to state here that the thing that kept me in this place was three magnificent friends. They were Don Cameron, Don Dobie and Peter Drummond—all gone from this place. One of the sadnesses about longevity is that your friends go. Some of them die, which is sobering of course. The longer you are here, the fewer friends you have. It can become a pretty lonely place on occasions. Those three men were the ones who kept me strong and committed to this institution and to whatever role I had to play here in those early, very difficult days.

I had twice made the decision—I will put it on the record now—to retire before my 1999 decision. I first made that decision in 1987 due to matters relating to the affirmative action bill. I will probably put all those details in my book. The other occasion was in 1994. I had decided to retire. I came down here to Canberra and I told some people that I had decided to retire. I told them as a courtesy before I made my announcement. However, this immovable force hit an immovable object by the name of John Hewson. He was the leader and as a courtesy I told him first. The Minister for Health and Aged Care, who is sitting at the table, was deputy leader at the time. I told him, too. I told the leaders, and John Hewson simply would not hear of it. If any of you—and there would be a few here—have ever had business dealings with John Hewson, you would know you could not win when he made up his mind. That is the reason I did not retire that time.

I was somewhat bemused recently to read a view of a political person that women of my generation—and the attitudes we display—are a result of the fact that we were the early ‘tokens’. I was quite astounded when I read that. The fact that there had been so few women until the 1970s—very scant indeed—I think meant we were anything but tokens. Considering the history of how many women there were and how hard it was to get here, women did not come in here because they were receiving of charity; they did it because they could do it better than any man on the face of the earth. At least that is the way I felt we came in.

I am very pleased to have been here. The attitudes in the community in those days are probably difficult to understand. My attitude in those days was that women should have the right of choice. If they wanted to work, whether they were married or not, if they wanted to aspire, that was a right every Australian should have. In fact, in speeches that I make when I visit schools, I say, ‘The thing that defines a democracy is that you can choose what you are going to do with your life. In the end, it is your choice.’ Women did not have those choices in the 1970s. I am glad I have been part of the process of change.

However, I did get a lot of encouragement. I got encouragement from little old ladies who used to squeeze my arm and say, ‘We’re counting on you.’ I never had the heart to say to them, ‘For what?’ Then there were the men—strangers, men on the land—who used to say, ‘We think it’s time women were given a go.’ In those times I used to get this mental picture of myself as a female Norman Gunston—a little Aussie battler. It was that joint support that got me here and kept me here.

I have to make my thanks very quickly. I do not want to take more than the brief time we have generally been allotted. The first people I want to thank are the people from AusAID. I served as their parliamentary secretary. They were wonderful to work for. I say to them, and generally to the Department of Foreign Affairs and Trade: my political highlight was working with such committed, intelligent and motivated people.

I echo everything that the Minister for Finance and Administration said on the subject of parliamentary staff. I thank everybody on the parliamentary staff. We have absolutely wonderful parliamentary staff through all the ranks. The minister for finance went through the ranks, and I thank them. There is one person I am going to single out—that is, Ian Harris, the Clerk. I have worked with many clerks and they have all been good—including Jim Odgers, who was an outstanding Clerk of the Senate. Ian has really done his
job wonderfully well in the years he has been here.

I also want to thank my colleagues for the numerous occasions over the years when they have given me the opportunity to represent Australia overseas. There is no greater privilege anybody can have than that of representing their country in international fora. It is not just the Olympic athletes who burst with pride; I always have too. My inclusion in numerous delegations, conferences and the United Nations General Assembly has been a wonderful privilege.

I thank my personal staff. We call on our staff to do extraordinary work—and I often wonder why they do it—but they have been wonderful. I will be thanking them all personally and individually—those I want to thank, anyway—when I go back to my electorate shortly. I thank the Liberal Party members, without whom I would not be here. I thank my constituents, the people of Moncrieff. They have put up with me for 17 years, and I love them dearly. You form a bond with your constituents that is very real. Finally, I again thank my husband Bob—my rock through these years and my own very personal special hero. He is indeed a hero.

What am I going to do next? I am going to do whatever comes next.

I want to finish on the note on which I started. I made reference to Neville Bonner and what a wonderful person he was. Some of you will be aware of this and some of you will not, but the site of Parliament House was a special place for the women of the Aboriginal tribe whose land this was. It was the place the women of that tribe came to in order to sing their songs. I really look forward to the day when an Aboriginal woman will come back here to sing her song as a member of parliament.

Honourable members—Hear, hear!

Mr ALLAN MORRIS (Newcastle) (1.08 p.m.)—I join with my colleagues who are bidding farewell to this place. It is not just a place; it is a way of life, a mission and a whole range of other things for people. Members on both sides come to this place with great hope and aspirations. I think we leave with an uncertainty as to what the future holds and whether we could have done more. I join with those people who have spoken before me, because much of what they have said I totally share.

At the start I should thank all those who have helped me have this absolutely absorbing part of my life. I particularly thank my wife and children. Anne and my daughter Julia happen to be in the gallery, but my son James could not be here. Going beyond the family, the person I want to single out is the first woman lord mayor ever in this country, Joy Cummings, who became the Lord Mayor of Newcastle in 1974. She is still involved in the community even though she is so handicapped by the stroke she suffered in 1984. I still hold some people responsible for her suffering that stroke. One of my hopes is that some of those people on the Newcastle council at the time who knew what took place and who were aware of the acts that took place that were so wrong and which they knew were wrong may one day tell their story, may one day have the courage to come forward and tell the community what happened. I think the events that led to Joy’s stroke are known to more than one. As I said, one of my passing hopes in this place is that they will have the courage to come forward.

There were people involved in those early days who sent me here. We do not do it by ourselves. Others decide that we will become parliamentarians and then actually go about making it happen. Some people think that people enter politics with a view to becoming a politician and then go and do it. I have seen lots of people try that. I do not know of one who has actually succeeded, because it is others who make us parliamentarians, not ourselves. Two special people were John and Joyce Manning. Just a few months ago Joyce died of her cancer. I think that was one of the saddest days in my life. Also, members of the Labor Party supported and encouraged me, and members of the wider community did the same. So my coming here in 1983 was as a result of the effort of very many people.

Over the years I have been a member of this place I have been privileged to have a number of excellent staff. I particularly want to mention my friend and ex-staff member
Jeff Parker, who is now the Anglican minister at Forster-Tuncurry, which is a huge parish and a great responsibility. He is a man of great heart and I am delighted that his life and mine were so close for so long. I mention Michaela Petersen, Samantha Marsh, Pam Radford and my current staff, Kay Fraser, Tim Crakanthorp and Sharon Claydon. Our staff do a great job. When people ring up angry and want to abuse a politician, it is usually a staff member who answers the phone. I think people recognise that over time, but it is always important for people to recognise that it is our staff who bear the brunt of that anger in the first instance.

With three staff, our offices are very busy and we do an awful lot. We cannot function without competent and dedicated staff. The dedication of the staff is not just to us or to our philosophy. It is as much to the community as to anything else. Our staff are as involved in our community as we are and they are as dedicated to our community as we are. If this were just a job, they would not stay. I do not know many parliamentary staffers who do this as a job. All the ones I have met over the years, on both sides of politics, have almost as much of a calling and a mission for this life as we do.

There are a lot of party members in Newcastle who have given me support over a lot of years—over the 27 years since I first went into the Newcastle council. I have appreciated that. We always have difficulties. At the moment there are some people who think they can join the Labor Party and perhaps manipulate it—play a few games and so on. We have a current rash of branch stacking. Unfortunately, the one who is perhaps leading this activity to some degree did not bother to enrol until recent times. His involvement in a court case some 10 years ago, with a conviction for a particularly unpleasant assault on a neighbour, does not augur well. I have no doubt that my membership will see through those people and that they will not last very long in their activities.

My membership in Newcastle has always had rank and file preselection, so the members there have always owned their candidate to some degree. The candidate they have chosen to nominate in my place, Sharon Grierson, I think is an excellent choice. She is a very capable woman with a long-term commitment to the Labor movement. I am sure she will run a strong campaign and has every chance of becoming the next member for Newcastle. If she does achieve that goal, I am sure she will be a very good member.

Newcastle is a tremendous community. It is a very strong community. It is still a country town where people know each other and it is very personal. They have given me the freedom to represent them. I say ‘freedom’ because they do not always agree with me. That is the case for all of us. Our communities give us the tolerance to go out and speak on their behalf when at times they do not agree. That disagreement is often a feeling when they expect us to know the issues better. What they feel today they may not feel tomorrow. They expect us to understand things a lot better than they may do at a particular time. They also trust that we will represent the broader community, not necessarily their individual views. That tolerance is given I suppose in a limited way, but it is incredibly important. Leading a community is not simply about doing what people want done. It is also about understanding what their needs are going to be and helping to blend what they feel today with what they will need tomorrow. Often that challenge is not well understood by the commentariat and certainly by most parliamentarians. The balance between reflecting community views and leading a community into the next part of its development is not easy to find.

In that context, having been a member of both the Newcastle council and the federal parliament on behalf of Newcastle, I have a great appreciation and a great respect for my community. That community has been on show in recent days with the forthcoming football final involving the Knights. The fervour and commitment to that team is unbelievable—but only if you do not know Newcastle. If you know Newcastle, you believe it. Look at the damage that occurred during the earthquake. The way the community came together and worked as a community under enormous difficulties was absolutely magnificent. But that should not be surprising, because our communities can do that if
they stay in touch. I am sure that their support for the Knights will be rewarded on Sunday night.

Mrs Irwin—Go the Eels!

Mr ALLAN MORRIS—I am sorry for the Parramatta folks. I know there are a few Eels supporters around this parliament. I am sorry about that, but the Knights have a special advantage: they have Newcastle behind them. I have no doubt that, if Newcastle supported Parramatta, Parramatta would win. But the fact is that we cannot support both.

Over the past 27 years, Newcastle, as an industrial centre, was an area in transition. It is not an easy task for an old industrial centre to modernise and make a transition through those periods. But I look at Newcastle now and I am delighted with the Newcastle foreshores and the whole inner city area and the transformation of Newcastle into a cleaner, greener town that is more service oriented. We have had to do an awful lot just to stand still, if you like.

In recent times we have seen the collapse of BHP. People now may understand that the BHP collapse had nothing to do with Newcastle; it was to do with BHP as a company going through a level of incompetence that I think we can see now in Ansett, HIH and perhaps OneTel. People find it hard to understand that companies as big as BHP could be so incompetent. Its movement out of manufacturing in Newcastle, which was indicated was going to happen, and its inability to handle a modern manufacturing world became obvious to some of us, but now it will be obvious to all that BHP has given up the ghost and handed over control to Billiton, to people from another company. I think that is particularly tragic for Australia. At the time I was disappointed that the federal government did not regard it as important that we were going to drop $1 billion worth of exports and lose a key element of our manufacturing capacity. Perhaps it has learned, because in recent times it has put $400 million into Holden, $200 million into Mitsubishi and $200 million into magnesium. It is a shame it was not so attentive to steel because, if BHP had had a few kicks from the government it might have got off its butt and actually picked up the skills to keep going. The time was available, but the government chose not to do that.

In the future, I think Newcastle is going to be an exciting place. It is an exciting place now. It is diverse. It is outward looking. It has matured enormously as a town. It was a regional centre that was inward looking to a large degree, because that is the way our cities were. But most of our companies are now exporting. The big shift was towards quality. There is barely a company in Newcastle now that does not have quality assurance, whereas in 1983 I think we had about three companies with quality assurance. So it has become normal for companies to be of a high quality, because if they want to export and compete in the wider community—both domestically and internationally—they must be able to establish and prove their quality.

We now have a university with 20,000 people on site. It is a major industry and a damn good one. It has a long way to go, but then we all have a long way to go. I am optimistic that we will establish new steel plants in Newcastle. And, of course, one of our great aspirations is the development of the CSIRO energy centre. I understand tenders will be called within days for that project. In the years ahead, I see the Hunter as being the energy research focus for the whole country. And that is appropriate, because we do have such a degree of skill and talent in that sector.

Other issues like Fort Scratchley, the maritime centre and Honeysuckle are all evolving locations. I say to my colleagues and those in the wider community: watch Newcastle, because we now have the momentum. It is like the NRL. It took us a few years to get organised and moving. But, once we are moving, we stay moving. Newcastle is moving at a very powerful rate. We can overcome obstacles, and I believe that our evolution will make us perhaps the most interesting city in the country. We have enough size to be meaningful and enough locality and personalisation to do it in a way that will not be as amorphous as the capital cities.

I have served in seven parliaments, with the Labor leaders of Hawke, Keating and now Kim Beazley. I pay my respects to my caucus colleagues over the years. There have
been moments of disappointment and disagreement. My lack of a relationship with our Chief Whip is well known. It started in 1976 when he came to Newcastle and I was an alderman. He started to thump the table and tell us what to do, and has been trying to do so ever since. I think he has learned finally that I do not do what I am told.

In that context, I remember Bill Hayden back in 1984 telling me that I was too parochial. He thought that was an insult. I do not think he realised that I thought that was a mark of distinction. I was quite proud to be too parochial, because down here I saw too many people who were not paying enough attention to their community and were not parochial enough. They saw their mission as being totally national and lost their relevance to their community.

The coming election will be tough—that is a truism. I have no doubt that Kim Beazley will make a great Prime Minister. I think that he is a man of enormous intellect, of great compassion and great strength. Going through the years from 1982 onwards was tough. Everybody thinks that we had an easy time. What has happened in the past five years has been easy. Back in 1983 we had a collapse in steel and in mining. In those years, there were communities in Australia that were not only decimated but also had no way of knowing where to go. In recent times, the lessons of the 1980s have been well learned across the country. Ministers in those Labor governments had a much tougher road to hoe than all the nonsense back in 1996 when the Liberals inherited an economy in good shape. That $25 billion deficit in 1983 from John Howard’s 1982 budget was absolutely cataclysmic. It was absolutely disastrous. We hear all of this nonsense from the current Treasurer, but $9.6 billion in 1983 is about $27 billion today, and that is with the dollar collapsing. With the way the dollar is going, it might now be up to $35 billion.

I wish all my colleagues well. I look forward to them forming a Labor government. The country needs one. We cannot handle another three years of Howard and Costello. The country cannot take it. The capacity to recover is still there. The damage is not yet too great. I shudder to think what will happen if we have another three years of them. In farewell, I say thanks again to Anne and to my family. My life has been great. I have been a very fortunate person. We have had a lot of adventures in our lives and this is the start of another adventure. As Australians, we are fortunate, and those of us who have become parliamentarians are even more fortunate. I suppose to be a Labor parliamentarian is the ultimate. To be a member of this parliament and of this caucus is one of the great privileges that any Australian can have. Regardless of what we may think or the arguments we may have, we have a chance to put our point of view and to vote in that caucus on any matter that is before the country.

In the years ahead, we will all wonder whether we should have done this or that, but the fact is that I have been trying to make a contribution, and I have received enormous reward from that. For those people in the community who look at politics from the outside, I say to them: have a go. You are in a country where, as an individual, you can actually make a difference. That is a rarity in this modern world.

In my last speech in this place, unfortunately the timing was not turned on. I recognise that others wish to speak, but the government has stuffed us up again—they should not blame us. It has been a privilege to be here. I pass on my thanks to my community, to my family, to my staff over the years and to those who have helped me get to this place. In saying farewell to my colleagues, I wish them well. They can win this election and, for Australia’s sake, they must win this election.

Honourable members—Hear, hear!

Dr WOOLDRIDGE (Casey—Minister for Health and Aged Care) (1.24 p.m.)—It was 14 years ago this week that I stood up in Old Parliament House and made my first speech. It was at the time, and remains, the single thing in my life of which I have been most proud. It is an extraordinary feeling, particularly for a 30-year-old as I was, to be able to stand up in the nation’s parliament as a representative. We are first and foremost representatives in this job. I have been very lucky to be the member for Chisholm and more recently the member for Casey in Vic-
I have been a little bit unusual in that my whole time in parliament has been in a marginal seat. Many people in this place are in marginal seats, but sometimes their careers are in and out of the place and sometimes they are not around long enough to become senior. Being in a marginal seat gives you a dimension that others in politics do not have. It certainly adds something to your job and means you have to be enormously attentive and you have to understand what representation is about. I asked my staff just recently to reflect on the things that I seem to have enjoyed, and I was surprised at the reply. One of them said, 'I’ve seen you give an enormous number of speeches. Your happiest and most animated were when you were talking to kids in schools.' I think that is true. A change that I have seen in my time in this place has been more engagement by schoolchildren and far more interest in the political process. Parliament is set up far better to help children engage.

I leave with my heart telling me to stay, but my head telling me to go. No doubt I will miss this place enormously. I have been incredibly lucky, because for over 5½ years I have had the job that I always dreamed of having. One of the ways to do that in politics is to make sure that no-one knows you want it, because if that is the case you invariably will not get it. No-one tells you how to be a minister. There is no road map. There is no rule book. I made a particular effort to talk to people who had been ministers in state and federal parliaments in the Labor, Liberal and other parties, and I got an extraordinary array of advice. Two very senior people, one in the Democrats and one in the Labor Party, reflected and felt their time here had been a waste of time. I could not say that at all. It has been the most incredibly exciting privilege. But I was devastated when I once talked to someone I had admired who had been a minister much before my time and asked him to reflect on the thing of which he had been most proud in his time as minister. He was not able to give me an answer. I resolved then that if I was ever lucky enough to have the chance to be a minister I would never have the same thing happen to me. So I have always felt a sense of urgency to try to make change. Change in health care is enormously difficult, because it happens very slowly. It happens with consent far more than in other areas. I have also been fortunate in that in most of the areas I have worked in—and I will remember this with some satisfaction at least—people have inspired me to make a change.

One of the things that motivated me initially as minister was the appalling low immunisation rate of our kids. Gus Nossal was the person who challenged me and inspired me to change it, and changed it we have. We now have a very high immunisation rate, and the mark of that was the fact that in September 1999 there was not a single case of measles anywhere in New South Wales—the first time that has happened in New South Wales since 1788. Peter Baume, a former education minister in the Fraser government, was the person who inspired me on the issue of tobacco. We have been very successful over the last four years, and today we have the lowest smoking rate in the Western world. Paul Zimmit, a diabetes specialist, was the person who made me believe that I could make a difference here. Although I have probably never talked about this, I am sure my wife would not mind my saying that she has diabetes and that that is one of the reasons I have been so interested in chronic disease management. It is not something we have done well as a country—it is not something that any country does really well—but it is an area where you can make an extraordinary difference to the lives of individuals.

I do not think the future in health care is going to be so much about preventing illness in the first place as managing it well to prevent the complications once it has happened. I look at issues such as mental health. Australia does not have a peer anywhere in the world in terms of what we are doing in mental health. Today changes in the medical work force mean that the medical specialists have effectively given up their monopoly over medical work force issues—something over which the Canadians and the English look on us with absolute amazement. We have been able to do that cooperatively. It is an enormous change.
Jack Best inspired me in the area of rural health. The university departments of rural health, the clinical schools, the John Flynn scholarships to get more country kids into med schools, further changes in the way we have remunerated doctors, the rural retention payments, bringing nurses into rural medical practices and extending Medicare to effectively cover allied health in a way which has never been done before will forever change rural health.

The area in which I have perhaps been most passionate has been the area of biomedical research. It was John Funder in Melbourne, for whom I worked one Christmas in the 1970s as a young researcher, who showed me what incredible potential this had for the future of Australia and how incredibly important it was as an integral part of Australia’s future wealth. I was very lucky to meet up with someone like Peter Wills, someone who I believe formed a good team in bringing about long-term change in this area.

Indigenous health is something I had to confront first when I was shadow minister for Aboriginal and Torres Strait Islander affairs. I had never had to confront the fact that there were parts of Australia with such extraordinary poverty. That is a very confronting issue. It is an issue on which we are making slow change and progress and an area that will be a challenge for many ministers to come.

In political life you have many people to thank. The first of those would be my family. My parents have been an extraordinary support over the entire time. I was single when I came to parliament. They have helped in every election campaign. I am not sure we would have won in 1987 in Chisholm without them. Of course, I thank my wife, Shell. For our entire married life I have put my job ahead of family life, and she has been very long suffering and a wonderful support. I also thank my two kids. Those of you in this job who have young children know that it is rather strange for children. On the day I announced my retirement, some journalists actually managed to get in through the front door. I was not home as my plane was late. This was normal. The journalist later accounted to me how my six-year-old, who had been a bit concerned about having these people gently but forcefully getting into the house, pushed my wife aside and said, ‘Don’t worry, Shell, I’ll handle this,’ and then proceeded to give a press conference.

During the 1993 election I had been away from home most of the time. My 10-year-old was then a normal three-year-old child of a politician: he would sit up at night and watch the news and then the 7.30 Report looking for dad. He saw me on this particular occasion, slipped off the couch, walked over to the television, gave it a kiss and said, ‘Daddy, would you please come home?’ When you combine these things with ministerial life it makes it very challenging.

I thank my friends and colleagues. I have been very lucky to have had a friend such as Ian Sinclair, who to me was a mentor and an extraordinary help, and perhaps in this job we do not help each other all that much. I also thank my staff. Only a politician could understand the strains you put on your staff and the amount of time that you spend with them. Mr Speaker, I think we should break at this stage. I seek leave to continue my remarks at a later time.

Leave granted.

Mr HOWARD (Bennelong—Prime Minister) (1.33 p.m.)—Against the possibility that this may be the last sitting day of this parliament I would like to make a few comments about a number of people and about the circumstances of this parliament. It is fair to say that we come to the conclusion of this parliament with the nation in a rather more sombre mood than has been the case in any of the parliaments that I have been a member of since 1974. I know all members, whatever their politics, are very conscious of that fact and have responded accordingly.

The expression ‘the long parliament’ has a special place in British parliamentary history. Whilst the length of this parliament cannot be compared with the parliament of Britain that carried that famous name, it is fair to say that one has to go back to the prime ministership of Joseph Benedict Chifley to find a parliament that has sat on more days than has this one. In fact, this parliament has sat on
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217 days, and we have to go back to the parliament between 1946 and 1949 to find one with more sitting days. Indeed, of the 39 parliaments since 1901, only five parliaments have had a greater number of days between the opening and the dissolution of parliament. It is fair to record that, since coming to government, we have answered over 7,200 questions without notice—more than any in a comparable period since the late 1960s, and a very marked increase on earlier years.

In coming to the end of this parliament, I want to record my thanks to a lot of people. In the ranks of the government, I want to thank John Anderson, the Deputy Prime Minister; Peter Costello, the Deputy Leader of the Liberal Party and Treasurer; Senator Robert Hill, who carries the very significant burden of being Leader of the Government in the Senate, and the challenge of getting legislation through a chamber where you do not command the numbers is a little more daunting than is the experience in this place; Richard Alston, the Deputy Leader of the Government in the Senate; and Mark Vaile, the Deputy Leader of the National Party and Minister for Trade. All of them have comprised a very tight, friendly, effective, committed and loyal leadership group. I do thank them most sincerely for that.

I particularly extend my thanks to John Anderson, who has been a wonderful Deputy Prime Minister, replacing an equally wonderful Deputy Prime Minister in Tim Fischer, to whom I will come in a moment. Given the enormity of tax reform during this term and how large it has bulked in the program of the government, I also record my special thanks to Peter Costello for the work that he has done not only as deputy leader of my party but also as the Treasurer.

The Chief Government Whip, Michael Ronaldson, is retiring at the end of this parliament. He has been the member for Ballarat since 1990. He entered parliament with that great Liberal flood from Victoria in the election of 1990. I am very sorry that Ronno is going. I tried to talk him out of it, but I was unsuccessful. My advocacy was wholly inadequate, but I wish him well. To him, his wife and children: thank you very much for your decade of service to the coalition and the tremendous contribution that you have made to the Liberal Party.

I extend my thanks to Stewart McArthur, Kay Elson and Jim Lloyd, all of whom have served as government whips over the years, and to John Forrest, my dear friend and the National Party whip. I also extend my thanks to you, Mr Speaker. You have had the challenging task of keeping this rambunctious lot in order. I want to thank you for your commitment to that task and your unfailing courtesy. I also want to thank Garry Nehl, who is also leaving us, for his work as Deputy Speaker and for the fact that—he has one of the loudest voices that I have encountered in the national parliament in 27 years. It is really quite remarkable. It is distinctive, it is arresting and I tell you what: it is a crowd stopper when there is a really noisy House. To you, Garry: the very best of good fortune and happiness to you and Susan for the years ahead. He keeps telling me that Coffs Harbour technically has the most beautiful climate of any part of the world. It is not bad, but I do thank you most warmly for the tremendous contribution that you have made.

There are a number of others of my colleagues who are retiring. I turn to Tim Fischer. I have spoken, Tim, of your wonderful work as Deputy Prime Minister and Leader of the National Party in this place before—I think on the occasion that you announced you were retiring as Leader of the National Party and Deputy Prime Minister. I want to repeat that you were a tower of strength to me, particularly in the year leading up to the coalition victory in March 1996.

As Leader of the National Party, particularly in our first term, it was not always easy. It is the nature of a coalition that sometimes the less numerical of the two partners in the coalition finds it harder sometimes to carry some of the decisions. The decision we took on gun control laws was overwhelmingly in the interests of the Australian people and one of those decisions of which this government remains consistently very proud. It is a decision that will return long-term dividends to the people of Australia, particularly to the women and children of Australia. I know it
was difficult in some of your constituencies, Tim, and amongst your National Party colleagues. I do thank you very warmly. As I said at the National Party gathering last night, I do not think I will ever forget that meeting we had at Longreach in 1997 at the height of the debate on the Native Title Bill. It was a difficult issue for us and it was a difficult issue for the National Party, but the opportunity of sharing a platform with you in those circumstances was something that I enjoyed immensely. So to you, Tim: thanks a million. I wish you and Judy and your family the best of good health and happiness in the years ahead.

Kathy Sullivan, the retiring member for Moncrieff, and I entered parliament on the same day, she as a senator from the state of Queensland and I as a member of the House of Representatives for the seat of Bennelong in New South Wales. We served together on the then coalition education committee. Jim Killen was the spokesman on education. Jim would not have claimed that it was a subject he had quite the mastery of as he would subsequently claim on every other subject. But Kathy and I used to enjoy the conviviality of the occasions, and the meetings were always happy. I do not know how much education policy we produced, but they were great gatherings and I enjoyed those years immensely. Thank you, Kathy. You have served in many areas, particularly as parliamentary secretary to Alexander Downer and as deputy opposition whip in the House. You were also assistant opposition and then government whip in the Senate from April 1975 to February 1977.

Andrew Thomson, the member for Wentworth, is retiring after this parliament. He has suffered the vagaries of preselection, something which is the bane of the political life of all of us from time to time. The safer the seat, I suppose, the greater the likelihood that there will be a preselection challenge. That is one of the realities of life. It is all part of the democratic process. As I gaze upon the member for Bradfield I believe that he would agree with me that it is all part of the democratic process.

Andrew, I had occasion to contribute a few words to our mutual friend the member for Parramatta, who made a wonderful speech about you in the Liberal party room the other night. I contributed the description that you were urbane and a person of rare linguistic gifts. I think it is a remarkable commentary on the diversity and the capacity for variety that a political party can produce somebody of your background, fluent as you are in Japanese and Mandarin. I remember the effortless way in which you facilitated me on my visit, along with you, as chairman of the Australia Japan Friendship Society at the memorial service for the former Prime Minister of Japan, Mr Hibichi. I thank you very, very warmly, Andrew, for your contribution. I do wish you well.

Tony Lawler is one of the many proud products in this parliament of that great school located in my electorate, St Joseph’s College at Hunters Hill. Tony is going to leave us after a short time for family reasons. I got to know him well. I went to his electorate on a couple of occasions. He was much admired and supported by the people of Parkes. We will miss you, Tony. You have made quite an impact as a very hardworking private member in the three years you have been here. I am sorry that you are retiring. I do wish you and your family all the very best for the future.

That brings me to the three ministers who are retiring. I have to say that the retirement of Peter Reith, Michael Wooldridge and John Fahey will rob the government of three of its quite outstanding performers. I say that with a mixture of gratitude, pride, emotion and genuine tribute to the contribution that each of them has made in their own different ways.

John has been a wonderful finance minister. He has been a great cabinet colleague. He came into politics with the rich experience of having been Premier of New South Wales and of having participated in arguably the second or equal most famous photograph in Australian political history. I have never quite made up my mind as to whether the most famous photograph in political history is the leap of victory by John Fahey after we won the Sydney Olympic Games or that wonderful photograph of Gough Whitlam and Arthur Calwell outside the Kingston
Hotel in 1963, captured so beautifully by Alan Reid, probably the doyen of all the political writers that this nation has produced. But let us settle for a draw. It was a wonderful photograph, and it created the circumstances for probably the greatest opportunity that this country has had in its history to put on display what this country is all about, that is, the Sydney Olympic Games. John, you were helped in that endeavour by our colleague the member for Cook, who was the minister in charge of the Olympic bid in the New South Wales government.

We wish you well, John. You have battled valiantly against the most formidable health challenge that any man or woman can have. And the way in which you have handled that and the strengths you have drawn from your friends, your family, your faith and your experience in life is an example to all of us. If any of us faced with that situation can handle it with the fortitude, the good humour, the strength and the grace that you have displayed, we will be well pleased with our capacity to handle the adversities of life. The way in which you have done it certainly is a great tribute to you.

Michael Wooldridge’s retirement came to me as a great surprise and a great disappointment. I think he has been a terrific health minister—I really do. He has grabbed the Health portfolio by the scruff of the neck. He has not been afraid to inject his own ideas and to override the advice of Health bureaucrats. He has not been afraid to argue with prime ministers, with treasurers, with expenditure review committees, with the AMA and with just about everybody else on occasions. I would say that a majority of the time he has been right, and a few times he has been wrong. But, when we look back over the last 5½ years, we can see that he has a wonderful record of achievement in the health sector. The restoration of private health insurance was a wonderful contribution, as was the restoration of the immunisation rates of this country from the Third World levels that we inherited. There have been impressive inroads into the health-damaging effects of smoking and there has been the doubling of health and medical research funding as a result of the Wills committee. The list goes on, and it could go on forever. He has a truly magnificent record, and I very warmly thank him.

Finally of my retiring colleagues, I come to the member for Flinders, who participated in one of the most historic by-elections that Australian politics has seen. That was the Flinders by-election of 1982, when Peter achieved the remarkable feat of winning. He did not get to the victory party that was held in my office in the Treasurer’s suite in the Old Parliament House. Talk about a false dawn! In 1982 we won the by-election and thought, ‘Gee, this is pretty good’, and four months later we were out on our ear. It is a reminder to all of us on both sides of the House of the eternal vagaries of Australian politics, and it is an injunction to all of us never to get too carried away with any kind of transient political success.

Of all the people with whom I have been associated in politics over the years, there is none I hold in higher regard than Peter Reith. Peter has been a stalwart of the coalition almost from the time he came into parliament in 1984. I invited him to join my shadow ministry when I was opposition leader in 1987. He held a variety of portfolios. He played a major—indeed decisive—role in the defeat of the four referenda proposals in 1988. He became a very effective deputy leader to John Hewson after the defeat of the coalition by the Hawke government in 1990. He graciously retired to the back bench to do a number of things. I cannot rightly remember now exactly what they were, but Peter did retire to the back bench in 1993 after our defeat. Then, of course, he returned. When we came to office in 1996, he became the Minister for Employment and Workplace Relations and, subsequently, Minister for Employment, Workplace Relations and Small Business. And it was there that he became the architect of what is arguably the greatest systemic change of all in the economic industrial sector of Australia, that is, the transformation of our industrial relations system.

Taxation reform is of enduring significance, but the fundamental cultural change brought about by the change in our industrial relations system has been, I think, of all of
the things that we have done in the reform area, arguably even more important. I shall never forget the incredible courage that the then minister, Peter Reith, displayed at the time of waterfront reform. No minister in my government in the past 5½ years has been under more sustained pressure and abuse than Peter was under during waterfront reform. He displayed an intense composure under enormous pressure. He was always calm; he was always quite capable of arguing a case and of assessing the reality. In every sense he acquitted himself as a wonderful colleague and as a wonderful minister.

The productivity rates of the Australian waterfront—which are so important to our trade performance now—are due overwhelmingly to the tenacity and courage that Peter Reith displayed as the minister responsible. I thank Peter very warmly for that and for the work that he continues to do at the present time when the defence ministry, more than perhaps on any occasion in the past 5½ years, is very much at the epicentre of national affairs for Australia.

I thank all my colleagues for their different contributions. I acknowledge, thank and wish well the three retiring members of the Australian Labor Party: Colin Hollis, from the electorate of Throsby, who was elected in 1983; Allan Morris, from the electorate of Newcastle, who was elected in 1983; and Neil O’Keefe, from the electorate of Burke, who was elected in 1984. I know that the Leader of the Opposition will have something more detailed and personal to say about them, but in the spirit of bipartisanship I wish each of them well and thank them for their contribution to the national parliament.

I also record special thanks to my personal staff, both retrospectively and in anticipation. I suspect that over the weeks ahead they will be just as busy as they have been over the last three years. I thank Arthur Sinodinos, my Chief of Staff; Tony Nutt, my Principal Private Secretary; Barbara Williams, my Personal Secretary; Tony O’Leary, who is the head of my press office; and, through them, all the various members of my staff. All of them work long hours with tremendous skill and tremendous dedication and I really am at a loss for words to express the feeling that I have towards them for their great loyalty and their very great support. The other person to whom I would like to express my thanks—we do not see him in this chamber, but he is quite important to all of us over here—is Lynton Crosby, the Federal Director of the Liberal Party, and his staff. He is very important to us. He has great professional skill and I record my gratitude to him.

Finally, I wish the Leader of the Opposition and his family good health and happiness. We will be engaged in a political battle over the next few weeks. One of us will emerge victorious and one of us will lose. I say to him that, whatever may be the intensity of the rivalry for a high office—which is a proper part of democracy—I respect the political process. I often disagree with him. He probably gets angry with me. On occasions, I may get angry with him. But it is important, even in the heat of political battle, to try to retain across the political divide a certain respect and civility. I have endeavoured to do that and I acknowledge the fact that, when it has been expected and appropriate, he has certainly endeavoured to do that. I bear him no personal ill will. I wish him well. He is committed to his party, as I am to mine. It is for the judgment of the Australian people, and that is the great thing about this country. We will depart from this place with righteous political anger, indignation and passion, and we will go about our tasks over the weeks ahead, trying to persuade the Australian people to our respective
Mr BEAZLEY (Brand—Leader of the Opposition) (1.56 p.m.)—Mr Speaker, I thank you for the way you have presided over this chamber over the course of the last few years. We have had our disagreements with you and I suspect in another few minutes we will have a few more. Nevertheless, you have a tough job to do and no parliament should conclude without the Speaker being appropriately thanked. I guess if the Prime Minister says that this is the last sitting day of the parliament, it is the last sitting day of the parliament. Therefore, it is an appropriate moment for us to contemplate both the years ahead and behind us, and the way we see it from our various different perspectives, and to give thanks where they are due.

The Prime Minister began his remarks in the way I want to begin mine, and that is to draw attention to the unusual state of international affairs and state of the affairs in our society as we conclude this parliament. The world has turned upside down. We confront threats of a dimension and character that none of us, I think, in our parliamentary lives to this point, ever assumed we would. They represent a threat to our way of life and to our way of doing political business.

One of the challenges for the national parliament—for the current national parliament and for the national parliament that emerges from this election—is to handle those new insecurities in a way that does not fundamentally undermine our great democratic traditions—our tradition that we have built in this country of national unity across a broad, multicultural community—and nevertheless ensure the safety of all Australians. That is a massive challenge to any parliament. The basic responsibility of national government in this country is to be able to defend our democracy and defend our citizens. Whatever else emerges as a point of discussion in the course of the forthcoming election campaign, it is absolutely incumbent upon all sides in this parliament to be able to present their solutions, their concerns and their understanding of those facts. We have to focus our national energies on those threats—the threats that are coming—and we have to focus our attention on how we should deal with them.

I want to pay tribute to all those who help us in the opposition. The hardest task in the Westminster system is the task of opposing—the task of holding governments accountable—and doing it in an environment in which you are invariably going to be perceived as negative when that is the least of what you desire and in an environment where your alternative solutions are not necessarily going to resonate in the public mind and in the media in the way they do for government. It requires a particular toughness for those who engage in that process and for those who assist them.

I want to start by thanking my hardworking frontbench, my deputy leader, my Leader of the Opposition in the Senate and my Manager of Opposition Business. They are a creative team. They have had to sit down and think through the characteristics of this nation which need enhancing and the things in our society which need reform if our people
are to feel the sense of security across the board that they need to feel: security in their affairs abroad and security around the kitchen table at home. I have found them in being able to handle those things the most well-equipped frontbench in a lengthy period of time in politics. I thank my backbench, too, who contribute through our committee processes and who contribute through debate. They have been, like their confreres on the frontbench, a very hardworking team indeed, and I am grateful for them.

I thank, too, my personal staff, led by Mike Costello. I could not name them all here in the time that is available to me, but they and the staffers who work for the opposition—both in Parliament House and in the electorate offices—are the very narrow base of support that oppositions get in this country. They have to second-guess an entire public service and, at the same time, make creative contributions to the way in which we present ourselves in this place and the solutions that we present to the electorate. Again, they share with us what is an enormous and difficult, but absolutely critical, political challenge if democracy is to work well and effectively and if real choice is to be available to the Australian people at election time. They do it on stipends of considerably less than those in the bureaucracy and those on the staffs of our political opponents. It was ever thus, and I am not particularly complaining about that situation; nevertheless, it is the case and ought to be noted.

We in this place are enormously dependent upon the resources of this building: those who work in the library, the attendants, those who work in the travel offices, those who work in Hansard, those who work in the various shops and small enterprises around our Parliament House, and those who are the voluntary guides who draw to the Australian public’s attention the magnificence of this building, the critical character of the affairs which take place within it and the great history which underpins the Westminster system generally and the Australian parliamentary system in particular. I thank all of those who make such a contribution, through the clerks who head them up along with Mr Speaker and Madam President. They are people to whom we all owe a great deal and who should, on this occasion, be thanked.

Earlier I mentioned the staff of the opposition, and, of course, the staff of the national secretariat perform the same function. Their role will be even more critical in the coming weeks, as the national secretariat is the body which effectively organises our campaign. My thanks go to Geoff Walsh with the most heartfelt good wishes for his sanity and capacity over the course of the next few weeks. An election campaign is always a massive challenge, and he is well equipped to deal with it.

There are retiring members of this parliament. The Prime Minister paid fine tribute to his colleagues from the Liberal and National parties and to his ministerial colleagues. Apart from wishing them well—I might wish to make some comments about one or two of them—with the politics removed and the pro-Liberal or pro-National sentiments removed, I offer them the same felicitations. It is a privilege to be in this parliament, it is a great privilege to serve the people of Australia and all of us, no matter what side of the House we come from, feel that very deeply, and there is no doubt in my mind that every person who leaves this place does so too.

On our side of the House three very long serving members are retiring. I mention first the member for Burke, Neil O’Keefe. Neil is one of those creative thinkers—who is not here. He has creatively decided to absent himself from the House a bit early, but, in his absence, let me say that the services he gave the previous government as a parliamentary secretary and therefore a de facto frontbencher were substantial, and those services he rendered us in our first term in opposition when he was shadow minister for resources and energy and later shadow minister for primary industries were substantial also. As I said, he is a creative thinker. He has about 1,000 ideas for everybody else’s 100, and at least 100 or 200 of them are good! When he puts those good ones forward they are very worth while listening to and very worth while waiting for.

I thank, too, the retiring member for Newcastle, Allan Morris, for his services to Australia. Newcastle is a beloved city of mine—
and I wear the Newcastle Knights colours on my lapel at this moment. I truly hope that Allan has a most satisfactory Sunday, because if he has one then I will have one. There is an obligation on all of us in this place to serve our constituencies well. Allan has been an advocate for Newcastle like no other. He has been a devoted and intense supporter of the steel industry that was there, of industry generally and of good industry policy. He has had an absolute determination to help his city through difficult times and to make it work. I cannot think of a more devoted person in terms of pursuing the interests of his constituents than Allan and he did this in circumstances where, given the safety of his margin, he might have chosen another course. But he chose to focus on the needs of his people and has done so with great diligence and great honour.

Much the same could be said for Colin Hollis, who is also a retiring member from our side of the House. He is a devoted committee man and parliamentarian. Parliament provides many opportunities for those who enter it to serve the people in different ways. For a minority it will be service on the front bench in opposition or in government. For others it will be service on committees, which are critical for accountability, the taking up of causes and the championing of issues which on a day-to-day basis may fall from government view or may be subsumed by other concerns. Colin Hollis is a man who has been devoted to human rights, to the concerns of the underprivileged around the world and to justice for them. He has sought justice for his community, and he has sought justice more broadly for people who are suffering around the globe. They lose a champion. Gough Whitlam loses a source of questions placed on notice in this chamber as well, but he will no doubt find another one as Colin departs. All three of my colleagues depart with honour and with the affection of their colleagues.

The Prime Minister mentioned a number of those on the other side of the House who are going. I would like to make mention of one or two, and I hope the others do not feel particularly offended by my not mentioning them.

Mr McGauran—Reith!

Mr BEAZLEY—He may well get a mention! I would like to pay particular tribute to former Deputy Prime Minister Tim Fischer. Those of us on this side of the House have some respect for the way in which he conducted his National Party leadership, for the contribution that he has made to national political life over the years and for the reasons he took the decision ultimately to absent himself from parliamentary life and from national life. He goes with our very good wishes.

There are three ministers retiring. We wish a healthy and happy retirement to all of them. We have had our disagreements with them—profound and fundamental disagreements. I cannot share the Prime Minister’s joy on the achievements of the former Minister for Employment, Workplace Relations and Small Business, because there is a sense of insecurity in the Australian work force now which in no small measure is due to him. But he is a man of politics. He is a man who likes a fight. His retirement in those circumstances is a matter of surprise to me. It does seem that the Liberal Party cannot hold defence ministers. This is a usual feature of Australian politics. Bob Hawke made a speech recently in which he said that the Liberal Party has had three defence ministers, concluding with Mr Reith, in five years. I was defence minister for five years, and Bob Hawke said he had to get me out with a crowbar. I do not know what it is that got this particular defence minister out, but I suspect it was not that. Nevertheless, the honourable member has made a national contribution, and it should be acknowledged in this place.

I acknowledge too the departure of the Minister for Health and Aged Care. Again, we had disagreement with the orientation of his defence policy—

Ms Macklin—Health!

Mr BEAZLEY—Health, I should say. We do not like his defence policy much, but his health policy is appalling! There is no doubt at all that, whatever virtues his political colleagues may see in his tenure of office, most people in the community, when asked to discuss what they feel about health, feel that public health—which is their fun-
damental underpinning guarantee—has not been served well. Nevertheless, the minister is a man of ideas in politics. There is a contest in those ideas, and you always respect a good open debate. We respect the process of open debate that we have had with him over the course of the last five years.

I would like to pay particular tribute to the departing Minister for Finance and Administration. He alone goes in the worst possible circumstances. He alone goes not of his own choosing. He is a man who has loved political life all his life and who has made a significant contribution at the state and federal levels. I cannot believe for one minute that he thinks he is departing at the time in his life when he ought to depart. Nevertheless, his health concerns mean that, if he is to enjoy as long a time as possible on this earth in good health with his family, the stresses and strains of this place can no longer be sustained. We regret your departure, sir.

Honourable members—Hear, hear!

Mr BEAZLEY—We go to an election some time in the next seven weeks. Like the Prime Minister, I view this election as the fundamental underpinning of the Westminster democratic process. This is what makes democracy work: an open contest of ideas. Those who win have the opportunity to govern and are subject to scrutiny, and those who lose live to fight another day. We naturally approach this campaign from the point of view of winning. That is the objective that we have set ourselves. We present the policies and the alternatives in the knowledge that, in the circumstances of election campaign, things do change. What changes most fundamentally is the equality of treatment between government and opposition. When that occurs—when all policies have none of the authority of executive action but only the authority of promises—it is a very different environment in which the political contest takes place.

It ought to take place in an environment of civility, of direction and of clarity. That is the environment in which every election campaign ought to take place. That is the profound hope. The chances of that occurring in its pure form are negligible; nevertheless, that is the objective to which political leadership in this country ought to strive. We will be operating in this election campaign on the assumption that we have responsibilities for the security of the Australian people internationally in the defence of this nation. I am indeed proud that the election campaign will be fought around those issues with which I am so familiar and which I have loved and worked at so hard all my political life. On the other hand, there is the issue of the security of the Australian people around their kitchen table. What happens to their standard of living? What happens to their health? What happens to their job security? What happens to their education? These are the critical issues of security confronting our nation now. Those issues, along with others, will be the issues around which this election campaign is fought.

I thank the Prime Minister for the good wishes he expressed to me, and I return them to him. I have said in other times and on other occasions that, in my lifetime in politics, he is the most considerable conservative politician that the country has produced. That is still my view, even though his views and mine, divergent at the start, are now poles apart on so many critical issues in this nation, as I am sure he would be the first to concede. I wish him and his family well over the next few weeks. If things transpire in the way in which I want them to and he is no longer Prime Minister, in seven weeks time I will wish him well in his retirement. He deserves a good and decent retirement. He has been a substantial servant of this nation over the years and, while we wish to terminate his period of service, we would not wish to do that in circumstances where that was not acknowledged.

As this valedictory for this parliament is reaching its closing stages, I wish all members of parliament well. I do not wish our opponents many happy returns; I wish all of those on my side of the House many happy returns. I wish the members of the gallery who watch over us on the other side of accountability in this place many happy returns. I wish all of us, when the time comes, a happy Christmas and a happy holiday period. But there is some hard, brutal work to be done before all that occurs.
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Debate interrupted.

DISTINGUISHED VISITORS
Mr SPEAKER—I inform the House that we have present in the gallery this afternoon members of a parliamentary delegation from Kuwait, led by the Mr Abdul Mad’ej. On behalf of the parliament, I extend to our international visitors a very warm welcome.

Honourable members—Hear, hear!
Mr SPEAKER—While I have the opportunity, may I also extend a very warm welcome to the Hon. Barry Cohen, a former cabinet minister, who joins us on the floor of the House this afternoon, and to Mr Ross Free, whom I identified in the gallery, a former minister.

QUESTIONS WITHOUT NOTICE
International Conventions on Terrorism
Mr BEAZLEY (2.17 p.m.)—My question is to the Prime Minister. Prime Minister, can you advise the House why the government has still not signed the 1997 International Convention for the Suppression of Terrorist Bombings or the 1999 International Convention for the Suppression of the Financing of Terrorism? Is it not the case that the United States has signed both conventions and that President Bush has signalled his desire for Senate ratification as quickly as possible? Prime Minister, is it not the case that Australia’s signature of these conventions would help in the fight against terrorism?

Mr HOWARD—I would agree that the signature of that treaty would be an important symbolic contribution to that fight. I think it is also the case, as I am sure the Leader of the Opposition would agree, that specific practical measures taken by governments are also very important in the fight against terrorism. My understanding—and I will check that understanding with the Acting Foreign Minister—is that the failure to sign that treaty, if that is the case, is not the result of any opposition to the principles of it. But I will check that further with the acting minister.

Education: Funding
Ms GAMBARO (2.18 p.m.)—My question is addressed to the Prime Minister. Would the Prime Minister advise the House of the legal entitlement to the establishment funding for 54 religious, community and low fee schools around Australia? Prime Minister, are there any threats to this legal entitlement?

Mr HOWARD—I regret to say that there is a threat—and that threat is over there. Those who sit opposite are blocking in another place establishment grants to 54 non-government schools spread across Australia. We are dealing here with schools that are by no possible description wealthy elite schools; we are dealing with, for example, two Catholic systemic schools, low fee Christian community schools, non-denominational independent schools, an indigenous community school in the Kimberley and a Jewish day school. The average payment owing to these schools is about $14,000. That is not an enormous amount, but it is an enormous amount to a poor, low fee paying school and to the parents associated with them, who are not wealthy and are not high income earners.

I cannot for the life of me understand why the Leader of the Opposition would allow his party in the Senate to block a measure helping struggling independent schools. That is what the Labor Party is doing. The Labor Party says that in education all it wants to do is to block payments to so-called wealthy schools. I debate the wisdom of that proposition and even the accuracy of that description. But you are not even talking about that here; you are talking about denying money to needy independent schools and you are denying money to the parents of students at needy independent schools. Last month the Leader of the Opposition, in a personal explanation, said:

... the Minister for Education, Training and Youth Affairs has said ... that I am threatening the funds to Catholic schools and to low income private schools. We are not; we support the grants that go to those schools.

Mr Lee—And we will give them to them.

Mr HOWARD—The member for Dobell says that he will give it. You have an opportunity in the Senate this afternoon to give it. You have an opportunity to withdraw your opposition. I say to the hundreds, indeed the thousands, of parents with students at these schools: if you do not get your establishment
grants, write a letter of complaint to the Leader of the Opposition and write to your Labor Party senators. Remember those Labor Party senators without affection—indeed, remember the Labor Party without affection—when you cast your vote. By its blocking of this legislation, the Labor Party is proving itself the enemy of the battling parents of Australia who want choice in relation to their schools.

Afghanistan: Taliban Regime

Mr BRERETON (2.22 p.m.)—My question is to the Prime Minister. Given the declared intention of the United States and its allies to eliminate Osama bin Laden’s terrorist network and to deal decisively with those who harbour him, will the international coalition against terrorism back the Afghan Northern Alliance and force the Taliban from power? What are the aims of the United States and its allies for the future of Afghanistan?

Mr HOWARD—May I say that I am overwhelmed with the assumption implicit in the question of the member for Kingsford-Smith that I can speak in detail and with authority on behalf of the United States administration. I will not presume to do that, but what I will presume to do—

Mr Tanner interjecting—

Mr HOWARD—If I heard the member for Melbourne correctly, and perhaps I did not because I sometimes do not, I do not regard the United States as having war aims. I think that is unreasonable and inaccurate. That is a wholly unjustified characterisation of the attitude of the United States. What I regard the United States as being on about, and it is my understanding what the Leader of the Opposition regards the United States as being on about, is a legitimate response to what is an open assault upon its territorial integrity. The goals of the United States are to achieve, to the extent that it can, a comprehensive defeat of terrorism and, taken outside the boundaries of those countries from which the terrorists operate against other countries, the most comprehensive defeat possible.

The member for Kingsford-Smith asked me whether it is one of the aims to bring about the downfall of the existing regime in Afghanistan. I would have to say to the member that it would appear from all of the available evidence that that would be a result the United States would not be displeased with, and I have to say that it may not necessarily be a result that Australia would be displeased with. The existing regime, the Taliban, in Afghanistan has harboured, relieved, comforted, protected and generally given political and economic succour to Osama bin Laden and those associated with him.

The United States—correctly, in my view—in a very painstaking and methodical manner is assembling a very effective international coalition. The description of the way in which the United States has gone about this task was very well expressed this morning on Radio National, when there was an interview with the former American ambassador to the United Nations, Richard Holbrooke, who was speaking as a private citizen but also as a Democrat, and certainly not as an apologist for the administration. I thought it was a very timely and instructive interview from his own perspective, from somebody who is not unfamiliar—being the architect of the Dayton peace accord—with the difficulties of assembling international consensus. He made the very legitimate point, with which I totally agree, that the Bush administration had been extremely successful in its task so far in assembling an international coalition.

I think the Bush administration has also been very successful in not locking itself into one particular approach and not signalling one particular approach. I think the best result will be achieved if as many nations as possible on as broad a front as possible can be assembled in order to deal in different ways and at different times with the problem of terrorism. That involves not only the assembly of military might within an international coalition but also assembling internal political opposition to those who would bring about comfort and protection for those who are responsible for terrorism.

You would have to be a pretty courageous person to imagine that we could get any lasting peace after what has gone on between Israel and the Palestinians, but the tentative
signs of the agreement that has come out of the meeting between Arafat and Shimon Peres, the Israeli foreign minister, are encouraging. If that goes on, it will make a contribution to a greater commitment by the more moderate Arab states and the more moderate Arab leadership to the antiterrorist cause. I regard the involvement of more moderate Arab opinion and the more moderate Arab states in the alliance against terrorism as being extremely important. I know from recollection that that is a view that the member for Kingsford-Smith holds, and I think it is important.

My answer to the member for Kingsford-Smith is that the United States have, if I may say so, very wisely gone about this in a very methodical fashion. They have not irretrievably committed themselves to one particular course of action. Their resolve to retaliate and their resolve to strike as hard as humanly possible against those responsible for these terrible atrocities can be undoubted. In that endeavour they will have the total support of the Australian government and, I know, the Australian parliament. But it is not something that necessarily has to be accomplished within a matter of days or, indeed, within a matter of weeks; it is not necessarily something that can be. You need to try to strike at the available power of terrorists but you also need to strike at some of the conditions that make it possible for terrorists to prosper. You also have to try to address in the longer term some of the fundamental disputes between nations and peoples that have given rise to terrorism. I know that all members of this House share the sense of foreboding that the community has about these events. I am encouraged by the strength and, dare I say it, the international diplomatic maturity that the United States have displayed in assembling this coalition, and that gives me very great heart for a successful outcome.

Final Budget Outcome 2000-01

Mr St CLAIR (2.29 p.m.)—My question is addressed to the Treasurer. Would the Treasurer advise the House of the revenue result of the final budget outcome for the 2000-01 year, released yesterday? What is the significance of a secure tax base for sound fiscal policy and the Australian economy?

Mr COSTELLO—I thank the honourable member for New England for his question. I can inform him that yesterday’s final budget outcome showed that revenue raised from GST was $23.7 billion compared with a budget forecast of $24.0 billion—a margin of error of only one per cent in the first year of collection of the GST. Over the last three years, this parliament has radically reshaped the Australian taxation system. We have abolished wholesale sales tax and replaced it with a goods and services tax. That has allowed us to abolish bed taxes, financial institutions duties and stamp duties on marketable securities. We have cut personal income tax by $12 billion and have taken average wage earners from a 43 per cent marginal rate to a 30 per cent rate. We have cut capital gains tax in half for individuals and freed small business from capital gains tax when they sell to retire. In addition to that, we have cut the company tax rate from 36 per cent to 34 per cent, and then from 34 per cent to 30 per cent. Throughout the work of this parliament in reforming and reshaping Australia’s tax system, we have been opposed by the Australian Labor Party at every step of the way.

The Australian Labor Party has flipped and flopped on taxation policy as it has flipped and flopped on so much else. Remember that there used to be a policy that was talked about nearly every day in this parliament, which we have not heard for a long while. It begins with ‘r’: roll-back. We have not heard about the policy of roll-back. Kim Beazley, in an address to the nation on 8 July 1999 said:

Labor’s commitment will be to roll back the GST.

On 19 June 2000, he said:

... we know there will be roll back under a Labor government—that is an absolute commitment. We have said this is our top priority.

Yet it is a top priority that dare not speak its name.

I have gone through the announcements that the Labor Party has now made in relation to roll-back and, out of a revenue take of $24 billion, the Labor Party proposes to roll
back $125 million or 0.52 per cent. In other words, roll-back now consists of 0.52 per cent and, all along, the Labor Party has agreed with us 99.5 per cent of the time. That is the flip and the flop or, in this case, the roll-back flip and the roll-back flop; more flops than flips. When it comes to rolling back the GST, there is no roll-backbone. After opposing GST, the Labor Party, we now find, is to keep 99.5 per cent of the changes which this government has put in place. The *Australian* editorial on 26 September, entitled ‘See-through Beazley needs flesh strategy’, finished by saying:

Labor’s GST roll-back policy is a joke, and the party’s frontbench knows it.

I table the editorial.

**National Security: Review**

Mr BEAZLEY (2.33 p.m.)—My question is to the Prime Minister. Given the build-up of security operations against the global terrorist network, will the Prime Minister urgently consider further reforms to the nation’s antiterrorist capabilities, such as aviation security; defence intelligence and SAS capabilities, building on the white paper; antiterrorist law enforcement, including through comprehensive domestic legislation; vital installation and diplomatic protective security; immigration security checking; cyber-terrorism response; security intelligence collection and analysis; cracking down on the financing of terrorism and cracking down on links between the global terrorist network and organised criminal activities, especially drug smuggling? Consistent with the demands of national security, will the Prime Minister advise the House of his broad plans to reform these areas of Commonwealth responsibility?

Mr HOWARD—I inform the honourable member that, as a result of the terrorist attack on 11 September, a process of reviewing all of the responses in the agencies of the Commonwealth to terrorist threats was put in place, including and in particular an examination of whether any changes to laws dealing with suspected terrorist activity might be required. I can inform the Leader of the Opposition that, on Tuesday when it meets in Sydney, the cabinet will be examining some advice on that particular issue received from the Attorney-General. All the issues raised by the Leader of the Opposition are generally under examination and, as a result of that, some changes will be needed. Whenever something like this happens, which is completely without warning—I do not think anybody in this House, except in the most general sense of the word, expected something like this to happen—the natural instinct is to look at everything. The result will be that some changes will be made. Some of the things suggested by the Leader of the Opposition could well be the subject of change.

The Leader of the Opposition, in accordance with a request from me, will be kept briefed, as is the custom and as is appropriate, by the head of the Australian Security Intelligence Organisation. I know that he will accept my assurance that, if there are any concrete proposals for particular changes to reform that he thinks are desirable, we will pick them up. We do not pretend that every conceivable response to terrorism was in place before 11 September. Nobody could pretend that—the United States obviously could not and no free nation in the world could. One of the terrible things about this kind of terrorism is that you can conceive of a situation where it is virtually impossible to have comprehensive protection against it. But I can assure the Leader of the Opposition, and through him the members of the House, that we will not leave any stone unturned to make sure that all the protection is available, including increased close personal protection for people who are regarded at risk, increased guarding of American assets and increased responses in relation to Israeli establishments and Jewish assets in Australia.

I am concerned, as I know he is, about actual and threatened acts of violence and destruction against property belonging to Islamic Australians, and I can say to Australians in the Islamic community that all the additional protection that can be provided will be provided. That will be done primarily by the police services of the various states, but acting in cooperation with the police services of the Commonwealth. I also inform him in the House that senior ministers received a comprehensive briefing from all of
the relevant agencies, including the Queensland Police Service, regarding the adequacy of security arrangements for the CHOGM meeting. There is no domestic security reason why that meeting should not take place, and it remains my hope that the meeting will take place. The question of whether there will be any fall-off in attendances over the days ahead as a result of events in the United States is a situation that has to yet unfold.

It remains my hope that the meeting will go ahead, but I am sure the Leader of the Opposition will appreciate that, in the current circumstances, some participants may feel constrained not to attend. If the number and the influence of those who decide not to attend is such as to pose some threat to the value of the meeting, that may well cause the Secretary-General of the Commonwealth to have another view. It is impossible for me in relation to that particular event to say any more at the present time.

Ansett Australia

Mr HAASE (2.39 p.m.)—My question is addressed to the Deputy Prime Minister and Minister for Transport and Regional Services. Would the minister update the House on the latest initiative by the government to restore air services? Does the minister have any information on how many Ansett employees have been reinstated since the airline was put into administration?

Mr ANDERSON—I thank the honourable member for his question. As has been widely reported today, last night we entered into arrangements with the administrator, negotiated last night, to return five Ansett A320s to service this weekend and another six over the following week. This is a limited but significant and commercially well-constructed exercise, and the administrator is confident that it can be made to work. Having looked at it, we agree with him that it is worthy of support. On that basis, we have agreed to inject confidence, by standing behind those who would purchase tickets, to the tune of $25 million over the next 12 weeks. Indeed, so confident is the administrator in his position that he has indemnified us—on behalf of our representing the taxpayers, of course—on the basis of security against assets. This is a very welcome development. It means that another 1,500 Ansett employees will return to work.

The federal government, as we have worked through this, has assisted in the restoration of services by Skywest in Western Australia. I know it is very important to Barry Haase, the member for Kalgoorlie, and to others in the biggest of the states in the Commonwealth. Hazelton in New South Wales are gradually unfolding their services again in a very welcome way. Kendell is starting and has some way to go. The member for Riverina has been very keen to work through further opportunities for Kendell, and she has been endless in her pursuit of that objective—we are doing what we can. I am advised now that 90 people at Hazelton, 101 at Kendell and 146 at Skywest are back at work, and Skywest is recruiting former Ansett staff. Add to that 750 people involved in Traveland and nearly 500 who have now found employment with Qantas, and 3,000, in all, from Ansett are now working again in aviation. I hope that is welcomed by everyone in this House.

There is still a long way to go, but I think it is quite reasonable to say that there has been a good start by the parties involved—by the administrators, by the government and by the airline operators. There are a couple of exceptions to those parties that have not made worthwhile contributions to this. One party has made a lot of noise but has made no worthwhile contribution, and that is the ACTU. For all their noise, all the criticism, all the rallies and all the so-called plans, the one thing that can be said of the ACTU is that we cannot identify a single job that they have helped to restore—not one. I would be delighted if the ACTU’s involvement had got anyone back to work. I would be the first to give them credit for it, but it seems that they are determined to be part of the problem and not part of the solution. This is a very important point. Last night, Greg Combet’s attitude appears to have been reflected in the comment that he made. He said:

The planes will fly with Ansett crew under existing Ansett certified agreements. That has always been the position.

Blind Freddy knows that major changes in work practices in the interests of Ansett em-
ployees and their future are absolutely necessary in these circumstances. The question has to be asked: does the ACTU really want them back at work? Will they now commit themselves, as other parties have, to trying to work through this in the interests of Ansett employees, of the travelling public and of competitive aviation?

Opposition members interjecting—

Mr ANDERSON—I have some useful quotes here and I am coming to another one in a moment. Is it the case that the ACTU’s real—

Dr Martin interjecting—

Mr SPEAKER—Member for Cunningham!

Mr ANDERSON—Mr Speaker, whenever they think there is a quote coming that relates to somebody in the Labor movement, they start making a lot of noise. An example of the ACTU being more interested in politics than in policy outcomes is to be found in a rally yesterday. The ACTU got a bit of a protest rally going outside the member for Lindsay’s office in Penrith. The protest took place and then the protesters, having concluded, got back on the bus.

Mr Horne—Well, they couldn’t catch a plane!

Mr ANDERSON—It is very obvious that the opposition do not want to hear what these people have been saying. The protest over, the leader of the ACTU, Sharan Burrows, and her group got back on the bus. But a television crew arrived late, so they all got off the bus again and trooped over to the other side of the road and got the whole protest going again. The centrepiece of the protest was a letter that was intended for delivery to the member, and the camera crew asked the logical question: ‘Could we have the letter?’ But Ms Burrows replied, ‘No, you can’t have the letter. We are only doing this for the camera.’

Ansett Australia

Mr BEAZLEY (2.46 p.m.)—My question is to the Deputy Prime Minister and follows the answer that he has just given about the deal announced last night to get five Ansett airbuses in the air by this weekend and some more later. Minister, rather than saying that your job is done, why won’t you now work with all the parties for a permanent solution to getting Ansett, its remaining fleet of more than 50 jets and its 16,000 employees back into the air? Given that your ticket guarantee expires in the middle of the school holidays, why won’t you extend it so that the people who book a holiday with a guaranteed flight out can also have a guaranteed flight home? Minister, why won’t you look beyond a three-month quick fix that gets you past the election but not past Christmas?

Mr ANDERSON—Perhaps in answer to the Leader of the Opposition I could simply point out that it is all the administrator asked for.

Ms Macklin interjecting—

Mr ANDERSON—Of course we asked. We have spent our time in constant communication with all of the parties to work this through constructively, to take every available opportunity to get aeroplanes back in the sky, to get workers back in—

Mr Beazley—No you haven’t.

Mr ANDERSON—‘No you haven’t,’ he said. What was the Leader of the Opposition’s response when he was asked, ‘Have you spoken to any of the parties?’ in a doorstep the other day? He said, ‘Well, no, but some of my people have been talking to some of their people.’

We have sought at all times to work constantly through many hours with all of the affected parties. I have just listed for the House the progress that we have made, but the Leader of the Opposition would have you believe that he has a plan. The problem with the plan is that it has varied every day. It has never been a constant. It has never stood up to any scrutiny. It is not based on any understanding of the facts because, as he has revealed when asked, he has not spoken to the major players in this. All I can say is that the most useful thing I could do is to offer—I am sure the administrator would be agreeable—to arrange a full briefing for the Leader of the Opposition so that he can come to grips with the realities of what actually happened to Ansett, inasmuch as the administrator has been able to establish, so that he has some
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understanding of what we were asked for and some view of the best possible future, as the administrator is working to put it together, so that we can have a worthwhile debate about this instead of empty rhetoric from him and cheap rallies from the ACTU.

Final Budget Outcome 2000-01

Ms JULIE BISHOP (2.49 p.m.)—My question is addressed to the Minister for Defence. Would the minister advise the House on the federal budget outcome for the Defence portfolio, as revealed in the final budget outcome released yesterday? Is the minister aware of alternative proposals and what is his response?

Mr REITH—I thank the honourable member for her question. The final budget outcome 2000-01 reveals that Defence had an expenditure of $13.25 billion in cash terms for the last year.

Ms Macklin—The money came out of nursing homes!

Mr REITH—These funds are available because we have had responsible economic management by the Commonwealth. As a result of that, we have an economy that is as strong as, if not stronger than, most within the OECD. That has put this government in a position to invest in the defences of our country. That is what has happened. The May budget delivered the first round of funding after the white paper was brought down last year, and the government fully met the commitments it made in the white paper to ensure that the capability we propose for defence is in fact fully resourced. The white paper has proposed an additional $27 billion over the coming decade. It is the most significant statement of government policy on defence literally for decades. It will see the Australian Defence Force armed with new airborne early warning and control aircraft. It provides for unmanned surveillance aircraft of the Global Hawk type and it provides for new and replacement patrol boats for the Royal Australian Navy. We have also budgeted for increases to our special forces and to defence intelligence gathering agencies.

I am asked what alternative proposals there are and what is my response to those. There is a response from the opposition. It is a response which you could only describe as wishy-washy. It is a response which says, ‘Oh, yeah, we support the white paper,’ but, when you read the details, they have strapped to their policy pronouncements a whole range of commitments which cannot be funded—which will not be funded—by the Labor Party unless they decide to eat into the white paper. For example, we saw the Leader of the Opposition in Adelaide—I think it was last year—promising an extra couple of submarines—

Dr Martin—Lies.

Mr SPEAKER—The member for Cunningham!

Mr REITH—seemingly oblivious to the fact that, with those sort of purchases—

Dr Martin interjecting—

Mr SPEAKER—The member for Cunningham knows how to get the attention of the chair!

Mr REITH—you would wipe out the whole of the Royal Australian Navy’s capability enhancements for a decade or more. We saw the opposition spokesman promising that they would keep the HMAS Jervis Bay—the catamaran.

Dr Martin—Not true.

Mr SPEAKER—The member for Cunningham!

Mr REITH—Oh, ‘Not true’?

Dr Martin—You are a liar.

Mr REITH—A cost of $80 million—

Mr SPEAKER—Minister, resume your seat. The member for Cunningham will withdraw that statement.

Dr Martin—I withdraw.

Mr REITH—The Labor Party has a whole lot of commitments for which they
have no money. They have a commitment to move the Air Force bombing range at Salt Ash near Newcastle—a cost of around a billion dollars and no money to pay for it.

Mr REITH—They are proposing an Anzac battalion—half a billion dollars and no money to pay for it. Of course, this week they have gone further with their coastguard proposal. It now seems, from their words, that if Labor is elected they will basically scrap the tender that we have already got out for the replacement of patrol boats. If anybody knows anything about the Navy, they will understand that patrol boats are a vital component—

Mr REITH—It is in his press release! Not only are they now proposing to gut the Australian Navy of its patrol boat fleet but, furthermore, they plan to civilianise—

Mr SPEAKER—I warn the member for Cunningham!

Mr REITH—Of the work of the Royal Australian Navy.

Mr Horne—Mr Speaker, I rise on a point of order. The point of order is on relevance. The minister was asked to outline expenditure. All he is outlining are so-called promises, and there is no tender for the patrol boats at all.

Mr SPEAKER—There is no point of order. The member for Paterson will resume his seat. I noted that the question the minister was asked was about budget outcomes and alternative policies. He is being relevant to the question.

Mr REITH—These are Labor Party so-called promises and, in respect of the patrol boats, the Leader of the Opposition and the shadow minister have made it very clear that they do not accept the government’s proposals in the tender that we have issued. This is a very serious matter that goes to the heart of the capability of the Royal Australian Navy. Yesterday the shadow minister put out a press release which said that with the new bureaucratic system, Coast Guard, which they will establish, they are hoping to lure members of the Royal Australian Navy across out of the Navy—out of the Australian Defence Force—to man it.

Opposition members interjecting—

Mr REITH—It is in his press release! Not only are they now proposing to gut the Australian Navy of its patrol boat fleet but, furthermore, they plan to civilianise—

Mr SPEAKER—I warn the member for Cunningham!

Mr REITH—Up to 600 members of the Royal Australian Navy and put them into their new bureaucratic structure called Australian Coast Guard. What is this—roll-back for the Navy? I think it is grossly irresponsible, and not only is that the assessment that we would put on it; if you read what the Leader of the Opposition himself said when he had responsibility for this issue back in the 1980s, even he was opposed to it.

The white paper is the best thing that has happened to the Australian Defence Force in decades. I call on the Leader of the Opposition to make an unequivocal statement which will commit any future Labor government to that white paper. It is great to have for an organisation a plan for the future and I think it is grossly irresponsible for them to throw clouds of doubt over the future of the Australian Defence Force and its white paper.

Rural and Regional Australia: Air Services

Mr ANDREN (2.57 p.m.)—My question is to the Deputy Prime Minister and Minister for Transport and Regional Services. Minister, can you explain the conditions under which Hazelton Airlines was provided a $3 million Commonwealth loan to resume services? Is there any undertaking required that the service to Bathurst will be restored, particularly with the Bathurst 1000 coming up next week? If not, what steps will the government take to ensure services to Bathurst and other ports not yet restored will resume, particularly if they are claimed not to be commercially viable by the most recent operator?

Mr ANDERSON—I thank the honourable member for his question. The undertaking given by Hazelton in response for our support was that they would unfold their routes as rapidly as possible. Our understanding is that they intend to restore all,
with possibly only one question mark, but they are to come back to us on that. The particular request that we made of them was that they would move first to restore services to communities that had no service, and that is what they are seeking to do. It is my understanding, by the end of next week, they will basically have unrolled all services.

I cannot tell you whether or not they will have Bathurst restored by this weekend. I will seek to engage with them this afternoon and then provide the honourable member with a direct answer, because as to timing I am not quite certain. The reason that it has proved a little difficult to get a Bathurst service back is that it is relatively close to Orange. In fact, the driving time between Orange and Bathurst is less than a lot of people in capital cities spend in getting to an airport, and Orange has had skeleton services building back into something more reasonable. I certainly wish all those attending the Bathurst races all the very best. As a motoring enthusiast, I will watch that with great interest, although regrettably I cannot be there.

As to the latter part of his question, one of the issues that we will unquestionably have to address is that of services to small regional communities that are struggling to maintain those services. On a bipartisan note, I commend the successive state governments of Queensland that have always been prepared to bend over backwards to support regional aviation for small communities that need them. I recommend that model to other state governments that consistently seek to load all responsibility for everything that happens outside the capital cities, it seems, on to us, particularly New South Wales, where west of the so-called sandstone curtain it is almost impossible to get them to do anything. It really is. Do you know that the New South Wales state government recently trumpeted that they had made a magnificent contribution to regional aviation in Australia: they had abolished $50,000 worth of fees and charges annually across the entire industry. That was painted as though that was supposed to be the salvation of regional aviation.

Mr Tanner interjecting—

Mr ANDERSON—In contrast, the Queensland government provides annually $3½ million—$3½ million versus $50,000—and, in contrast, we have done things like—

Mr Tanner interjecting—

Mr SPEAKER—I warn the member for Melbourne!

Mr ANDERSON—lowering fuel tax for regional aviation from 17c to 2c, and we have made a very major contribution to regional aviation through what we have done at Sydney airport and access.

Employment: Jobs Growth

Mr ROSS CAMERON (3.03 p.m.)—My question is to the Minister for Employment, Workplace Relations and Small Business. Can the minister outline for the House what the government is doing to keep unemployment low and to create jobs? How does this government’s performance on job creation compare with the performance of previous governments? Are there any alternative policies? And go the Eels on the weekend!

Mr SPEAKER—It is evident that the member for Parramatta does not intend to seek the call again today.

Mr ABBOTT—I thank the member for Parramatta for his question, and I note that since March 1996 unemployment in the city of Parramatta has dropped from over 12 per cent to under 3 per cent, thanks to the policies of the Howard government and thanks in part to the hard work and the personality of the local member and his strong support for local initiatives.

One of the reasons why this government has a good record in jobs growth is that we have grasped the fundamental truth that the worker cannot earn a wage unless the boss can make a profit. Unlike members opposite, we do not think that profit is a dirty word. Unlike members opposite, we do not think that the regulator and the union official are always right. The Leader of the Opposition has taken to running around the country over the last few days talking about job insecurity. According to the Morgan poll, job insecurity reached its height in Australia in November
1992, and guess who was the minister for employment in November 1992? It was none other than the Leader of the Opposition. It is no wonder that people were feeling insecure about their jobs then, because this is what the Leader of the Opposition thought about his job as the minister for employment.

*Mrs Crosio interjecting—*

**Mr SPEAKER**—I warn the member for Prospect!

**Mr ABBOTT**—The Leader of the Opposition told his biographer:

I lost a lot of ambition and I stopped straining ... I thought there was less capacity to achieve in that portfolio than just about any I have had.

This is what he really thought about the employment portfolio. This is what he said to the National Press Club in June 1993:

... my father said to me when I got the Defence portfolio that ... I'd been given the poisoned chalice. I thought then he was wrong and now I know he really was wrong, I have it now.

He thought that he had the poisoned chalice when he was the minister for employment. He knew when he was the minister for employment that his policies were not working.

This is what Neal Blewett, who knew him very well and shared a cabinet table with him, said about the Leader of the Opposition's employment policies:

Spurred on by this despair and always inclined to go over the top, Beazley warned that the unemployment figures are going to be pretty horrific, totally horrendous, quite awful over the next 12 months. With so much gloom around, Beazley was in his element. He fears 11 per cent unemployment by the end of the year.

Well, he achieved what he feared. This government has a good record at creating jobs. Since March 1996, 882,000 new jobs have been created under this government, and 359,000 of those jobs are full-time jobs. Listen to this: in Labor's last six years there were 405,000 new jobs created, and just 27,000 new full-time jobs were created. Let me say this very sincerely to the Leader of the Opposition: we are proud to run on our jobs record; are you proud to run on yours?

*Opposition members interjecting—*

**Mr SPEAKER**—If it were helpful to their constituencies, I could indicate to members who have been warned that they have been warned, or simply expect them to recall the courtesy that they are expected to extend to other members.

**Employment and Unemployment: Job Vacancies**

**Ms KERNOT** (3.09 p.m.)—My question is to the Prime Minister. I refer to his refusal this week to acknowledge the jobs crisis now facing Australian families, calling the loss of 2,000 Coles Myer and Daimaru jobs a ‘tiny morsel of negative news’. Prime Minister, have you seen today’s job vacancies survey showing that job vacancies have fallen to a four-year low, down 3½ per cent in the last three months and 6.7 per cent on a year ago? Prime Minister, with part-time jobs at their highest percentage level ever recorded, with the loss of 87,000 full-time jobs in a year, the collapse of HIH, Daimaru, Ansett, OneTel and Harris Scarfe, if this is not enough for you? Will these figures today make you wake up to the looming job crisis facing struggling Australian families?

**Mr HOWARD**—I was asked a not dissimilar question, I think, by the member for Fowler yesterday and I said then, and I repeat to the member for Dickson, that while ever this country has any level of unemployment I will not regard the fight against unemployment as having been completed. Whilst I regard the present level of unemployment in Australia as too high, the reality is that it is markedly lower than what it was when this government came to power.

*Ms Kernot interjecting—*

**Mr SPEAKER**—The member for Dickson has asked her question.

**Mr HOWARD**—The Leader of the Opposition quite correctly, in the peroration of his valedictory address, expressed the hope that we might have a vigorous and intelligent debate over issues. Let us have an intelligent and vigorous debate over the issue of employment in this country. I said yesterday, and I would repeat it, that if the present level of unemployment represent a jobs crisis, the Leader of the Opposition presided over an employment Armageddon when he was the minister for employment. He would probably regard such a statement by me as a piece of
insubstantial rhetoric. I would say that anybody who describes the present level of unemployment in Australia as being a jobs crisis—

Mrs Irwin—Mr Speaker, I raise a point of order under standing order 145. The Prime Minister did not answer the question yesterday and is not answering it today.

Mr Speaker—The member for Fowler will resume her seat.

Mr Howard—I remind the member for Dickson of the impact of the rejection of that legislation on the small business community of Australia. I would also remember those who sit opposite that if they had not opposed—

Opposition member interjecting—

Mr Howard—I thought somebody would interject about the GST. I have got something to say about the GST, but I will come to that in a moment—I do not want to spoil the point I am making to the member for Dickson about the impact of the Labor Party blocking further deregulation of the labour market. I just make the point that it remains a very interesting observation that, if you look around the world at the moment, the countries that have the lowest level of unemployment are the countries that have a less regulated labour market.

Ms Kernot interjecting—

Mr Howard—The member for Dickson cannot have it both ways. If you want to have a debate about the causes of unemployment and the impact of economic policy, you have to face up to that reality. The reason why, for example, the unemployment rate in the United Kingdom now is lower than it is in many other European countries is that the Blair government has essentially retained the industrial relations laws of the Thatcher government.

Mr Bevis—Not true.

Mr Howard—Oh, not true? I see—not true. Well, you ought to go and read The Third Way again and you would understand what it is about.

The member for Dickson talked about the retail sector. I am indebted to the member for Dickson for talking about the retail sector and the alleged impact on the retail sector, which was caught up in a question she asked me yesterday about the GST. I have in front of me a quote from an interview this morning with Mr Roger Corbett, the CEO of Woolworths. He knows a bit about employment, he knows a bit about the GST, and he knows a bit about running a successful business. He understands that, if the employer makes a profit, the employer can employ people. Mr Corbett says that the GST has been beneficial for business. He said:

It represented a really minor cost movement for Woolworths of only about 0.4 per cent of one per cent, but the really good thing is that a lot of customers had $30, $40 or $50 extra in their pockets to spend. I think that wasn’t a retail negative, that was a retail positive for Australia. The strong retail results we enjoyed last year I’m sure were a result of that extra money that many of our customers had.

That extra money came courtesy of those who sit behind me. It is those who sit behind
me who delivered the $30, $40 or $50 a week into the pockets of Australian consumers. It is those who sit opposite who tried tooth and nail to stop giving that money to the ordinary, battling retail customers of the Australian community.

Trade and Investment: United States of America

Mr CAMERON THOMPSON (3.16 p.m.)—My question is addressed to the Treasurer. Will the Treasurer advise the House what steps the government is taking to assist trade and investment between Australia and the United States?

Mr COSTELLO—I thank the honourable member for Blair for his question. I can inform him that after very extensive negotiations the Australian government has renegotiated the double tax agreement between Australia and the United States. Later this afternoon, with the United States Ambassador I will be signing a protocol to that effect. This is an historic breakthrough which will significantly assist trade and investment flows between our two countries. It will be a major step to facilitating a modern and competitive tax treaty network for companies located in Australia. The protocol will reduce dividend withholding tax on dividends paid by US subsidiaries and branches of Australian companies from 15 per cent to zero in most cases, and in some cases to five per cent. This is a significant cut in tax for Australian companies. The US is the largest investment destination for Australian investment abroad, with investment of about $157 billion and, of that, $90 billion was direct equity investment that could qualify to benefit from reduced US taxes in the form of dividend withholding tax. This should also unlock earnings currently retained by Australian branches and subsidiaries in the United States which have not repatriated funds because it would incur dividend withholding tax. Those Australian companies, once the new agreement takes effect, will be able to bring dividends back to Australia without the dividend withholding tax.

There are proposed exemptions from withholding tax for interest paid to financial institutions, which will improve Australia’s standing as a financial centre and enhance the operation of this sector between the two countries. In addition, Australia will reduce its withholding tax on royalties from 10 to five per cent, which will reduce costs to business for technology and know-how. Australian companies have sought this for a considerable period. It will facilitate Australian companies investing overseas and growing in large US markets, and it will assist their profitability. It has been a very tough negotiation, but it represents a significant step forward. The finalisation of the protocol, which has been keenly awaited by business, will be welcomed by the business communities of both countries.

Treasurer: Record

Mr CREAN (3.20 p.m.)—My question is to the Treasurer. I refer to the Treasurer’s self-congratulation on his performance as Treasurer. Are you the same Treasurer—

Mr SPEAKER—Order! The Deputy Leader of the Opposition will start his question again without that preamble.

Mr CREAN—Are you the same Treasurer who has overseen the loss of 87,000 full-time jobs since the GST? Are you the same Treasurer who has overseen record household debt and record credit card debt? Are you the same Treasurer who has cut growth from 4.2 per cent to 1.4 per cent, with investment down 13.2 per cent, and who has more than doubled the inflation rate since the GST? Are you the same Treasurer who has pushed up foreign debt to $311 billion and driven down the dollar to a record low?

Mr SPEAKER—Order! The Deputy Leader of the Opposition will come to a question or resume his seat!

Mr CREAN—Is he the same Treasurer who stood by and watched corporate collapse after corporate collapse?

Mr SPEAKER—Order! The Deputy Leader of the Opposition is aware of the obligation he has to come to a specific question. The series of questions he has asked is longer than the series of questions normally tolerated by the chair.

Mr CREAN—They are all relevant, Mr Speaker.
Mr SPEAKER—I did not rule out the question on the basis of relevance.

Mr CREAN—I’m coming to a conclusion.

Mr SPEAKER—I am inviting the Deputy Leader of the Opposition to wind up his question, or I shall simply invite him to resume his seat.

Mr CREAN—All right, I will do that. Is he the same Treasurer who is now the highest taxing Treasurer in Australian history? Treasurer, instead of smirking—

Mr SPEAKER—Order! The Deputy Leader of the Opposition will resume his seat.

Mr REITH—I raise a point of order, Mr Speaker.

Mr CREAN—You don’t like it, do you?

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

Mr REITH—In every possible way this question is in breach of the standing orders. This is a series of rhetorical questions which simply mask a series of arguments. It is clearly completely outside the requirements of the standing orders, Mr Speaker, and it should therefore be available to you to look to this side of the House for the next question.

Mr SPEAKER—The Deputy Leader of the Opposition was given ample opportunity to confine his questions to a more appropriate form, an opportunity he simply ignored. I rule the question out of order.

Education: Policy

Mr SPEAKER—I call the member for Riverina.

Mrs HULL—Thank you, thank you.

Mr SPEAKER—The member for Riverina will also resume her seat if she does not come immediately to her question.

Mrs HULL—My question is addressed to the Minister for Education, Training and Youth Affairs. Would the minister advise the House of the impact of the government’s policies on Australian education? Is he aware of any alternative proposals, and what is his response?

Dr KEMP—I thank the honourable member for Riverina for her question. The Howard government has a very proud record in lifting standards and expanding access in education in Australia. I am pleased to inform the House today that the number of young people in apprenticeships and traineeships has now reached the record level of 320,000, which is 2 1/2 times the number in apprenticeships when we came to office. This is excellent news for young Australians, and they are all in real jobs.

In schools, Commonwealth funding is a rising proportion of the gross domestic product. Literacy standards have been raised and an increasing number of young people have job opportunities to learn vocational education and career education in schools. In universities, we have record places, record enrolments, record revenues, record international student numbers and, I am pleased to say, record student satisfaction. In research, we are reversing the brain drain and bringing back to Australia some of Australia’s most outstanding researchers through Backing Australia’s Ability and the Federation Fellowships we have announced.

I have been asked about any alternatives. On the other side of the chamber, we see complete disorganisation and contradiction in education policy. We see the Leader of the Opposition saying that he supports grants to Catholic schools while at the same time he is denying funding to four Catholic primary schools: St Angela’s Primary School, Lumen Christi Catholic College, St Andrew’s Catholic College and Jubilee Primary School. We heard the member for Dobell, the SS Minnow over there in the bathtub armada behind the Leader of the Opposition, say in the House this morning, ‘Our highest priority’—if you can believe this—‘is the needy schools throughout Australia.’ He said that this morning and yet his party is denying funding to 54 needy schools. This is the kind of shadow world described by the Treasurer, this world of half-light, half-truths and contradictions that pervades the opposition at the present time.
Where is the person who is supposed to be giving security and certainty to the opposition’s policy stances—the man who is going to give certainty and security to Australia, the commander of the bathtub fleet, the commander of the SS Jawbone—

**Government members interjecting—**

**Dr KEMP**—The SS Backbone sank sometime ago, I think. The Leader of the Opposition, this purported national leader, had a secret weapon in education—

**Opposition members**—You!

**Dr KEMP**—We remember noodle nation. Remember what he said about noodle nation. On 12 July, just before the Aston by-election, at a doorstop in Wantirna, the Leader of the Opposition said:

Frankly, if I can’t get it across, I’m not worth anything, anyway.

And we have not heard it mentioned in the House since. If he cannot give any certainty to his own policy, he certainly cannot give any certainty to Australia.

**Education: Funding**

**Mr LEE** (3.29 p.m.)—My question is addressed to the Minister for Education, Training and Youth Affairs—

**Mr Beazley**—The secret weapon!

**Mr LEE**—He is more to be pitied than despised.

**Mr SPEAKER**—The member for Dobell knows that he will find himself resuming his seat. The member for Dobell will come to his question.

**Mr Emerson interjecting—**

**Mr SPEAKER**—The member for Rankin is warned!

**Mr LEE**—My question is addressed to the Minister for Education, Training and Youth Affairs, Dr Kemp. Minister, is it correct that direct university funding from the Commonwealth has been cut every single year since the Howard government was elected? Is it correct that the number of Australians at university has fallen for the first time since the Prime Minister’s beloved 1950s? Minister, is it correct that your new school funding system delivers multimillion dollar increases to schools like King’s School and Geelong Grammar while public schools get almost nothing—only automatic indexation at schools? Minister, do you agree with the Prime Minister that his government has done enough for education and that Australian families are going to wear these consequences for years to come?

**Dr KEMP**—Mr Speaker, the question reveals the fantasy world in which the Leader of the Opposition and his shadow minister for education live in relation to education, because the reality is that no federal government has—

**Mr Crean**—It’s your record! Stand on your record.

**Mr SPEAKER**—The minister will resume his seat. The Deputy Leader of the Opposition will excuse himself from the House under standing and sessional order 304A.

**Mr Crean**—Thank you very much! On the last day, this is absolutely pathetic.

The member for Hotham then left the chamber.

**Opposition members interjecting—**

**Dr KEMP**—This government has made a massive investment in schooling in Australia, in public schooling and in non-government schooling. Schooling expenditures are one of the fastest rising areas of the federal budget. Schooling expenditure from the Commonwealth—

**Mr Brereton interjecting—**

**Mr Beazley interjecting—**

**Mr SPEAKER**—The minister has the call.

**Dr KEMP**—Schooling expenditures are a rising proportion of GDP from the Commonwealth, and it is a great shame, from the point of view of many public schools in Australia, that Labor state governments are at the same time draining funding out of those school systems. We can see that very clearly in New South Wales and in Victoria, where Commonwealth funding is rising much more rapidly than state funding. In the higher education area, there is now a record number of students at Australian universities.
The government has recently announced additional funding for fully-funded places at Australian universities that will create something like 20,000 more places over the next five years, through Backing Australia’s Ability and the regional places announced in this year’s budget. The postgraduate loans scheme will provide, we estimate, an additional 30,000 places over the next five years. That is the equivalent of two new universities, yet we have the opposition living in a fantasy world that as if, somehow or other, places are actually falling.

This government is investing massively in education and is opening up educational opportunities. The Labor Party alone is cutting funding to schools at the present time. Their only announced policies are to cut funding to a community school on the Darling Downs, which is going to lose some $3,000 per student as a result of the education policies of the Labor Party.

Mr Bevis—Take it out of King’s School!

Mr SPEAKER—I warn the member for Brisbane.

Dr KEMP—As a result of the education policies of the Labor Party, some 54 low fee, Catholic parish and community schools, including an Aboriginal community school in the Kimberley, are going to have their funding slashed so the Leader of the Opposition can make some kind of pact with the Australian Education Union and the extremist officials who lead it. This is it at the expense of these schools, many of which are relying on this funding. These schools have every entitlement to have their funding. Let me read the comment from the principal of St Stephen’s College in the electorate of Hinkler. Because of the Labor Party’s actions the school will not be receiving the $15,250 next week they were expecting. This is what the principal, Mr Peter Fowler, had to say—

Mr Lee—Mr Speaker, I raise a point of order: the only part of my question that referred to schools referred to category 1 schools like King’s School and Geelong Grammar. I ask you to bring the minister back to the question.

Mr SPEAKER—I will listen to the minister’s reply.

Dr KEMP—The question was about school funding, and this is a very important aspect of school funding policy.

Mr Lee interjecting—

Mr SPEAKER—The member for Dobell is warned!

Dr KEMP—The Principal of St Stephen’s College, in the electorate of Hinkler, had this to say:

Parents of our students worked their hearts out on the factory floor so they can have a choice of education for their children. Every dollar is needed in a growing school. We are a beginning school trying to establish itself. We are not a rich school. Blocking this funding would be denying the rights of rural and regional students and will mean their education is put at risk or undermined. When we go to the election, whenever it may be, the Labor Party will be taking to the Australian people a policy to cut funding to needy schools in Australia, with 50 schools already having had their funding cut and many more threatened with cuts in the future.

Ms Plibersek interjecting—

Mr SPEAKER—I warn the member for Sydney!

Roads: Scoresby Freeway

Mr BILLSON (3.38 p.m.)—My question is to the Deputy Prime Minister and the Minister for Transport and Regional Services. Would the minister outline to the House the government’s commitment to construct the Scoresby Freeway? Is the minister aware of any alternative policies?

Mr ANDERSON—I thank the honourable member for Dunkley for his question. He—like the member for Deakin, the member for Pearce, the member for Aston and other members for outer eastern Melbourne suburbs—has undoubtedly been positive and passionate but also very persistent in his pursuit of Commonwealth support for the Scoresby Freeway.

Mr Wilkie interjecting—

Mr SPEAKER—The member for Swan is warned!

Mr ANDERSON—I take it that the question refers to events since 13 May, when the Prime Minister—down there on the map, so to speak—committed the Commonwealth
government to $220 million up-front towards the freeway, including over $25 million this year, and at the same time made it plain that the Commonwealth will pick up 50 per cent of contributions to the construction of the freeway.

At the same time that this was to be done under the Roads of National Importance program—a Liberal-National government initiative, one that did not exist in the days of the Keating and Beazley governments—we sought a 50 per cent contribution from the Victorian government. What have we seen since then? All we have seen is smoke and mirrors. We are yet to see the Victorian government commit a red cent to this project. Indeed, despite that, the Bracks government have had the audacity to go out and demand that we fund this road fifty-fifty with them. As the Treasurer alludes to frequently when I talk to him, they have not committed a cent anywhere in their budget documentation. It is not there. As I understand it, there is $2 million there in planning for the light rail—but none for the roads.

We have committed $220 million, compared with the Victorian government’s contribution of nothing. Mr Bracks’s next step was to sign a piece of cardboard—a declaration of commitment, a hollow document with no binding effect at all—which prompted the Herald Sun to say recently:

Premier Steve Bracks should get on with building the needed Scoresby Freeway and quit trying to turn the issue into a political stunt.

The article continued:

By signing a declaration of intent with 10 local mayors this week, promising to provide half of the $1.3 billion needed for the project, he made only a hollow gesture towards the region’s troubled road users.

That is what the article had to say. I was a bit interested in the declarations, and I went in pursuit of them. The Prime Minister will be particularly interested in these, because the first version of the declaration is called ‘The Scoresby Transport Corridor and Mayoral Call for Commitment’. They wanted all the local mayors—10 of them—to sign up. I should not imagine that would be too difficult to get. Over and above that, the declaration of commitment called for both parties—federal and state governments—to explore all avenues to find the money.

They provided signature blocks for the Premier of Victoria, the Victorian roads minister, the Prime Minister, me, the Leader of the Opposition and the member for Batman, the alternative minister for roads. They then produced a second document, which was signed by the Premier of Victoria and the state minister for transport. It had only two other signature blocks: one for the Prime Minister and one for me. They left off the signature blocks for the Leader of the Opposition and the member for Batman. They were not there. That prompts me to ask these questions: have they left off the signature blocks for the Leader of the Opposition and the member for Batman because they will not commit to the Scoresby Freeway? Is that the reason? Or is it possible that there is another reason—that the Bracks government does not believe it is relevant to seek their support for the road anyway, on the basis that they no longer believe that they are likely to have to deal with them?

This is an absurd situation. The state government in Victoria are demanding that we fund 50 per cent of the road, when in reality we are the only ones who have put 50 per cent of the money on the table for the road. The Victorian government have not put anything on it.

Mr Kelvin Thomson interjecting—

Mr SPEAKER—I warn the member for Wills!

Mr ANDERSON—Matching the Victorian government’s demand would involve a nil contribution from us—matching nothing is nothing. More than that, they insist that we match it but do not believe it is relevant or appropriate to demand that the Leader of the Opposition or the alternative transport minister sign it. I simply conclude by saying this for the benefit of the Victorian government and the opposition: the Commonwealth has $220 million on the table and a commitment to build the road on a cost sharing basis as a road of national importance. The ALP in Victoria, true to form, have made no such commitment. All they have done is to issue a lot of hollow rhetoric. Interestingly, they do
not believe that it is necessary to involve the federal opposition in any way, shape or form.

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

PERSONAL EXPLANATIONS

Mr BEAZLEY (Brand—Leader of the Opposition) (3.45 p.m.)—Mr Speaker, I wish to make a personal explanation.

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

Mr BEAZLEY—Yes, grievously—

Mr SPEAKER—The Leader of the Opposition may proceed.

Mr BEAZLEY—and on many occasions.

Mr SPEAKER—Rarely by the chair.

Mr BEAZLEY—but there is only one I propose to raise now. It goes to claims made by the Prime Minister and by the Minister for Education, Training and Youth Affairs that I opposed funding for a group of needy private schools—start-up grants, specifically—as opposed to the category 1 schools. I do not oppose funding for them; I guarantee funding for them on election to office—

Mr SPEAKER—The Leader of the Opposition has indicated where he has been misrepresented and will resume his seat.

Mr BEAZLEY—because we will be funding the public schools at the same time.

QUESTIONS TO MR SPEAKER

Questions on Notice

Ms MACKLIN (3.46 p.m.)—Mr Speaker, on 13 April, 27 June, 6 September and 7 December last year and 19 June this year, I asked you to write to the Minister for Health and Aged Care under standing order 150, as he had not responded to questions on notice Nos 460 and 461 that dealt with bulk-billing figures. There are also a number of questions on notice from many of my colleagues to the Minister for Health and Aged Care which are also on bulk-billing figures. There are also a number of questions on notice from many of my colleagues to the Minister for Health and Aged Care which are also on bulk-billing. So, for the sixth time, Mr Speaker, given that the Minister for Health and Aged Care will not be here any more, is there any way that you can prevent the minister continuing the cover-up of the decline in bulk-billing around Australia?

Mr SPEAKER—I will follow up the matter raised by the member for Jagajaga, as the standing orders provide—as of course I have always done. If the member for Jagajaga wants to change the standing orders, she is aware of the arrangements that she must enter into with the Procedure Committee to achieve that change.

School Visits to Parliament House

Mr EDWARDS (3.47 p.m.)—Mr Speaker, I have three questions I would like to put to you. Mr Speaker, do you recall me asking you some time ago to review the level of subsidies available to students visiting Canberra? Are you aware that numerous schools in Western Australia which have booked Canberra visits with Ansett now need to rebook with Qantas? Are you further aware that Warwick high school in my electorate had fares in the vicinity of $600 to $700 with Ansett and those same fares with Qantas are now in the vicinity of $1,100? Mr Speaker, in view of the obvious difficulty this creates for students who live in states like Western Australia, and recognising their need to be as much a part of school visits to Canberra as others, would you again review this program in light of the collapse of Ansett? I seek leave to table an urgent fax which I received from Warwick Senior High School today which further explains the position from their point of view.

Leave granted.

Mr Adams—What about the surplus?

Mr SPEAKER—As the member for Cowan is aware, I had addressed the matter he raised and I had indicated to him on that occasion, as I restate now, that for the year 2001, for the Centenary of Federation, the opportunity for students to travel to Canberra was dramatically enhanced under the budget in terms of the number of students able to come to Canberra. I will look again at the matter, but I would think it highly unlikely that anything that would substantially address the problem he has alluded to could be resolved by the parliament.

Mr Adams—What about the surplus?

Mr SPEAKER—The member for Lyons is an occupier of the chair and is aware that if he wants the chair’s attention he does as every other member does and rises to his
feet. He might care to take a leaf from the member for Rankin’s book.  

House of Representatives: Photographs  

Mr Emerson (3.50 p.m.)—Thank you, Mr Speaker. Mr Speaker, I have a question for you. Do you recall yesterday that I spoke on Taxation Laws Amendment Bill (No. 6) 2001 and that I sought, successfully through you, permission for AUSPIC to come and take photographs of my displaying the additions to the Income Tax Act and the GST legislation in the parliament? Can you confirm that you have instructed AUSPIC to excise from the photographs that were taken the relevant documents that I had in front of me? Can you explain why you issued such instructions, if you did so?  

Mr Speaker—The member for Rankin is right. It was brought to my attention that he had deliberately sought a photograph that involved the display of a large number of documents. Consistent with what has been done in the past, I indicated that I would not be allowing that photograph to be made available to the member for Rankin.  

Mr Emerson—Mr Speaker, I therefore would like to put a second question to you. Can you advise or confirm that no member of the government has ever used a photograph taken in this place for political purposes in their home electorates in the form of pamphlets or brochures and like material?  

Mr Speaker—I do not seek in any way to evade the question, so let me indicate that I am certain that members of the House on both sides have used photographs taken in the chamber in electorate pamphlets. That would be consistent with what I have allowed on both sides of the House. The only intervention was in fact the use of a photograph which was not representative of the House in action and in fact was not consistent with what has been allowed in the past.  

Mr Emerson—Mr Speaker, I have one more question, then. I am struggling to understand the demarcation that you have set in relation to my referring not to documents on this side of the parliament but simply to additions to the income tax act under this government, the size of the GST legislation and explanatory material, to which I referred in the debate. They are government documents and I fail to understand, in spite of your explanations, the reasons that you have given for instructing AUSPIC to excise those documents from the photographs.  

Mr Speaker—the action taken by me as the chair is consistent with what has been the procedure in the parliament. If the member for Rankin has further difficulty with it, he is welcome to raise it with me in my office or bring to me any illustrations of photographs taken by other members that he feels have in some way meant that he has been disadvantaged. I am not aware of any other member having had photographs taken in the circumstances to which the member for Rankin refers. If there are such instances, I am happy to have him raise them with me.  

House of Representatives: Photographs  

Mr Leo McLeay (3.53 p.m.)—My question to you is: when you check on that, would you also check whether people who have presented committee reports, like the member for Forrest is about to do, have not had their photographs taken with a pile of documents, as a committee chairman over there is about to do? Would you check that they have not had their photograph taken with a pile of documents in front of them and used it for purposes in their electorate? Mr Speaker, if a member uses documentation to illustrate their speech, it seems to be a reasonable thing that they should be able to show that that is what actually happened in the House. What you are asking the member for Rankin to do is to present a picture that does not actually tell the story about what happened in the House. What are you asking the member for Rankin to do is to present a picture that does not actually tell the story about what happened in the House. It is the same as if someone waved a document at question time. Would we be saying to the television people that they should censor that document when they replay the program? It might be unfortunate but what the member for Rankin has done is to reflect the reality of what happened. Might you not reconsider?  

Mr Speaker—I thank the Chief Opposition Whip for his intervention, because he has illustrated the very point I am making, which is that, when someone from either side of the House is at the dispatch box and uses
an illustration, the use of that illustration by way of graph or document has been severely restricted by the occupier of the chair. I believe the action I have taken is entirely consistent with what has been done in the past. I believe that future occupiers of the chair will take similar action, for the reasons that everyone in this chamber understands. I have invited the member for Rankin to bring any illustrations which he feels are inconsistent with my ruling to my attention.

House of Representatives: Photographs

Mr LEE (3.55 p.m.)—Mr Speaker, I want to bring to your attention one matter that you might not be aware of—that is, in the last parliament I had some photographs taken with a very large number of petitions on chicken meat imports. I think the member for Hunter might also have had photographs taken as well. So there may be other precedents. But on a number of occasions I have had photographs taken with large numbers of documents. I am happy to show you a copy of the photographs and the documents that I have used that have reprinted those photographs in other material. I am not sure about future speakers but past speakers have certainly allowed large numbers of documents to be photographed and used for other purposes. You would not have been aware of that so I thought it important to make sure that you were fully informed before you made a final decision on this matter.

Mr SPEAKER—I would have thought that it was self-evident to the member for Dobell that I have already invited the member for Rankin to discuss it with you, is that this is not a private matter between you and the member for Rankin. This is a public matter that affects all members of parliament and is of concern to us all. Obviously, Mr Speaker, you must have consulted some precedent about this and we would very much welcome being advised what the precedent is that says that if you are consulting a small act of parliament you can have your photograph taken, but if you are consulting a large act of parliament you cannot. What is it that says that if I were standing here dealing with an act that is only of a certain thickness it is all right to have my photo taken but if I were dealing with an act that is of another thickness it is not? I do not understand the logic; I do not understand the line of precedent. I am not aware, from consultation with colleagues, that anyone else is aware of the precedent of the type to which you refer. We want to get on with the MPI so I just say to you that we would very much appreciate receiving from you an outline, in writing to me or to the Leader of the Opposition if you wish, or to the member for Rankin and we might have a copy, of what the precedents are that you think justify this decision with which we, on the face of the evidence so far, disagree.

Mr SPEAKER—I have already tried to indicate the precedent by which I acted, which was the precedent that determined the level of television footage allowed of material used by members of either frontbench at the dispatch box to illustrate their point. I have already invited the member for Rankin to come to me with some of the alternatives that he believes indicate that he has been in some way unfairly treated. I am not sure what more I can do.

Mrs Crosio—I know I am small and insignificant but I am standing.

Mr SPEAKER—I am anxious to in fact process this matter and not have it repetitiously dealt with.
House of Representatives: Photographs

Mrs CROSIO (3.59 p.m.)—I thank you for the recognition, Mr Speaker. I would add to the member for Rankin’s question to you and also agree with the Manager of Opposition Business that this is a public issue that each parliamentary member is concerned about. I would remind you also, Mr Speaker, that when we sat on that side of the House and you, Sir, were part of the opposition, there was a great display of lambskins and woolly lambs all along this parliament. There was no bill in the parliament at the time; yet individual and collective photos were taken of those lambskins and all the woolly lambs sitting along this side of the House.

Mr Speaker—I remind the member for Prospect that, at the time, I did not occupy the chair. I have already indicated repetitiously to the House that I am happy to hear from the member for Rankin and to have any indication from him of any unfair action that I may unwittingly have taken, and to address it. I do not know what additional information I have received in the last 10 minutes that would be of any assistance to me, apart from getting the House 10 minutes closer to adjournment—10 minutes less for me to have an opportunity to address the issue raised.

School Visits to Parliament House

Mr ROSS CAMERON—I want to pick up on the question raised by the member for Cowan and say that all of us would want to congratulate you, as the leader of the Department of the House of Representatives, on the additional resources in this centenary year of Federation to allow students to come from schools around the country.

Mr Speaker—Is the member for Parramatta asking me a question?

Mr ROSS CAMERON—Yes, and this is my question: there are a number of schools in my electorate that have never visited Canberra because the teachers do not want to embarrass the parents who cannot—

Mr Speaker—Would the member for Parramatta come to his question?

Mr ROSS CAMERON—My question is: as you consider this issue of the grant of resources for students to come—

Mrs Irwin interjecting—

Mr Speaker—The member for Fowler is warned!

Mr ROSS CAMERON—I simply say that I think all of us would endorse greater expenditure in this area. Could you bear in mind the issues of socioeconomic disadvantage and ensuring that all Australian children have a fair opportunity to get the benefit of those resources?

Mr Speaker—I have already indicated that the department has determined a much larger budget to allow additional school students to travel to Canberra this year. I will take up the matter raised by the member for Parramatta, but I think it unlikely there will be an opportunity to expand the budget.

PERSONAL EXPLANATIONS

Mrs SULLIVAN (Moncrieff) (4.02 p.m.)—Mr Speaker, I wish to make a personal explanation.

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

Mrs SULLIVAN—I do.

Mr Speaker—Please proceed.

Mrs SULLIVAN—I want to raise this in the gentlest possible way. Today, a publication was released by the Department of the Parliamentary Library called For God and country: religious dynamics in Australian federal politics. I am quoted in there as referring to a press release by a former member of this House. In fact, my reference was not to a press release but to an ABC AM radio program interview.

PAPERS

Mr REITH (Flinders—Leader of the House)—Papers are tabled as listed in the schedule circulated to honourable members. Details of the papers will be recorded in the Votes and Proceedings.

Motion (by Mr Reith) proposed:

That the House take note of the following paper:

Debate (on motion by Mr McMullan) adjourned.

Mr REITH (Flinders—Leader of the House)—I present a petition on the following subject, being a petition which is not in accordance with the standing and sessional orders of the House:

Support for choice in education and funding for all children from both government and non-government schools—from the member for Blaxland—271 Petitioners.

DEPARTMENT OF THE HOUSE OF REPRESENTATIVES

Annual Report

Mr SPEAKER (4.04 p.m.)—Pursuant to section 65 of the Parliamentary Service Act 1999, I present the annual report of the Department of the House of Representatives for 2000-01.

AUSTRALIAN NATIONAL AUDIT OFFICE

Annual Report

Mr SPEAKER (4.04 p.m.)—I present the annual report of the Australian National Audit Office for 2000-01.

Ordered that the report be printed.

QUESTIONS TO MR SPEAKER

Qantas: Tenancy at Parliament House

Mr SPEAKER (4.05 p.m.)—Earlier this week, the member for Cunningham asked about the future of the Qantas office here at Parliament House. As the House is aware, consideration was being given to transferring the travel contract of the parliamentary departments from Qantas to Ansett on commercial grounds. The President of the Senate and I had raised several queries about this matter, which were being addressed at the time of the Ansett collapse. Subsequently, the parliamentary departments have renegotiated a two-year travel contract with Qantas. Quite separate from that process, Qantas regional management is considering the future of its commercial lease at Parliament House. The President of the Senate and I have spoken with the Qantas regional manager to outline the benefits of a continued Qantas presence. In the end, however, the decision will be made by Qantas in what it perceives to be its best commercial interests.

MATTERS OF PUBLIC IMPORTANCE

Howard Government: Policies

Mr SPEAKER—I have received a letter from the Leader of the Opposition proposing that a definite matter of public importance be submitted to the House for discussion, namely:

The need for the Government to adequately provide a secure future for all Australians, both security abroad and security at home in terms of jobs, health and education

I call upon those members who approve of the proposed discussion to rise in their places.

More than the number of members required by the standing orders having risen in their places—

Mr BEAZLEY (Brand—Leader of the Opposition) (4.07 p.m.)—These are now the central issues in Australian politics: security abroad and security at home—security abroad in the context of a totally changed international environment that occurred as a result of the devastating, horrific set of events in New York and Washington a couple of weeks ago, and security at home in the sense that many Australian families are now feeling pressure. They are under financial pressure, partly as a result of the goods and services tax, partly as a result of pressure on them through the industrial relations system and partly as a result of a worsening job market. And there is pressure, further, particularly for the majority of parents who are sending their kids to either needy private schools or public schools, with regard to the education system and their sense of security and confidence that their children are getting access to the education they need, that they will get access, affordably, to university and that they will get access to a decent opportunity if they choose to go to a TAFE or other training centre. When it comes to health, there is a real fear that the public hospital system of this nation is being undermined and that aged care is not available and is unaffordable. These are the key issues of security in our nation today.

In the area of security abroad, we seek bipartisanship. We offered this government support when they revealed to this place that
they have had correspondence with the United States stating that, under the ANZUS Treaty, it was considered that an attack had taken place upon a metropolitan part of the United States. We now seek from the government—as we did in question time here today—clarity on their response to the international situation, generally, that has developed; their estimates of the problems that we confront; clarity in their response to the domestic measures they intend to pursue; and clarity in their response to their preparedness to unite with the rest of the world in dealing with things such as the global terrorist counter measures that have been put in place through individual agreements that the United Nations has established and which have been signed up to by the United States and the United Kingdom. The Prime Minister undertook to give specific consideration to those matters over the course of the next few days.

As a contribution to that national preparedness, we suggest that the Prime Minister urgently consider bringing forward further reforms required in our nation’s antiterrorist capabilities. Reforms would be in areas such as making our airports and aeroplanes safer; boosting our defence intelligence and SAS counter-terrorist capabilities; building on the white paper; strengthening antiterrorist law enforcement, including through comprehensive domestic legislation; protecting our vital installations such as power and water supplies; better immigration security checking; protecting against cyber terrorism; cracking down on the financing of terrorism, particularly through international agreements; and cracking down on links between the global terrorist network and organised criminal activities, especially drug smuggling. These are now the key issues of defence in this nation.

We agree with the basic thrust of the defence white paper that the previous minister put forward in this place—he has been one of a revolving door of defence ministers of this Liberal government. Why did we agree with the defence white paper? Because it abandoned the fatuous positions being arrived at by the Prime Minister in the first few years that he was in office—which created so much trouble for us in our diplomatic relationships in this region—and came back to the same fundamentals of defence policy that were put in place by his Labor predecessors, the more long-serving Labor defence ministers, namely me and Senator Ray.

The white paper is not a tract that requires no revision at any point of time. It is not Holy Writ; it is guidance. If, at some point in time, you find that the circumstances have changed, you ought not to be afraid or worried about revisiting it. We suggest a couple of areas in which it might be revisited. Firstly in the area of upgrading is that component of identified threat to Australia which deals with the issues of international terrorism. That will mean, without question, a reweighting in defence expenditure over the next few years towards counter-terrorist operatives such as those in SAS or the commando regiments, and it will mean a reweighting towards intelligence collection. It may well be that in doing that some other items of equipment may have to drop back in priority. It ought to be of no embarrassment or concern to a government should they have to do that. You focus on the main threat and you deal with the main threat. In the circumstances we now confront, there is no doubt where that major threat is coming from.

We suggest a further revision as well. We suggest that, in the circumstances in which we now find ourselves confronting—more and more incursions into Australian territorial waters, be it for the purposes of illegal migration, be it for the purposes of the illicit movement of drugs or be it for the purposes of confrontation with our quarantine requirements or whatever—we are, without question, facing a different border protection environment than that of 1983 when I last wrote a report on the issue of a coastguard. Seventeen years have passed. A different world and a different set of concerns for border protection now confront us. We are now required to walk away from the idea of coastwatch to the idea of coastguard. Coastwatch might have been an appropriate measure when the threats to our borders were of a lesser concern. We have moved from the coastwatch phase to something more akin to that of the United States, which deals with
these problems with a proper constabulary—a coastguard.

In erecting straw men in this place, the outgoing, retiring Minister for Defence suggested that this would in some way diminish the Navy or be a threat to it. Anyone who knows anything about contemporary defence recruitment knows—and it was even mentioned, or alluded to, by his junior when he was talking about recent successes in defence recruitment—that the shift in the age balance in our population is making it extremely difficult to recruit long-term members of the defence forces. This is not a phenomenon applicable only to Australia; it is right through the Western world. It is being addressed in most countries by more and more emphasis on reserves. That is the case in the United States. That is one of the answers here too.

There are other answers as well. When a function crosses the line from a defence function to a policing function, you put in place appropriate measures that relieve pressure on your defence forces. Far from the Navy not being engaged in this and junior officers in the Navy not getting command experience, our plan specifically entails the proposition that officers, in particular, get an opportunity to be seconded from the Navy to the Coast Guard for a brief period of time to get that command experience and to get that experience with seagoing operations. There is no particular problem with this. After a tour of duty on the contemporary patrol boats of the Royal Australian Navy, they could move on to other vessels—there is nothing unusual about that—and they could do the same through the Coast Guard. It would give a more complete recruitment opportunity to a coastguard type function to be able to go to a broader community and not oblige the Navy to provide the staffing for all those ships which are secondary to the Navy’s purposes.

We are beginning to find that, rightly, a demand is coming upon us at an international level for a commitment to put ships into the Persian Gulf to support the naval effort there. The pressures are now too great on the Royal Australian Navy to sustain the current level of operations in border protection and, of course, it is a ludicrous use of high value ships such as our frigates. What we need here is a multiplicity of vessels that can be kept on patrol 52 weeks a year on an affordable basis, neither diminishing their effort nor diminishing the effort of the Navy when called upon to perform substantial naval tasks such those we are now seeing in the Persian Gulf.

That is security abroad and, as a former Minister for Defence of this country, I have absolute confidence that the Labor Party, should we secure election, will be able to handle the circumstances in which we now find ourselves. They are extraordinary circumstances, but issues of allied collaboration are very familiar to me, and the basic documents and processes that go to that were negotiated in part by me in the mid-1980s after the New Zealanders pulled out of ANZUS and we had to put in place a different set of protocols by which we related to the United States.

That is security abroad, but what about security at home? Security at home starts with a job. Jobs growth in this country depends on growth generally. Our political opponents inherited an economy that the Prime Minister said was better than good in parts; a growth economy. It had been growing for four years after we had confronted the consequences of a world-wide recession in the early 1990s at a rate of over four per cent per annum. You will notice how frequently the government refer to six-year figures as opposed to four-year figures and to six-year figures as opposed to 13-year figures when it comes to the issue of jobs growth. That is the only way they can fake a set of figures that gives them any defensible position on jobs growth since they have been in office. But suffice it to say the basic economic decisions that produced the economy they inherited—the floating of the dollar, the opening up of our economy and making it more competitive—were decisions taken by their predecessors. No big decisions concerning economic management, apart from a bit of budget wreckage, were taken by this government upon assuming office until the implementation of the GST.

I have to concede this: when the government put in place the GST, they got full ownership of the Australian economy. They
walked away from any position that resembled life prior to their coming into office. And what did we see? Growth cut to one-third of what it was. We were not the best performing nation, as the Treasurer boasted in question time; we were 24th out of 30 in the OECD, courtesy of that decision. That decision has savaged full-time jobs growth in this country. It was never very good under this government, I might say, but what health there was in full-time jobs growth—which is the basis of security in many Australian families—absolutely disappeared and went into negative territory once the Liberals got full ownership of this economy by implementing the goods and services tax. Now we have to work our way back from that to give people a sense of security.

When the Labor Party talk about roll-back we are talking about these things, things that make it simpler for small business. The government think this system is perfection for small business. Small business is struggling with it and going broke—hence the bankruptcy figures. We would make it simpler for small business and relieve the pressure on ordinary Australian families by removing the GST from some items that are in common use or that they might confront at a time in their lives when they are feeling most insecure and when their expenses are considerable—like our decision recently to remove the GST from funerals. That is what we mean by roll-back, and we will be taking that to the public in the election campaign as part of addressing the problems of security at home.

And then we come to the present situation in health. There is a funding shortfall for public hospitals of over $615 million. Five hundred thousand low income and elderly people who need dental care have been denied it as a result of decisions taken by this government. Ten thousand cancer patients who need radiotherapy treatment cannot get it. The government have failed to deliver 15,600 phantom age care beds, denying elderly patients the care they deserve, and they have failed to address the three million drop in bulk-billed GP services. That is why people feel insecure when it comes to dealing with this government’s health care system. Finally, I come to the education system. The only increased expenditure that public schools have received since this government have been in office has been as a result of what I put in place when I was the education minister of this country. I put in place a basic multiplier that supported public schools. The government detracted from it immediately upon coming into office and then restored it. But that was just a basic grant. It was meant to be more than that. Instead, they have favoured category 1 schools, the wealthy schools, against the public schools. It is no wonder that ordinary Australians feel a vast sense of insecurity about the education system. We will address that; we will fix those problems. (Time expired)

Opposition members—Hear, hear!

Mr ABBOTT (Warringah—Minister for Employment, Workplace Relations and Small Business) (4.22 p.m.)—Noticing his presence in the press gallery today, I thought possibly that Bob Ellis had written the Leader of the Opposition’s speech. But I have listened to it and it was so bad that he must have written it himself. It is really a pity that someone who was a minister of the Crown for 13 years should have spoken so poorly in what may well be his valedictory speech in this parliament. It was a very poor speech from the Leader of the Opposition, because what did he do? He went back to his comfort zone: to the days in the past when he was a minister in someone else’s government, when he had someone else to hold his hand. That is the whole problem with the Leader of the Opposition in the dying days of his leadership. He is dwelling in the past, a past which he thinks clearly was much grander than his present and his future. The Australian people are not interested in someone living in the past. They want a leader who is looking to the future and can deal with the challenges that we face now.

What we saw today was the speech of a man who was pretending to be a leader. A real leader has real policy, and there is no real policy from the Leader of the Opposition. Really, what the Leader of the Opposition is doing today, what he has been doing indeed for 5½ years, is trying to prey on human misery. He has degenerated into an eco-
nomadic vulture, preying on every scrap and skerrick of bad news that he can find. He does not want to see workers of Australia out there in good jobs; he would much prefer to see workers as victims out of work. That is precisely the sort of thing which would happen if the Leader of the Opposition was, by some fluke, to translate himself into Prime Minister.

What are the policies of the Leader of the Opposition? Here he has his one stock-standard denunciation—up hill and down dale—of the GST. That is his policy: denunciation of the GST. What is his program? His program is to take the GST off funerals. That is his program to solve the economic issues of this country: take the GST off funerals. Let us take the GST off funerals and let us see what a big difference that will make! Apart from taking the GST off funerals, his policy is to have no fewer than 43 new government bodies and to have more than 160 new government inquiries. He tried to give us an education policy in the shape of Knowledge Nation and he came up with his legendary spaghetti and meatballs diagram, which has now become a standing joke by people advertising, amongst other things, lean red meat. I tell you what: there is a lot more meat in the advertisement than there is in the Leader of the Opposition’s policies.

Let us look at those glory days that the Leader of the Opposition wants to retreat to and find comfort in. Let us judge him by his deeds as a minister rather than by his words now as a failing, desperate leader. He was the worst defence minister we have ever had, he was the worst communications minister we have ever had, he was the worst finance minister we have ever had, and he was certainly the worst employment minister that we have ever had. I used to think that he was the worst opposition leader that we have ever had, certainly the worst opposition leader since Arthur Calwell, but no less an authority than the great Alan Ramsey says that he is the worst opposition leader since Doc Evatt—and this worst opposition leader since Doc Evatt now aspires to replace the best Prime Minister since Bob Menzies. The Leader of the Opposition is out of his depth. He has been promoted above his abilities. His colleagues know it, the Australian people know it and he knows it himself.

It gives me no pleasure to have to stand at this dispatch box and perform a character analysis of the Leader of the Opposition, because no-one likes to see a man of some ability visibly failing. No-one wants to see someone who has been in this parliament for a long time so comprehensively betraying the ideals and the ambitions that he once seemed to have. Listen to Labor on Kim Beazley. Listen to Labor people talking about the would-be Prime Minister of our country. John Coombs—he is hardly a friend of the coalition—the former leader of the Maritime Union of Australia, says that Whitlam was ‘magnificent’, Hawke was ‘brilliant’ and Keating was ‘an outstanding leader’. What does he say about Kim Beazley? He thinks Beazley is the most ‘adequate’ leader he has seen. He says of Kim Beazley:

I didn’t rate him at all when he got the job.

Now he thinks he is adequate. That is John Coombs on Kim Beazley. Then there is John Della Bosca, well known as the dishevelled genius of the Labor Party—one of the great analysts and thinkers of the Labor Party. What does he think about the Leader of the Opposition? He says—and I am quoting his celebrated interview with Maxine McKew:

I have seen flashes of Kim as potentially a really good leader. So ‘flashes of Kim as potentially a really good leader’. I see the member for Werriwa is in the chamber and the member for Werriwa is an extremely acute observer of the political scene—as Michelle Grattan has said, a first-rate political intellect. What did he say of the Leader of the Opposition? He said:

I can’t remember the last time shadow Cabinet had a serious policy debate.

Describing shadow cabinet, the member for Werriwa said ‘boredom is a good description’. Boredom is a good description of this group led by the Leader of the Opposition.

It goes on. These are the Leader of the Opposition’s friends, colleagues and supporters. What do they think of him? What does someone who has been described by Alan Ramsey as the most successful Labor
leader of the last decade, Brisbane Lord Mayor, Jim Soorley, think about Kim Beazley? He said:

Now to be perfectly honest, I am really disappointed. Kim Beazley in my view has failed in his job.

That is what Jim Soorley thinks. We now come to the South Australian Labor member of parliament, Ralph Clarke. What does he think about Kim Beazley?

Mr DEPUTY SPEAKER (Mr Nehl)—The Leader of the Opposition.

Mr ABBOTT—What does he think about the Leader of the Opposition? I am quoting, Mr Deputy Speaker.

Mr DEPUTY SPEAKER—Not then you weren’t.

Mr ABBOTT—I am now. He says:

My basic view of Beazley is that he has been as weak as piss. I was quoting, Mr Deputy Speaker. That is what he said about the Leader of the Opposition. Let us look at Neal Blewett. Neal Blewett served with the Leader of the Opposition throughout the 13 years when the Leader of the Opposition was a minister in a government. What does Neal Blewett think about the Leader of the Opposition? He says:

For so outwardly aggressive a figure he is extraordinarily timid, fearful of the students over the loan proposals, fearful of the Bishops over Catholic schools, fearful now of the public servants over the proposed Austudy transfer.

We now have aspiring to lead this nation in perilous times, in very difficult times, in more challenging times than we may have seen for 50 years, a man who lives in a chronic state of fear and insecurity. The Australian people are not going to choose as their leader someone who is frightened of his own shadow. As I said, the Leader of the Opposition knows he is not up to it. I will now quote from an interview that the Leader of the Opposition gave to John Lyons of the Bulletin. He told the Bulletin:

I am a firm believer in the Italian philosopher’s view, Gramsci, that the correct stance for a politician is pessimism of the intellect and optimism of the will.

What that really translates into is, ‘I think I might win the election, but I know I can’t do a decent job as Prime Minister.’ That is the Leader of the Opposition’s opinion of himself. The matter of public importance is a very wide ranging topic. Given that it is so wide ranging, let me just say that in my own electorate of Warringah this government has delivered jobs, health and education. Quite apart from the $20 million, for instance, already committed to the Sydney Harbour Federation Trust, there is more than $1 million under the Natural Heritage Trust for various local environmental restoration projects. Also, $8.5 million has gone to local government for roads, and $4.5 million has gone to the local Job Network to help people find work. We have had nine different Work for the Dole projects in the electorate of Warringah to help more than 120 job seekers. We have amended the Trade Practices Act to give small business protection against unfair conduct by big business, and that will help small businesses at Warringah Mall in my electorate. One hundred and twenty Warringah businesses have been given some $13.5 million in export market development grants. This is a government which has delivered for the people of Australia. I do not say that we have not made mistakes. I do not say that everything in our nation is perfect. Of course we have made mistakes. We are only human. Of course things can be better, and they will be better when the people of Australia return the Howard government. I have been asked by the whip to conclude these remarks early to give people time to return to valedictories, and I think I can also say that there was not a lot in the Leader of the Opposition’s speech to respond to.

Ms LIVERMORE (Capricornia) (4.33 p.m.)—I am very pleased to have the opportunity to speak in what is clearly set to be the last MPI debate for this parliament. There is a touch of irony in my making this MPI speech today on the issue of security for all Australians—that is, security abroad and security at home. As I said earlier, it is likely to be the last MPI debate, so as I sat down to prepare my speech I thought back to the first time I was asked to deliver an MPI speech back in March 1999. I remember the speech clearly and, wouldn’t you know it, it was about the goods and services tax—the proposed GST, as it then was, and its anticipated
negative impact on employment in Australia. The predictions and figures I cited in my speech back in 1999 painted a pretty bleak picture of the future under a GST but, as it turned out, that did not come close to the situation that this government has brought us to 2½ years down the track.

For example, in that speech I was not able to cite the litany of corporate collapses or restructures and resulting job losses that we have seen since the GST: HIH, One.Tel, Ansett, Coles Myer, Harris Scarfe, Braybrook, Franklins, the damage done to the housing industry, the impact on the tourism industry and so on. Two and a half years after that speech and 1½ years after the introduction of the GST, we are no longer speculating on the impact; we now know exactly the results of this government’s policies, the results of its indifference to ordinary Australian workers and their families and to the pressures that they are under. We know about their indifference to small business, to those most disadvantaged in our community and even to our future as a successful and innovative nation. I do not know if it is a cause of bemusement or despair that the issues we highlighted in that far-off MPI—jobs, job security, access to education and training, the cost of living and opportunities for all Australians, not just the rich—are now even more important. They assume an even greater priority for anyone who wants to leave this country, because they are the issues this government has ignored for too long. I do know that the Labor Party has never lost sight of those issues. The need for Australians to have security is fundamental to us. Why are we here if it is not to deliver security for all Australians: security in their workplaces, in their homes, for their families, when they get sick, in their retirement and in their old age?

We have heard so many times in the past few weeks that the world changed on 11 September. There can be no doubt about that, and Australia needs to be alert to the new international environment and any threats that it holds for our country as well as any obligations that it brings. Just as we have worked on the other issues that affect the security of people getting on with their lives and building their futures within Australia, the Labor Party have worked for some time now to ensure that we have the answers to guarantee our security as a nation. A key part of that strategy is the proposal for a coast-guard, which took another step this week when further details of its structure and purpose were introduced into the House.

The other element essential to our national security is our ability to establish and maintain cooperative and mature relationships with our neighbours, our region and the global community. The international scene may have changed but the issues confronting the average Australian family have not. It is interesting to note that, while the international scene changed literally overnight and a prompt response was quite correctly demanded from this government, the issues undermining the security of ordinary Australians have been growing steadily throughout the Prime Minister’s term, without any indication that the government has either listened or cared.

The Labor Party cares because we think that, if you govern this country, you do it to make a difference in the lives of ordinary people. You take care of the basics, like creating jobs, ensuring decent wages and conditions at work, providing health care to the whole community, taking care of our elderly and making sure that every single kid in Australia gets the best possible education. Under this government, the quality of your education and health care and your opportunities in life depend on chance, where you live and how much money your family has. This government has always left too much to chance and then scrambled to catch up when things have not worked out, or I should say when they have figured out that it might cost them votes. How can a government create an environment of security for Australian families if they are not in there working for it, if they do not have a plan that puts security at the centre of everything they do? We want to take that responsibility for people’s security and we will live up to that responsibility.

You cannot have security without a job. Sadly, there are a lot more people in Australia, and in my own electorate, who can attest to that now, even more so than there were two weeks ago. Since the introduction of the
GST, the number of people employed full time has fallen by 87,700. The number of unemployed people has risen by 77,500, and that is without taking account of the fuller impact of the Ansett collapse and other recent announcements. Economic forecaster Dr Peter Brain predicts that 53,000 direct jobs are threatened by the failure of Ansett, and a further 20,000 jobs in the tourist industry could follow. Those sorts of figures really make you wonder what this government is doing. There is one thing for sure: whatever the government is doing, it is not running the country for the benefit of ordinary people.

For example, close to home in my electorate, the unemployment rate in Rockhampton at the end of March was 14.5 per cent, and that was what I was thinking about every time the Deputy Prime Minister, John Anderson, showed up last week, shrugged his shoulders and said, ‘Ansett: what’s that got to do with me?’ Or when the Minister for Sport and Tourism calls the impact of Ansett’s demise on the tourism industry ‘a blip’. While those two were ducking responsibility or showing that they were simply incapable of dealing with a situation that they had been well informed about for months, Labor, the staff of Ansett and their unions were begging the minister for transport to get involved—to make something happen, to make a decision that will give Ansett half a chance of getting back in the air, giving back to regional Australia the services that are so important to people living and trying to do business there. Getting Ansett back in the air will give those 17,000 workers a chance of keeping their jobs and not living under the pressure that they have had to put up with for the last two or three weeks. Labor’s suggestion was to make available $200 million to give the administrator something to work with, so that he could be putting together deals, trying to attract people back to Ansett and to make something of it. The Deputy Prime Minister just kept on telling us what the government were not prepared to do. Not once did he tell us what they were prepared to do.

Ms O’Byrne—Asleep on the job.

Ms LIVERMORE—Exactly. Asleep on the job and just not interested. The other part of the equation is the tourism industry. Yesterday the Minister for Sport and Tourism, having come back from calling the demise of Ansett ‘a blip’ for the tourism industry—such an important industry for all of Australia, not just my own electorate—told us that her answer was a survey of the industry. While they are trying to run their business, they should take time out from the cash flow, staffing and booking problems, while watching their business go down the drain, to fill out this survey and tell us how crook it is, and then we will get back to them about what we might do. It is laughable. In the meantime, Labor was in there again, doing the government’s job for it, coming up with a rescue package for the tourism industry—$32 million, a doubling of the regional tourism program, more money in the form of concessional loans to tourist businesses and also $10 million additional funding to the Australian Tourist Commission. These ministers have been sitting on their hands while important industries in Australia have been threatened and the jobs that go with those industries have been crumbling. It was Labor that came up with the suggestions of what needed to be done to try to bring it back from the brink.

The story about Ansett in my own electorate is a very sad one. Two local business people took over the Kendell contract last year. Those two people employ 12 others in their business. I am happy to say that those two people do business correctly. They have paid their employees their full entitlements, unlike what the government has allowed to happen in this country for two or three years, as the Braybrook workers in the member for Gellibrand’s electorate know only too well. These workers in Rockhampton have been paid their entitlements because these people do business properly.

There is also the Stella Martin catering company that has had to put off 12 of its employees and is down to just Stella and her manager. That business has been in Rockhampton for 47 years. It has now closed its doors because of the failure of Ansett. All John Anderson could do for two weeks was shrug his shoulders and say, ‘What’s it got to do with me?’ I say to the Prime Minister and his deputy: if you want to run this country,
run it. Make decisions that will actually help people. Make a positive difference to jobs and the services that improve people’s lives, like health, education and aged care. If you cannot do it, or you are not interested, then pack your bags or, better yet, we will pack them for you.

Mr ROSS CAMERON (Parramatta) (4.43 p.m.)—Today’s subject requires reflection on the capacity of the two sides of politics to help secure Australia’s future externally, which I presume refers to Australia’s strategic relationship with the United States, internally, which refers to jobs, health and education, and the question of boat arrivals and the integrity of Australia’s migration program, which straddles both the internal and the external. The coalition’s policy on our relationship with the United States is very clear; it is unambivalent. We support ANZUS, we support our principal strategic ally, the United States. We will cooperate with the United States by all available means, both in the war on terrorism and more broadly in upholding the values of democracy and freedom around the world.

I do not really dispute the fact that the Leader of the Opposition is almost entirely in agreement with those sentiments. The difficulty he faces is that he leads a party that is very significantly divided on those issues. In fact, in the lead-up to this election the shadow spokesman for foreign affairs made it clear that he would be aiming to present the electorate with a clear choice in relation to Australia’s strategic relationship with the United States. This follows Labor’s long-term historical ambivalence about this external relationship. In 1963, Calwell and Whitlam, leading the ALP, opposed the establishment of joint facilities with the United States at Pine Gap. In the 1980s there was raging debate within the ALP about both the continuing operations of the joint facilities and whether all US warships should be able to dock in Australian ports or only some. There continues to be speculation at the branch level of the ALP that perhaps the Central Intelligence Agency of the United States was involved in the demise of Gough Whitlam. Those on this side of the House would suggest that Gough Whitlam did not require the assistance of the Central Intelligence Agency to mastermind his own demise.

The problem for the Leader of the Opposition is that his party is attempting to straddle two quite different Labor traditions. Tony Blair is clearly standing right behind NATO and the United States, whereas Helen Clark immediately to our east has a quite different approach. Her view of Labor’s strategic relationships is to run down the defence forces, to refuse American ships access to New Zealand ports, and to close the Air Force. The question for the electorate is what approach will this Labor Party adopt and, frankly, the answer is very uncertain.

When James Kelly, the Assistant Secretary of State from the US, arrived he made a beeline to Kim Beazley’s office to ask a simple question. Following the outcome of Labor’s caucus meeting in Hobart which said that the Pine Gap facility should not be made available to the US in the prosecution of its missile defence policy, James Kelly had a simple question for Kim Beazley, and it was this: ‘If Australia becomes aware through its Pine Gap facilities that an intercontinental ballistic missile has been launched against a city in the United States, will Australia give the United States that data?’

It was a pretty extraordinary question for an assistant secretary of state to be asking a leader of a political party that is meant to be one of its most solid strategic allies. Kim Beazley, realising the internal incoherence of his position—as if we are going to have data managers sitting there over that seven-minute period between the launch of an ICBM and its arrival at its target in an American city deciding which of the data we are going to give and which we are not going to give—came out and unequivocally indicated to James Kelly that Australia would provide the data. But that was in complete contradiction to the policy adopted by his caucus and by the shadow spokesman for external affairs. We hope that a Labor government will be capable of securing Australia’s future but, frankly, the answer is far from clear.

In relation to boat arrivals: again, you see on this side of the House a relatively clear
and unequivocal policy. We took the view that Australia’s exposure to boat arrivals at both the push end—the factors driving this acceleration of arrivals—and the pull end—the sort of reception received—was out of whack, out of sync, and that the entire issue needed to be re-engineered. John Howard took a clear-cut and courageous stance, a stance which subjected him to considerable external criticism. When John Howard, the Prime Minister, leads a government he leads it in Australia’s national interest. He is not looking over his shoulder at every point to seek the imprimatur or blessing of some collection of nations, many of which have the most appalling human rights records but lecture us about what our approach should be.

This government determined to maintain one of the more generous per capita refugee migration programs anywhere in the world. The point was not whether we should continue to receive generously and warmly a proportion of the world’s refugees and asylum seekers, but whether those who could simply present themselves on our shores ought to be able to push out of the queue all those who had been patiently waiting, who had applied by lawful channels and who were entitled to expect to come through the front door. They are being pushed out by this apparently unlimited exposure to boat arrivals. We took a series of measures to strengthen disincentive and discouragement among the transit states such as Indonesia—and I congratulate the ministers for immigration, for defence and for foreign affairs who went to Indonesia and constructively negotiated an arrangement with the Indonesian government that would require all arrivals to demonstrate their bona fides to ensure that Indonesia did not become a blind eye transit centre or staging point to Australia. Then we introduced the Border Protection Bill 2001 and subsequently the judicial review bills.

I am open to the prospect that a party such as the ALP may have a view different from the government on this issue. The difficulty is that it is almost impossible to discern through the pea soup of Labor policy what they actually stand for. Firstly, the Leader of the Opposition, Mr Beazley, indicated that he would stand shoulder to shoulder with the Prime Minister, that it was good policy, and that it was practical and humane. As soon as the Border Protection Bill 2001 was presented to the parliament, we found to our astonishment that it was defeated by Labor and the Democrats. We then got this commitment from the ALP that they would oppose the judicial review bill on the basis that it was unconstitutional. Subsequently, as a consequence of the laceration the ALP received at the hands of, principally, public opinion, we get this absolute volte-face, this backflip, where Kim Beazley would have the electorate believe that you cannot put a cigarette paper between him and the coalition on the issue of the protection of Australia’s borders.

At the same time, if you listen to the other voices coming through you get a different view. The member for Grayndler, a parliamentary secretary in the ALP, this week at Labor’s caucus made a point of indicating that he thought Labor’s support for these measures would go down in the history of the party as one of the great shames and embarrassments of the Australian Labor Party. We had Senator Jim McKiernan in the other place saying:

... I give notice that I shall do whatever I possibly can to get this changed ... when Labor win office at the forthcoming election.

Senator Chris Schact, as shadow minister, said:

... it will not work in a number of ways.

The Leader of the Opposition is wanting to hold out this view out of one side of his mouth while all of these disparate voices essentially—

Mr Laurie Ferguson interjecting—

Mr ROSS CAMERON—The member for Reid is a powerful figure in the Left. He ought to get to this rabble of the Left which has been the weeping sore of the ALP since the Second World War. They are not part of a team. There is no coherent position.

Can I turn to the bread-and-butter domestic issues of health, education and jobs. Starting with jobs: as the minister for employment pointed out during question time, when I was elected as the member for Par-
ramatta in 1996, unemployment was over 12 per cent. Today unemployment in Parramatta is under three per cent. In relation to education, under this government we have seen a 43 per cent increase in funding simply for public schools, since we were elected in 1996. It has been quarantined from any cuts. It has increased every year. It is a record of sustained commitment. In the area of health, we have seen our minister for health receive the highest international award for his work in diabetes. We have seen the rapid escalation in the rates of immunisation among children. We have had increased rates of bulk-billing. Mr Deputy Speaker, there is a choice going into this election. One side of Australian politics has a clear, coherent, sustained policy position. The other side is a rabble. I leave the choice to the wisdom of the Australian people.

**REGIONAL FOREST AGREEMENTS LEGISLATION**

**Mr LAURIE FERGUSON** (Reid) (4.54 p.m.)—I move:

That so much of the standing and sessional orders be suspended as would prevent the Honourable Member for Reid from moving forthwith—

That this House:

(1) notes that yesterday the Government withdrew its notice of motion given in the Senate to exempt the Regional Forest Agreements Bill 2001 from the Senate cut-off order which was required for the passage of the Bill in the current session of the Parliament.

(2) notes that the Government has not included the Bill in its priority legislation to be debated in the Senate on this final day of sitting;

(3) notes that there is no present likelihood of further sittings of the Senate before an election;

(4) condemns the Government for failing to introduce the RFA Bill until 28 August and its failure to bring it on for debate in the House until 26 September, despite long term and continuing commitments by the Opposition to support the passage of the legislation; and

(5) condemns the Minister for Forestry and Conservation and the Government for failing to ensure that this legislation was brought on and debated in the current session in sufficient time to secure its passage with the support of the Opposition.

Quite clearly this is a repeat of his performance over the last two years.

Motion (by Mr Slipper) agreed to:

That the member be not further heard.

**Mr DEPUTY SPEAKER (Mr Jenkins)**—Is the motion seconded?

**Mr ZAHRA** (McMillan) (4.55 p.m.)—I second the motion. The government has been involved in a disgusting fraud on timber workers.

Motion (by Mr Slipper) agreed to:

That the member be not further heard.

Original question put:

That the motion (Mr Laurie Ferguson’s) be agreed to.

The House divided. [5.00 p.m.]

(Mr Deputy Speaker—Mr H.A. Jenkins)

AYS............. 60

Noes............. 71

Majority......... 11

**AYS**

Adams, D.G.H. Albanese, A.N.
Bevis, A.R. Brereton, L.J.
Burke, A.E. Byrne, A.M.
Corcoran, A.K. Cox, D.A.
Crean, S.F. Crosio, J.A.
Edwards, G.J. Ellis, A.L.
Emerson, C.A. Evans, M.J.
Ferguson, L.D.T. Ferguson, M.J.
Fitzgibbon, J.A. Gerick, J.F.
Gibbons, S.W. Gillard, J.E.
Griffin, A.P. Hall, J.G.
Hatton, M.J. Hoare, K.J.
Hollis, C. Horne, R.
Irwin, J. Kerton, C.
Kerr, D.J.C. Latham, M.W.
Lee, M.J. Livermore, K.F.
Macklin, J.L. Martin, S.P.
McClelland, R.B. McFarlane, J.S.
McLeay, L.B. McMullan, R.F.
Melham, D. Morris, A.A.
Mossfield, F.W. Murphy, J. P.
O’Byrne, M.A. O’Keefe, N.P.
Plibersek, T. Price, L.R.S.
Quick, H.V. Ripoll, B.F.
Roxon, N.L. Rudd, K.M.
Sawford, R.W. * Sciaccia, C.A.
Sercombe, R.C.G. * Short, L.M.
Sidebottom, P.S. Snowdon, W.E.
Tanner, L. Thomson, K.J.
Wilkie, K. Zahra, C.J.
NOES
Abbott, A.J.
Andrews, K.J.
Baird, B.G.
Bartlett, K.J.
Bishop, B.K.
Cadman, A.G.
Causley, I.R.
Draper, P.
Eatsch, W.G.
Fischer, T.A.
Gallus, C.A.
Gash, J.
Haase, B.W.
Hawker, D.P.M.
Hull, K.E.
Kelly, D.M.
Kemp, D.A.
Lindsay, P.J.
Maclaren, I.E.
McArthur, S. *
Moylan, J. E.
Nehl, G. B.
Neville, P.C.
Prosser, G.D.
Reith, P.K.
Ruddock, P.M.
Scott, B.C.
Slipper, P.N.
Southcott, A.J.
Stone, S.N.
Thompson, C.P.
Truss, W.E.
Vail, M.A.J.
Wakelin, B.H.
Williams, D.R.
Worth, P.M.
Anderson, J.D.
Anthony, L.J.
Barresi, P.A.
Billson, B.F.
Bishop, J.I.
Cameron, R.A.
Costello, P.H.
Elston, K.S.
Fahey, J.J.
Forrest, J.A. *
Gambaro, T.
Georgiou, P.
Hardgrave, G.D.
Hockey, J.B.
Jull, D.F.
Kelly, J.M.
Lawler, A.J.
Lloyd, J.E.
May, M.A.
McGauran, P.J.
Nairn, G. R.
Nelson, B.J.
Pearce, C.J.
Pyne, C.
Ronaldson, M.J.C.
Schultz, A.
Secker, P.D.
Somlyay, A.M.
St Clair, S.R.
Sullivan, K.J.M.
Thomson, A.P.
Tuckey, C.W.
Vale, D.S.
Washer, M.J.
Wooldridge, M.R.L.

PAIRS
Lawrence, C.M.
O’Connor, G.M.
Smith, S.F.
Lieberman, L.S.
Charles, R.E.
Downer, A.J.G.

* denotes teller

Question so resolved in the negative.

INTERACTIVE GAMBLING AMENDMENT BILL 2001
Main Committee Report
Bill returned from Main Committee without amendment; certified copy of the bill presented.

Third Reading
Bill (on motion by Mr Slipper)—by leave—read a third time.

FAMILY AND COMMUNITY SERVICES LEGISLATION AMENDMENT (APPLICATION OF CRIMINAL CODE) BILL 2001
Main Committee Report
Bill returned from Main Committee without amendment; certified copy of the bill presented.

ORDERED that the bill be taken into consideration forthwith.

Bill agreed to.

Third Reading
Bill (on motion by Mr Slipper)—by leave—read a third time.

INDUSTRY, SCIENCE AND RESOURCES LEGISLATION AMENDMENT (APPLICATION OF CRIMINAL CODE) BILL 2001
Main Committee Report
Bill returned from Main Committee without amendment; certified copy of the bill presented.

ORDERED that the bill be taken into consideration forthwith.

Bill agreed to.

Third Reading
Bill (on motion by Mr Slipper)—by leave—read a third time.

COMMITTEES
Public Works Committee
Approval of Work

Mr SLIPPER (Fisher—Parliamentary Secretary to the Minister for Finance and Administration) (5.08 p.m.)—I move:

That, in accordance with the provisions of the Public Works Committee Act 1969, and by reason of the urgent nature of the works, it is expedient that the following work be carried out without having been referred to the Parliamentary Standing Committee on Public Works: Sydney Airport—enhanced quarantine intervention works.

Mr Speaker, I have a number of these motions and, because of the lateness of the hour, I intend to facilitate the business of the House by not speaking on each motion.
Question resolved in the affirmative.

**Mr SLIPPER** (Fisher—Parliamentary Secretary to the Minister for Finance and Administration) (5.09 p.m.)—I move:

That, in accordance with the provisions of the Public Works Committee Act 1969, it is expedient to carry out the following proposed work which was referred to the Parliamentary Standing Committee on Public Works and on which the Committee has duly reported: Defence Intelligence Training Centre at Canungra, Qld.

Question resolved in the affirmative.

**Mr SLIPPER** (Fisher—Parliamentary Secretary to the Minister for Finance and Administration) (5.10 p.m.)—I move:

That, in accordance with the provisions of the Public Works Committee Act 1969, it is expedient to carry out the following proposed work which was referred to the Parliamentary Standing Committee on Public Works and on which the Committee has duly reported: Redevelopment of residential areas at Royal Military College Dunrobin, ACT.

Question resolved in the affirmative.

**Mr SLIPPER** (Fisher—Parliamentary Secretary to the Minister for Finance and Administration) (5.11 p.m.)—I move:

That, in accordance with the provisions of the Public Works Committee Act 1969, it is expedient to carry out the following proposed work which was referred to the Parliamentary Standing Committee on Public Works and on which the Committee has duly reported: Proposed freight and passenger facilities at Rumah Baru, West Island, Cocos (Keeling) Islands.

Question resolved in the affirmative.

**Mr SLIPPER** (Fisher—Parliamentary Secretary to the Minister for Finance and Administration) (5.11 p.m.)—I move:

That, in accordance with the provisions of the Public Works Committee Act 1969, it is expedient to carry out the following proposed work which was referred to the Parliamentary Standing Committee on Public Works and on which the Committee has duly reported: Redevelopment of residential areas at Enoggera, Brisbane.

Question resolved in the affirmative.

**PARLIAMENTARY ZONE**

**Approval of Proposal**

**Mrs GALLUS** (Hindmarsh—Parliamentary Secretary to the Minister for Reconciliation and Aboriginal and Torres Strait Islander Affairs) (5.12 p.m.)—On behalf of the Minister representing the Minister for Regional Services, Territories and Local Government, I move:

That, in accordance with section 5 of the Parliament Act 1974, the House approves the following proposal for work in the Parliamentary Zone which was presented to the House on 24 September 2001, namely: design and content of slivers for Reconciliation Place.

I will not speak on this as I am aware that there are members in the House who are yet to give their valedictory statements.

**Mr McMULLAN** (Fraser) (5.13 p.m.)—The opposition advised the government that we would be speaking briefly on this, and I will abide by that agreement. There has been concern about the nature and detail of these proposals and the processes by which they have been finalised. It was the opposition's view at one stage—as communicated to the government, because we did not want to create a problem in here on these matters, because the reconciliation issue is one on which the less controversy there is in the parliament the better—that we might approach the government about withdrawing this proposition. We were concerned, and we knew others were concerned, about the controversy surrounding this matter and the process of consultation. We still have concerns, though we have had briefings from the minister, the National Capital Authority and the consultant on this project, and I thank the government for making that consultation available. But we remain extremely concerned about what we and others see as the lack of adequate consultation in this final process, particularly in two regards: that the consultation has been less than adequate with Reconciliation Australia, the principal body that will in many ways be associated with this structure, and with other indigenous Australians.

I hope that there is an opportunity for more consultation before the final form and content of the slivers are embodied in the structure. I appreciate the skill and intent of the artist involved in the development of it and do not want in any way to interfere with the artistic integrity of her work. The con-
sultation process has been substantially abbreviated; there is only a three-week time frame for consultation. We want it to be a nonpartisan issue, and we want that to apply to what is incorporated in the so-called slivers—not one of English’s more wonderful words. The pictures and the writing will be of great significance to people for a long time because they depict things that are fundamental to our history. In particular, I am concerned about the content of what is called the separation sliver, but what I call and what Australians will come to call that which deals with the stolen generations. It is a very sensitive issue to all Australians, particularly to those directly affected. At this stage, I am not convinced that what is proposed to be incorporated adequately addresses this issue either sufficiently specifically or sufficiently comprehensively. Given the sensitivity of all the issues involved, to the indigenous community in particular, but not only to them, we believe that further consultation is required.

Because of the time constraint, there is only one other point I wish to make, because we want to facilitate the valedictories and the timetable of the House. It is important to reiterate that as it proceeds Reconciliation Place must not be seen as an interference with the legitimate rights of the people at the Aboriginal tent embassy. There remains an apprehension that that may at some stage be the case. The government has given assurances that that is not its intention, and I welcome that. I certainly make it clear that that will not be the intention of a future Labor government, but there is that apprehension and it is important that we put on the record in the House that that is not the case. We will not oppose the motion. We do not persist with our previous suggestion that this should be withdrawn so that there can be more consultation, because it is desirable that the project proceed, but I hope that there can be more consultation. I know that there is some room for more consultation. I hope that it is more comprehensive and that people take full advantage of that opportunity.

Mr ALBANESE (Grayndler) (5.18 p.m.)—I wish briefly to support the shadow minister’s remarks. Reconciliation is a complex, sensitive issue. Perhaps more so than with any other issue, the process itself is part of the reconciling between indigenous and non-indigenous Australians. The allowance of only a three-week consultation process is unfortunate. Quite clearly, there has not been adequate consultation or involvement of indigenous Australians. Given that Reconciliation Place will last forever, I hope, we need to get it right. I do not quite understand why the government felt the need to rush through this process and not to consult more broadly. I wish to place on record my disappointment that that has not occurred. I call on governments of whatever persuasion in future to ensure that there is adequate consultation with indigenous Australians about issues that are very dear to their hearts.

Question resolved in the affirmative.

COMMITTEES

Members’ Interests Committee

Report

Mr SOMLYAY (Fairfax) (5.20 p.m.)—As required by resolutions of the House, I table copies of notifications of alterations of interests and a statement of registrable interests received during the period 5 July 2001 to 26 September 2001.

TAXATION LAWS AMENDMENT BILL (No. 6) 2001

Consideration of Senate Message

Bill returned from the Senate with amendments.

Ordered that the amendments be taken into consideration forthwith.

Senate’s amendments—

(1) Page 27 (after line 5), after Schedule 5, insert:

Schedule 5A—Further exemptions to the goods and services tax

A New Tax System (Goods and Services Tax) Act 1999

1 After section 38-47

Insert:

38-48 Women’s sanitary products

(1) A supply of women’s sanitary products is GST-free.

(2) In this section:
women’s sanitary products means tampons, pads, liners and similar items concerned with feminine hygiene.

(2) Schedule 5A, item 1, after section 38-48, insert:

38-49  Lactation aids
(1) A supply of lactation aids is GST-free.
(2) In this section:
lactation aids includes, but is not limited to, breast pumps.

(3) Schedule 5A, after item 1, add:

2  After Subdivision 38-F
Insert:

Subdivision 38-FA—Funeral services
38-240  Funeral services
(1) A supply of funeral services is GST-free.
(2) In this section:
funeral services means a range of products and services to facilitate the celebration of a deceased person’s life, and for the disposition and memorialisation of the deceased in accordance with the family’s cultural, religious and personal preferences.

(4) Schedule 5A, after item 2, add:

3  At the end of Division 87
Add:

87-30  Long-term accommodation at caravan park or boarding house
Notwithstanding any other provision in this Division, a supply of long-term accommodation at a caravan park or boarding house is GST-free.

Mr SLIPPER (Fisher—Parliamentary Secretary to the Minister for Finance and Administration) (5.20 p.m.)—I move:

That the amendments be disagreed to.

In the interests of brevity, my comments will be short. This bill introduces a number of measures dealing with petroleum resource rent tax, income tax exemption for local government and businesses, superannuation fund residence requirements, tax relief for shareholders in listed investment companies, the HIH rescue package and the taxation of contractors and others earning personal services income.

Mr KELVIN THOMSON (Wills) (5.21 p.m.)—I am very pleased on behalf of the opposition that the Senate supported the amendments we moved, which would remove the GST from some essential items; that is, from women’s sanitary products, caravan parks and funerals. We have indicated our position on the removal of the GST in support of charitable activities. In the interests of brevity, the opposition will not persist with these amendments in this chamber, but we look forward in government to the opportunity of removing the GST from these essential items.

Question resolved in the affirmative.

Motion (by Mr Slipper) agreed to:

That the House’s reasons for disagreeing to the Senate amendments be adopted.

TAXATION LAWS AMENDMENT (RESEARCH AND DEVELOPMENT) BILL 2001

Message from the Governor-General recommending appropriation for amendments announced.

Bill returned from the Senate with amendments.

Ordered that the amendments be taken into consideration forthwith.

Senate’s amendments—

(1) Schedule 1, item 1, page 3 (line 15), omit “and”, substitute “or”.

(2) Schedule 1, item 2, page 4 (line 12), omit “and”, substitute “or”.

(3) Schedule 1, page 4 (after line 20), after Part 1, insert:

Part 1A—Report on access to tax offset
Industry Research and Development Act 1986

2A  After paragraph 46(2)(c)
Insert:

(ca) must set out:
(i) the total number of applications during the financial year for registration of eligible companies under section 39J that specified an intention to choose a tax offset under section 73I of the Income Tax Assessment Act 1936; and
(ii) the total amounts of the offsets involved;
and must include an analysis of the tax offset scheme, including the tax offset thresholds, for that year; and

2B Application

The amendment made by this Part applies to reports in relation to the financial year commencing on 1 July 2001 and all later financial years.

(4) Schedule 1, Part 2, page 5 (lines 2 to 11), omit the Part.

(5) Schedule 1, item 6, page 6 (lines 13 and 14), omit “pm, by legal time in the Australian Capital Territory, on 29 January 2001”, substitute “am, by legal time in the Australian Capital Territory, at the start of 1 July 2002”.

(6) Schedule 1, item 7, page 6 (after line 23), after subsection (1), insert:

(1A) In formulating the guidelines, the Board must ensure that, having regard to the size and complexity of the activities that are to be carried out in accordance with the plans, the guidelines will not impose undue burdens on eligible companies that are small.

(7) Schedule 1, Part 4, page 8 (lines 2 to 13), omit the Part.

(8) Schedule 2, item 11, page 14 (lines 1 to 34), omit subsections (4) and (5).

(9) Schedule 2, item 11, page 15 (lines 15 to 33), omit the definitions of eligible feedstock percentage, eligible feedstock profit, feedstock input and feedstock output.

(10) Schedule 2, item 11, page 16 (lines 3 and 4), omit the definition of research and development activities.

(11) Schedule 2, item 11, page 16 (lines 11 to 13), omit paragraph (1)(a).

(12) Schedule 2, item 11, page 16 (line 14), omit “that definition”, substitute “the definition of plant in section 42-18 of that Act”.

(13) Schedule 2, item 54, page 39 (line 24) to page 40 (line 25), omit subsections (5) and (6).

(14) Schedule 2, item 54, page 41 (lines 6 to 24), omit the definitions of eligible feedstock percentage, eligible feedstock profit, feedstock input and feedstock output.

(15) Schedule 2, item 54, page 41 (line 26), omit “73BH”, substitute “73BC”.

(16) Schedule 2, item 54, page 42 (lines 7 to 9), omit paragraph (a).

(17) Schedule 2, item 54, page 42 (lines 11 and 12), omit “that definition”, substitute “the definition of depreciating asset in section 40-30 of that Act”.

(18) Schedule 4, item 5, page 77 (after line 26), insert:

start grant  means a subsidy or grant paid to an eligible company:

(a) under an agreement between the company and the Board entered into under the program known as the R&D Start Program; and

(b) in respect of a year of income in relation to which the company is not registered as mentioned in subsection 73B(10).

(19) Schedule 4, item 5, page 78 (after line 33), at the end of section 73Q, add:

(3) For the purposes of paragraph (1)(b), subsection (2) of this section and subsection 73R(1), the eligible company or any of its group members is treated as if it had deducted or can deduct an amount for incremental expenditure under subsection 73B(13) or (14) for a year of income if the company received a start grant in respect of that year of income.

Mr SLIPPER (Fisher—Parliamentary Secretary to the Minister for Finance and Administration) (5.23 p.m.)—by leave—I move:

That the amendments be disagreed to and that the following amendments be made in place thereof:

(1) Schedule 1, item 1, page 3 (line 15), omit “and”, substitute “or”.

(2) Schedule 1, item 2, page 4 (line 12), omit “and”, substitute “or”.

(3) Schedule 1, page 4 (after line 20), after Part 1, insert:

Part 1A—Report on access to tax offset

Industry Research and Development Act 1986

2A After paragraph 46(2)(c)

Insert:

(ca) must set out:

(i) the total number of applications during the financial year for registration of eligible companies under section 39J that specified an intention to choose a tax offset under section 73I of the Income Tax Assessment Act 1936; and
(ii) the total amounts of the offsets involved;
and must include an analysis of the
tax offset scheme, including the tax
offset thresholds, for that year; and

2B Application
The amendment made by this Part ap-
plies to reports in relation to the finan-
cial year commencing on 1 July 2001
and all later financial years.

(4) Schedule 1, Part 2, page 5 (lines 2 to 11),
omit the Part.

(5) Schedule 1, item 6, page 6 (lines 13 and 14),
omit “pm, by legal time in the Australian
Capital Territory, on 29 January 2001”, sub-
stitute “am, by legal time in the Australian
Capital Territory, at the start of 1 July 2002”.

(6) Schedule 1, item 7, page 6 (after line 23),
after subsection (1), insert:

(1A) In formulating the guidelines, the
Board must ensure that, having regard
to the size and complexity of the ac-
tivities that are to be carried out in ac-
cordance with the plans, the guidelines
will not impose undue burdens on eli-
gible companies that are small.

(7) Schedule 1, Part 4, page 8 (lines 2 to 13),
omit the Part.

(8) Schedule 2, item 11, page 14 (lines 1 to 34),
omit subsections (4) and (5).

(9) Schedule 2, item 11, page 15 (lines 15 to 33), omit the definitions of eligible feed-
stock percentage, eligible feedstock profit,
feedstock input and feedstock output.

(10) Schedule 2, item 11, page 16 (lines 3 and 4),
omit the definition of research and de-
velopment activities.

(11) Schedule 2, item 11, page 16 (lines 11 to 13), omit paragraph (1)(a).

(12) Schedule 2, item 11, page 16 (line 14), omit “that definition”, substitute “the definition of
plant in section 42-18 of that Act”.

(13) Schedule 2, item 54, page 39 (line 24) to
page 40 (line 25), omit subsections (5) and (6).

(14) Schedule 2, item 54, page 41 (lines 6 to 24),
omit the definitions of eligible feedstock
percentage, eligible feedstock profit, feed-
stock input and feedstock output.

(15) Schedule 2, item 54, page 41 (line 26), omit
“73BH”, substitute “73BC”.

(16) Schedule 2, item 54, page 42 (lines 7 to 9),
omit paragraph (a).

(17) Schedule 2, item 54, page 42 (lines 11 and 12), omit “that definition”, substitute “the
definition of depreciating asset in section
40-30 of that Act”.

(18) Schedule 4, item 5, page 77 (after line 26),
insert:

start grant means a subsidy or grant
paid to an eligible company:

(a) under an agreement between the
company and the Board entered into
under the program known as the
R&D Start Program; and

(b) in respect of a year of income in
relation to which the company is not
registered as mentioned in subsec-
tion 73B(10).

(19) Schedule 4, item 5, page 78 (after line 33),
at the end of section 73Q, add:

(3) For the purposes of paragraph (1)(b),
subsection (2) of this section and sub-
section 73R(1), the eligible company or
any of its group members is treated as
if it had deducted or can deduct an
amount for incremental expenditure
under subsection 73B(13) or (14) for a
year of income if the company received
a start grant in respect of that year of
income.

This bill contains changes and additions to
the research and development tax conces-
sions which were announced by the Prime
Minister on 29 January of this year in the
Backing Australia’s Ability package. These
measures are designed to give a more fo-
cused and effective concession to give effect
to the government’s strategy to encourage
research and development in Australia. I will
be moving a number of amendments to the
bill on behalf of the government and these
amendments were discussed in the other
place and were agreed to by the other place.
Whilst they were presented to the House as
amendments by the other place, I am advised
that it is necessary for them to be moved in
the House as amendments.

Question resolved in the affirmative.

NEW BUSINESS TAX SYSTEM (THIN
CAPITALISATION) BILL 2001

Consideration of Senate Message

Bill returned from the Senate with
amendments.
Mr SPEAKER—My attention has been drawn to the fact that the Office of Parliamentary Counsel has provided a statement of reasons as to why some of the Senate amendments to this bill should be moved as requests. Copies of relevant papers are available from the Clerk.

As I understand it, the OPC took this view because the amendments in question had the effect of reducing the availability of deductions to certain taxpayers, and therefore increasing the burden of taxation on those taxpayers, contrary to the third paragraph of section 53 of the Constitution.

The Senate has, however, made the alterations as amendments and not as requests.

For its part, the House has taken the view that the restrictions of the third paragraph of section 53 apply to bills relating to taxation, as well as those relating to expenditure. Consistent with this view, the House has objected to actions of the Senate in proceeding to make as amendments some alterations to bills dealing with taxation.

It is ultimately a matter for the House itself whether to object to such actions.

In this case, members may take the view that, despite the section 53 issue, the circumstances in which the House finds itself and the wider interest in having the bill settled without delay would not make it inappropriate for the House to proceed to consider the amendments as amendments and not take objection on constitutional grounds.

Motion (by Mr Slipper) agreed to:

That:

1. the House endorses the statement of the Speaker in relation to the Constitutional questions raised by the Senate message in respect of this Bill;
2. the House, having regard to the public interest in the early enactment of the Bill, refrains from the determination of its constitutional rights in respect of the matter, and
3. the amendments be considered forthwith.

(1) Schedule 1, item 1, page 7 (after line 18), after section 820-35, insert:

820-37 Application—assets threshold

Subdivision 820-B, 820-C, 820-D or 820-E does not apply to disallow any * debt deduction of an entity for an income year if:

(a) the entity is an * outward investing entity (non-ADI) or an * outward investing entity (ADI) for a period that is all or any part of that year; and
(b) the entity is not also an * inward investing entity (non-ADI) or an * inward investing entity (ADI) for all or any part of that period; and
(c) the result of applying the following formula is equal to or greater than 0.9:

\[
\frac{\text{Sum of the average Australian assets of the entity and the average Australian assets of each of the entity’s *associates}}{\text{Sum of the average total assets of the entity and the average total Assets of each of the entity’s associates}}
\]

where:

*average Australian assets* of an entity is the average value, for that year, of all the assets of the entity, other than:

(a) assets attributable to the entity’s * overseas permanent establishment; or
(b) assets comprised by the entity’s * controlled foreign entity equity; or
(c) assets comprised by the entity’s * controlled foreign entity debt.

*average total assets* of an entity means the average value, for that year, of all the assets of the entity.
(2) Schedule 1, item 1, page 7 (line 20), omit “For the purposes of this Division, debt deduction.”, substitute “Debt deduction.”.

(3) Schedule 1, item 1, page 9 (line 1), after “losses”, insert “and outgoings directly”.

(4) Schedule 1, item 1, page 9 (lines 3 to 5), omit paragraph (b), substitute:

(b) losses incurred by the entity in relation to which the following apply:
   (i) the losses would otherwise be a cost covered by subparagraph (1)(a)(ii); but
   (ii) the benefits mentioned in that subparagraph are measured in a foreign currency or a unit of account other than Australian currency (for example, ounces of gold) and the losses have arisen only because of changes in the rate of converting that foreign currency or that unit of account into Australian currency;

(5) Schedule 1, item 1, page 9 (line 7), omit paragraph (d), substitute:

(d) rental expenses for a lease if the lease is not a debt interest;

(6) Schedule 1, item 1, page 11 (item 3 of the table in subsection 820-85(2)), omit the table item, substitute:

<table>
<thead>
<tr>
<th>(a)</th>
<th>(b)</th>
<th>(c)</th>
</tr>
</thead>
<tbody>
<tr>
<td>the relevant entity is an outward investor (general) for that period</td>
<td>the relevant entity is an *Australian entity throughout a period that is all or a part of an income year; and</td>
<td>a *associate entity of another Australian entity; and</td>
</tr>
<tr>
<td>the relevant entity is not a financial entity, nor an *ADI, at any time during that period</td>
<td>that other Australian entity is an outward investing entity (non-ADI) or an outward investing entity (ADI) for that period</td>
<td></td>
</tr>
</tbody>
</table>

(7) Schedule 1, item 1, page 12 (method statement in subsection 820-85(3)), omit the method statement, substitute:

Method Statement

**Step 1**
Work out the average value, for that year (the relevant year), of all the *debt capital of the entity that gives rise to *debt deductions of the entity for that or any other income year.

**Step 2**
Reduce the result of step 1 by the average value, for the relevant year, of all the *associate entity debt of the entity (other than any *controlled foreign entity debt of the entity).

**Step 3**
Reduce the result of step 2 by the average value, for the relevant year, of all the *controlled foreign entity debt of the entity.

**Step 4**
If the entity is a *financial entity throughout the relevant year, add to the result of step 3 the average value, for that year, of the entity’s *zero-capital amount, to the extent that:

(a) the zero-capital amount is attributable to the securities loan arrangements mentioned in step 1 of the method statement in subsection 820-942(1); and

(b) the securities loan arrangements are not *debt interests.

**Step 5**
Add to the result of step 4 the average value, for the relevant year, of any *debt capital of the entity that does not give rise to any *debt deductions of the entity for that or any other income year, if:

(a) the debt capital is comprised of *debt interests issued to another entity that remain *on issue; and

(b) that other entity is an *outward investing entity (non-ADI) or *inward investing entity (non-ADI) for a period that is, or includes, all or a part of the relevant year; and

(c) for the purposes of the application of this Division to the entities, and in relation to only that part of the period that falls within the relevant year, the entities do not use the same *valuation days and the same number of valuation days to calculate the average value of their respective debt capital.

The result of this step is the adjusted average debt.
(8) Schedule 1, item 1, page 18 (line 16), omit “for that year”, substitute “for that or any other income year”.

(9) Schedule 1, item 1, page 18 (line 27), omit “that year”, substitute “the income year mentioned in subparagraph (1)(a)(i)”.

(10) Schedule 1, item 1, page 23 (lines 3 to 4), omit “its "debt deductions for that year”, substitute “debt deductions of the entity for that or any other income year”.

(11) Schedule 1, item 1, page 23 (method statement in subsection 820-120(2)), omit the method statement, subsubstitute:

Method Statement:
Step 1. Work out the average value, for that period, of all the "debt capital of the entity that gives rise to "debt deductions of the entity for that or any other income year.

Step 2. Reduce the result of step 1 by the average value, for that period, of all the "associate entity debt of the entity (other than any "controlled foreign entity debt of the entity)."

Step 3. Reduce the result of step 2 by the average value, for that period, of all the "controlled foreign entity debt of the entity.

Step 4. If the entity is a "financial entity throughout that period, add to the result of step 3 the average value, for that period, of the entity’s "zero-capital amount, to the extent that:
(a) the zero-capital amount is attributable to the securities loan arrangements mentioned in step 1 of the method statement in subsection 820-942(1); and
(b) the securities loan arrangements are not "debt interests.

Step 5. Add to the result of step 4 the average value, for that period (the relevant period), of any "debt capital of the entity that does not give rise to any "debt deductions of the entity for that or any other income year, if:
(a) the debt capital is comprised of "debt interests issued to another entity that remain "on issue; and
(b) that other entity is an "outward investing entity (non-ADI) or "inward investing entity (non-ADI) for a period that is, or includes, all or a part of the relevant period; and
(c) for the purposes of the application of this Division to the entities, and in relation to only that part of the period that falls within the relevant period, the entities do not use the same "valuation days and the same number of valuation days to calculate the average value of their respective debt capital.

The result of this step is the adjusted average debt.

(12) Schedule 1, item 1, page 24 (line 11), omit “that period”, substitute “the period mentioned in subsection (1)”.

(13) Schedule 1, item 1, page 24 (item 2 of the table in subsection 820-120(4)), omit the table item.

(14) Schedule 1, item 1, page 27 (line 10) to page 28 (line 10), omit subsection 820-185(3), substitute:

Adjusted average debt

The entity’s adjusted average debt for an income year is the result of applying the method statement in this subsection.

Method Statement
Step 1. Work out the average value, for that year (the relevant year), of all the "debt capital of the entity that gives rise to "debt deductions of the entity for that or any other income year.

Step 2. Reduce the result of step 1 by the average value, for the relevant year, of:
(a) if the entity is an "inward investment vehicle (general) or an "inward investment vehicle (financial) for that year—all the "associate entity debt of the entity; or
(b) if the entity is an "inward investor (general) or an "inward investor (financial) for that year—all the associate entity debt of the entity, to the extent that it is attributable to the entity’s "Australian permanent establishments.

Step 3. If the entity is a "financial entity throughout the relevant year, add to the result of step 2 the average value, for that year, of the entity’s "zero-capital amount, to the extent that:
The zero-capital amount is attributable to the securities loan arrangements mentioned in step 1 of the method statement in subsection 820-942(1); and
(b) the securities loan arrangements are not *debt interests.

**Step 4**  
Add to the result of step 3 the average value, for the relevant year, of any *debt capital of the entity that does not give rise to any *debt deductions of the entity for that or any other income year, if:
(a) the debt capital is comprised of *debt interests issued to another entity that remain *on issue; and  
(b) that other entity is an *outward investing entity (non-ADI) or *inward investing entity (non-ADI) for a period that is, or includes, all or a part of the relevant year; and
(c) for the purposes of the application of this Division to the entities, and in relation to only that part of the relevant year that falls within that period, the entities do not use the same *valuation days and the same number of valuation days to calculate the average value of their respective debt capital.

The result of this step is the **adjusted average debt**.

**Note:** To calculate an average value for the purposes of this Division, see Subdivision 820-G.

(4) The entity’s *adjusted average debt does not exceed its *maximum allowable debt if the adjusted average debt is nil or a negative amount.

(15) Schedule 1, item 1, page 33 (line 27), at the end of step 5 of the method statement in subsection 820-210(2), add “If the result of this step is a negative amount, it is taken to be nil.”.

(16) Schedule 1, item 1, page 35 (line 36), omit “for that year”, substitute “for that or any other income year”.

(17) Schedule 1, item 1, page 36 (line 11), omit “that year”, substitute “the income year mentioned in subparagraph (1)(a)(i)”.

(18) Schedule 1, item 1, page 38 (lines 29 to 30), omit “its *debt deductions for that year”, substitute “*debt deductions of the entity for that or any other income year”.

(19) Schedule 1, item 1, page 39 (lines 15 to 32), omit subsection (2), substitute:

(2) The entity’s *adjusted average debt for that period is the result of applying the method statement in this subsection.

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**Method statement**

**Step 1.** Work out the average value, for that period, of all the *debt capital of the entity that gives rise to *debt deductions of the entity for that or any other income year.

**Step 2.** Reduce the result of step 1 by the average value, for that period, of:

(a) if the entity is an *inward investment vehicle (general) or an *inward investment vehicle (financial) for that period—all the *associate entity debt of the entity; or
(b) if the entity is an *inward investor (general) or an *inward investor (financial) for that period—all the associate entity debt of the entity, to the extent that it is attributable to the entity’s *Australian permanent establishments.

**Step 3.** If the entity is a *financial entity throughout that period, add to the result of step 2 the average value, for that period, of the entity’s *zero-capital amount, to the extent that:

(a) the zero-capital amount is attributable to the securities loan arrangements mentioned in step 1 of the method statement in subsection 820-942(1); and
(b) the securities loan arrangements are not *debt interests.

**Step 4.** Add to the result of step 3 the average value, for the relevant period (the **relevant period**), of any *debt capital of the entity that does not give rise to any *debt deductions of the entity for that or any other income year, if:

(a) the debt capital is comprised of *debt interests issued to another entity that remain *on issue; and
(b) that other entity is an *outward investing entity (non-ADI) or *inward investing entity (non-ADI) for a period that is, or includes, all or a part of the relevant period; and
for the purposes of the application of this Division to the entities, and in relation to only that part of the period that falls within the relevant period, the entities do not use the same *valuation days and the same number of valuation days to calculate the average value of their respective debt capital.

The result of this step is the adjusted average debt.

Note: To calculate an average value for the purposes of this Division, see Subdivision 820-G.

(2) The entity’s *adjusted average debt does not exceed its *maximum allowable debt if the adjusted average debt is nil or a negative amount.

(20) Schedule 1, item 1, page 39 (line 34), omit “that period”, substitute “the period mentioned in subsection (1)”.

(21) Schedule 1, item 1, page 40 (item 2 of the table in subsection 820-225(3)), omit the table item.

(22) Schedule 1, item 1, page 42 (lines 16 to 23), omit paragraph (c), substitute:

(23) Schedule 1, item 1, page 47 (line 29), omit “eligible”.

(24) Schedule 1, item 1, page 48 (line 5), omit “eligible”.

(25) Schedule 1, item 1, page 48 (lines 15 to 16), omit “its *debt deductions for that year”, substitute “*debt deductions of the entity for that or any other income year”.

(26) Schedule 1, item 1, page 49 (item 3 of the table in subsection 820-330(3)), omit the definition of average debt, substitute:

average debt is taken to be the average value, for that period, of all the *debt capital of the entity that gives rise to *debt deductions of the entity for that or any other income year, to the extent that the debt capital is not attributable to any of the entity’s *overseas permanent establishments

(27) Schedule 1, item 1, page 52 (line 5), omit “that year”, substitute “that or any other income year”.

(28) Schedule 1, item 1, page 55 (lines 13 to 14), omit “its *debt deductions (other than *allowable OB deductions) for that year”, substitute “*debt deductions of the entity (other than *allowable OB deductions) for that or any other income year”.

(29) Schedule 1, item 1, page 56 (line 17), omit “that year”, substitute “that or any other income year”.

(30) Schedule 1, item 1, page 59 (after line 24), after paragraph (3)(b), insert:

and (c) without limiting paragraph (b), each *debt deduction, for the income year, of each entity in the group were a debt deduction of the group (even if it was incurred at a time when the entity was not in the group);

(31) Schedule 1, item 1, page 59 (lines 26 to 29), omit notes 1 and 2 to subsection 820-460(3), substitute:

Note: To work out the times during the income year when the entity was in the group, see section 820-530.

(32) Schedule 1, item 1, page 59 (lines 30 to 36), omit subsection 820-460(4), substitute:

(3A) This Division (except this Subdivision) does not apply to an entity in the group except as mentioned in subsection (3).

(4) If an *Australian permanent establishment of a *foreign bank is in the group, this Division (except this Subdivision) applies as if:

(a) at all times when it was in the group during the income year, the Australian permanent establishment had been a division or part of the group; and

(b) the Australian permanent establishment had been a division or part of the foreign bank at no time during the income year; and

(c) without limiting paragraph (a) or (b), each deduction that:
(i) is a *debt deduction of the foreign bank for the income year; and
(ii) is attributable to the Australian permanent establishment;

were a debt deduction of the group (even if it was incurred at a time when the Australian permanent establishment was not in the group);

but with the modifications set out in sections 820-550 to 820-575.

Note: To work out the times during the income year when the Australian permanent establishment was in the group, see section 820-530.

(33) Schedule 1, item 1, page 60 (line 26), after “value”, insert “or amount”.

(34) Schedule 1, item 1, page 60 (after line 35), at the end of section 820-470, add:

(2) To avoid doubt, subsection (1) also applies to working out the value or amount, as at a particular time, of a matter mentioned in any of sections 820-550 to 820-575 (for example, an entity’s tier 1 capital (within the meaning of the *prudential standards) or *paid-up share capital).

(35) Schedule 1, item 1, page 61 (line 14), after “each company in the group”, insert “(other than that company)”.

(36) Schedule 1, item 1, page 67 (line 14), after “each company in the group”, insert “(other than that company)”.

(37) Schedule 1, item 1, page 68 (after line 12), at the end of section 820-555, add “* or its holding company”.

(38) Schedule 1, item 1, page 68 (after line 21), after section 820-560, insert:

820-562 Application of Subdivision 820-D to group

(1) This section has effect for the purposes of applying Subdivision 820-D to a *resident TC group that is an *outward investing entity (ADI) for an income year.

(2) The group’s adjusted average equity capital for the income year is the average value, for that year, of the amount worked out under subsection (3).

Note: To calculate an average value for the purposes of this Division, see Subdivision 820-G.

(3) The amount worked out under this subsection as at a particular day is the total of the amounts worked out under the table below for each member of the group that is covered by an item in the table and is in the group on that day.

Note: To work out the times during the income year when an entity or Australian permanent establishment was in the group, see section 820-530.

Resident TC group that is an outward investing entity (ADI)

<table>
<thead>
<tr>
<th>Item</th>
<th>For:</th>
<th>The amount is:</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>a company that, at the end of the income year: (a) is a *ADI; or (b) is a 100% subsidiary of an *ADI</td>
<td>the total value of all the company’s tier 1 capital (within the meaning of the *prudential standards) as at the end of that day; minus the value of the company’s *debt capital that is part of that tier 1 capital at the end of that day</td>
</tr>
</tbody>
</table>
### Resident TC group that is an outward investing entity (ADI)

<table>
<thead>
<tr>
<th>Item</th>
<th>For:</th>
<th>The amount is:</th>
</tr>
</thead>
<tbody>
<tr>
<td>2</td>
<td>a partnership or trust, all interests in whose income and capital are beneficially owned at the end of the income year by one or more entities in the group covered by item 1</td>
<td>the total value of all the tier 1 capital (within the meaning of the prudential standards) of the partnership or trust as at the end of that day; minus the value of the debt capital of the partnership or trust that is part of that tier 1 capital at the end of that day</td>
</tr>
<tr>
<td>3</td>
<td>a company that is not covered by item 1</td>
<td>the total value, as at the end of that day, of the company’s paid-up share capital, retained earnings, general reserves and asset revaluation reserves; minus the value of the company’s debt capital that is part of the company’s paid-up share capital at the end of that day; plus the value of the company’s debt capital at the end of that day that does not give rise to any debt deductions of the company for the income year or any other income year</td>
</tr>
<tr>
<td>4</td>
<td>a partnership or trust that is not covered by item 2</td>
<td>the total value, as at the end of that day, of the capital and reserves of the partnership or trust; minus the value of the debt capital of the partnership or trust that is part of the capital of the partnership or trust at the end of that day; plus the value of the debt capital of the partnership or trust at the end of that day that does not give rise to any debt deductions of the partnership or trust for the income year or any other income year</td>
</tr>
<tr>
<td>5</td>
<td>an Australian permanent establishment through which a foreign bank carries on its banking business in Australia</td>
<td>the equity capital of the foreign bank, as at the end of that day, that: (a) is attributable to that Australian permanent establishment; but (b) has not been allocated to the OB activities of the foreign bank; plus the total of the amounts that, as at the end of that day: (c) are made available by the foreign bank to the Australian permanent establishment as loans to the Australian permanent establishment; and (d) do not give rise to any debt deductions of the foreign bank for the income year or any other income year</td>
</tr>
</tbody>
</table>

(4) For each Australian permanent establishment through which a foreign bank carries on its banking business in Australia and that is in the group, the group’s risk-weighted assets include that part of the risk-weighted assets of the foreign bank that: (a) is attributable to that Australian permanent establishment; but (b) is not attributable to the OB activities of the foreign bank.

(39) Schedule 1, item 1, page 68 (line 22) to page 70 (line 8), omit section 820-565, substitute:

**820-565 Additional application of Subdivision 820-D to group that includes foreign-controlled Australian ADI**

Subdivision 820-D applies to a resident TC group for an income year, as if the group were an outward investing entity (ADI), if:
(a) the group is not an outward investing entity (ADI) for the income year; and
(b) the group includes at least one entity that is at the end of the income year both a foreign controlled Australian entity and an ADI; and
(c) the group includes at least one company that is at the end of the income year a 100% subsidiary of no entity covered by paragraph (b) of this section.

(40) Schedule 1, item 1, page 71 (lines 17 to 37), omit subsection (2), substitute:

(2) The group’s average equity capital for the income year is the average value, for that year, of the amount worked out under subsection (2A).

Note: To calculate an average value for the purposes of this Division, see Subdivision 820-G.

(2A) The amount worked out under this subsection as at a particular day is the total of the amounts worked out under the table below for each member of the group that is covered by an item in the table and is in the group on that day.

Note: To work out the times during the income year when an entity or Australian permanent establishment was in the group, see section 820-530.

<table>
<thead>
<tr>
<th>Item</th>
<th>For:</th>
<th>The amount is:</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>a company</td>
<td>the total value, as at the end of that day, of the company’s paid-up share capital, retained earnings, general reserves and asset revaluation reserves; minus the value of the company’s debt capital that is part of the company’s paid-up share capital at the end of that day; plus the value of the company’s debt capital at the end of that day that does not give rise to any debt deductions of the company for the income year or any other income year</td>
</tr>
<tr>
<td>2</td>
<td>a partnership or trust</td>
<td>the total value, as at the end of that day, of the capital and reserves of the partnership or trust; minus the value of the debt capital of the partnership or trust that is part of the capital of the partnership or trust at the end of that day; plus the value of the debt capital of the partnership or trust at the end of that day that does not give rise to any debt deductions of the partnership or trust for the income year or any other income year</td>
</tr>
<tr>
<td>3</td>
<td>an Australian permanent establishment through which a foreign bank carries on its banking business in Australia</td>
<td>The equity capital of the foreign bank, as at the end of that day, that: (a) is attributable to that Australian permanent establishment; but has not been allocated to the OB activities of the foreign bank; plus the total of the amounts that, as at the end of that day: (c) are made available by the foreign bank to the Australian permanent establishment as loans to the Australian permanent establishment; and (d) do not give rise to any debt deductions of the foreign bank for the income year or any other income year.</td>
</tr>
</tbody>
</table>

(41) Schedule 1, item 1, page 88 (after line 8), at the end of section 820-815, add:

(2) This section does not apply to an associate entity of the entity if it is such an associate entity only because of subsection 820-905(3B).

(42) Schedule 1, item 1, page 88 (after line 25), at the end of subsection (3), add “This subsection does not apply to an associate entity of the entity if it is such an associate entity only because of subsection 820-905(3B).”.
(43) Schedule 1, item 1, page 89 (line 9), at the end of subsection (2), add “This subsection does not apply to an associate entity of one or more entities in the group if it is such an associate entity only because of subsection 820-905(3B).”.

(44) Schedule 1, item 1, page 91 (item 2 of the table in subsection 820-855(2)), omit “foreign entities”, substitute “* foreign entities”.

(45) Schedule 1, item 1, page 91 (item 2 of the table in subsection 820-855(2)), omit “Australian entities”, substitute “* Australian entities”.

(46) Schedule 1, item 1, page 97 (line 4), omit “and only if,”.

(47) Schedule 1, item 1, page 97 (after line 19), at the end of subsection (1), add “However, this subsection does not apply to the first entity in its capacity as the * responsible entity of a * registered scheme (see subsection (2A)).”.

(48) Schedule 1, item 1, page 97 (line 21), omit “and only if,”.

(49) Schedule 1, item 1, page 97 (line 33) to page 98 (line 6), omit subsection (3), substitute:

(2A) An entity (the *first entity*), in its capacity as the *responsible entity of a *registered scheme at a particular time, is an *associate entity of another entity at that time if the first entity, in that capacity, is an *associate of that other entity at that time and at least one of the following paragraphs applies at that time:

(a) that other entity holds an *associate interest of 50% or more in the registered scheme (see subsections (4) to (8));

(b) that other entity holds an associate interest of 20% or more in the registered scheme and the first entity, in that capacity, is accustomed or under an obligation (whether formal or informal), or might reasonably be expected, to act in accordance with the directions, instructions or wishes of that other entity in relation to:

(i) the distribution or retention of the profits of the registered scheme; or

(ii) the financial policies relating to the assets, *debt capital or *equity capital of the registered scheme;

whether those directions, instructions or wishes are, or might reasonably be expected to be, communicated directly or through interposed entities.

Note: The first entity, in another capacity, may also be an associate entity of an entity under another provision of this section (see also section 960-100).

(3) Subsection (1) or (2A) also has effect as if the first entity satisfies paragraph (b) of that section at a particular time if any of the following is expected to act in the manner mentioned in that paragraph at that time:

(a) a director of the first entity if it is a company;

(b) a partner of the first entity if it is a partnership;

(c) the *general partner of the first entity if it is a *corporate limited partnership;

(d) the trustee of the first entity if it is a trust;

(e) a member of the first entity’s committee of management if it is an unincorporated association or body.

(50) Schedule 1, item 1, page 98 (after line 6), after subsection (3), insert:

(3A) If:

(a) an entity (the *first entity*) is an *associate entity of another entity (the *head entity*) under subsection (1), (2), (2A) or (3) at a particular time; and

(b) a third entity is also an associate entity of the head entity under subsection (1), (2), (2A) or (3) at that time;

the first entity is an *associate entity of the third entity at that time.
(3B) If an entity (the first entity) is an associate entity of another entity under subsection (1) (2), (2A), (3) or (3A) at a particular time, that other entity is also an associate entity of the first entity at that time.

(3C) However, an entity in its capacity as the responsible entity of a registered scheme (the responsible entity) is not an associate entity of another entity under subsection (3B) at a particular time if, at that time, the responsible entity:

(a) would be an associate entity of that other entity under subsection (3B) (apart from the effect of this subsection); but

(b) is not an associate entity of that other entity under subsection (2A).

(51) Schedule 1, item 1, page 99 (lines 21 to 23), omit subsection (1), substitute:

(1) This section applies to an entity (the relevant entity) that is an outward investing entity (non-ADI) or an inward investing entity (non-ADI) for a period that is all or a part of an income year, and each associate entity of the relevant entity that is:

(a) an outward investing entity (non-ADI), an inward investment vehicle (general), or an inward investment vehicle (financial), for that period; or

(b) an inward investor (general) or an inward investor (financial) for that period if it carries on its business in Australia at or through one or more of its Australian permanent establishments throughout that period.

(52) Schedule 1, item 1, page 100 (method statement in subsection 820-910(2)), omit the method statement, substitute:

Method Statement
Step 1. Apply step 2 to each associate entity of the relevant entity that is the kind of entity mentioned in paragraph (1)(a) at that particular time. The result of that step is the associate entity debt amount for that associate entity.

Step 2. Work out the value, as at that time, of all the debt interests that have been issued to the relevant entity by the associate entity, if:

(a) the debt interests remain on issue at that time; and

(b) the costs in relation to the debt interest (to the extent that they are not amounts mentioned in paragraph (2)(c) of the definition of debt deduction that are ordinarily payable to an entity other than the relevant entity) are assessable income of the relevant entity for an income year; and

(c) the terms and conditions for the debt interests are those that would apply if the relevant entity and the associate entity were dealing at arm’s length with each other.

Step 3. Apply steps 2 and 4 to each associate entity of the relevant entity that is the kind of entity mentioned in paragraph (1)(b) at that time. The lesser of the results of those steps is the associate entity debt amount for that associate entity.

Step 4. Work out the value, as at that time, of the debt capital of the associate entity, to the extent that it is attributable to the Australian permanent establishments of that associate entity.

Step 5. Add the associate entity debt amounts for all the associate entities. The result of this step is the associate entity debt.

(53) Schedule 1, item 1, page 100 (lines 26 to 28), omit subsection (2), substitute:

(2) The entity’s associate entity equity at a particular time during that period is the sum of:

(a) the total value of equity interests that the entity holds in all of its associate entities at that time; and

(b) the total value of debt interests issued to the entity by its associate entities that:

(i) do not give rise to any debt deductions for that or any other income year; and

(ii) remain on issue at that time.
(54) Schedule 1, item 1, page 103 (method statement in subsection 820-920(4)), omit the method statement, substitute:

**Method statement**

**Step 1.** Work out the *safe harbour debt amount of the *associate entity for the day during which that particular time occurs, as if:
(a) the associate entity were an *outward investing entity (non-ADI) or *inward investing entity (non-ADI), as appropriate, for the period consisting only of that day; and
(b) if the associate entity would otherwise be treated as an *outward investor (financial) for that day and the relevant entity is not a *financial entity throughout that day—the associate entity were an *outward investor (general) for that day; and
(c) if the associate entity would otherwise be treated as an *inward investment vehicle (financial) for that day and the relevant entity is not a financial entity throughout that day—the associate entity were an *inward investment vehicle (general) for that day.

**Step 2.** Reduce the result of step 1 by the value of the *adjusted average debt of the *associate entity for that day as if it had been the kind of entity that it is taken to be under step 1 for that day. If the result of this step is a negative amount, it is taken to be nil.

**Step 3.** Multiply the result of step 2 by the sum of:
(a) the value, as at that time, of all the *equity capital of the *associate entity that is attributable to the relevant entity at that time; and
(b) the value, as at that time, of all the *debt interests issued to the relevant entity by the associate entity that do not give rise to *debt deductions of the associate entity for that or any other income year and remain *on issue at that time.

**Step 4.** Divide the result of step 3 by the sum of:
(a) the value, as at that time, of all the *equity capital of the *associate entity; and
(b) the value, as at that time, of all the *debt interests issued by the associate entity that do not give rise to *debt deductions of the associate entity for that or any other income year and remain *on issue at that time.

The result of this step is the *attributable safe harbour excess amount.

(55) Schedule 1, item 1, page 107 (line 15) to 108 (line 5) (method statement in subsection 820-942(1)), omit the steps 2 and 3, substitute:

**Method Statement**

**Step 2.** Add to the result of step 1 the total value, as at that time, of all the *debt interests issued to the entity to which the following paragraphs apply at that time:
(a) the debt interests remain *on issue;
(b) each of the debt interests is a loan of money for which no fees, charges or other consideration for the purpose of enhancing the credit rating of the issuer of the interest has been paid or is payable to the entity, any of the entity’s *associates or another entity that is a *foreign entity;
(c) each of the entities issuing the interests has the required credit rating for the interests concerned in accordance with subsections (4) and (5).

**Step 3.** Add to the result of step 2 the total value, as at that time, of all the *debt interests that are assets of the entity (whether they are debt interests issued to the entity or not) and to which the following paragraphs apply at that time:
(a) the risk weight of each of the debt interests is either 0% or 20% under the *prudential standards;
(b) the debt interests do not satisfy all of the paragraphs in step 2.
(56) Schedule 1, item 1, page 109 (line 11), omit “and”, substitute:

or (iii) a scheme that, apart from the operation of paragraph 974-25(1)(b), would have given rise to a debt interest covered by subparagraph (i); and

(57) Schedule 1, item 1, page 109 (after line 14), at the end of section 820-942, add:

What is the required credit rating?

(4) For the purposes of step 2 of the method statement in subsection (1), the required credit rating for an entity issuing a debt interest is:

(a) if the interest is a subordinated debt interest—a long-term foreign currency corporate credit rating of at least A (or equivalent) given to the entity by an internationally recognised rating agency; or

(b) if the interest is not a subordinated debt interest—a long-term foreign currency corporate credit rating of at least BBB (or equivalent) given to the entity by an internationally recognised rating agency.

When must an entity have the required credit rating?

(5) The entity must have the required credit rating as specified in any of the following paragraphs:

(a) the entity had the required credit rating for the debt interest when the interest was issued;

(b) the following subparagraphs apply:

(i) the entity did not have any long-term foreign currency corporate credit rating given to it by an internationally recognised rating agency when the debt interest was issued; but

(ii) the entity had the required credit rating for that interest at any time during the period of 6 months immediately before the interest was issued;

(c) the following subparagraphs apply:

(i) when the debt interest was issued, and throughout the period of 6 months immediately before the interest was issued, the entity did not have any long-term for-

eign currency corporate credit rating given to it by an internationally recognised rating agency; but

(ii) the entity has the required credit rating for that interest at any time during the period of 6 months immediately after the interest was issued.

(58) Schedule 1, page 115 (after line 22), after item 4, insert:

4A Subsection 160AE(1)

Insert:

debt deduction has the same meaning as in the Income Tax Assessment Act 1997.

4B Subsection 160AE(1)

Insert:

overseas permanent establishment has the same meaning as in the Income Tax Assessment Act 1997.

4C Subsection 160AF(8)

(paragraph (a) of the definition of net foreign income)

After “assessable income”, insert “(other than any relevant debt deductions)”.  

4D Subsection 160AF(8)

(paragraph (c) of the definition of net foreign income)

After “apportionable deductions”, insert “that are not relevant debt deductions”.

4E Subsection 160AF(8)

Insert:

relevant debt deduction, for a taxpayer, means a debt deduction of the taxpayer for an income year, to the extent that it is not attributable to any of the taxpayer’s overseas permanent establishments.

(59) Schedule 1, item 16, page 117 (line 16), omit “(a)”, substitute “(1)(a)”.  

(60) Schedule 1, item 19, page 118 (line 9), omit “associate entities”, substitute “associates”.

(61) Schedule 1, item 22, page 119 (after line 20), after section 820-10, insert:

820-12 Application of Division 974 of the Income Tax Assessment Act 1997 for the purposes of Division 820 of that Act
(1) Division 974 of the *Income Tax Assessment Act 1997* applies for the purposes of determining whether, for the purposes of Division 820 of that Act, an interest is a debt interest or an equity interest at any time on or after 1 July 2001 (whether or not the debt and equity test amendments apply to transactions in relation to that interest at that time).

(2) In this section, *debt and equity test amendments* has the same meaning as in Part 4 of Schedule 1 to the *New Business Tax System (Debt and Equity) Act 2001*.

(62) Schedule 1, item 22, page 121 (lines 14 to 33) to page 122 (lines 1 to 6), omit section 820-35, substitute:

820-35 Transitional provision—transitional debt interests

(1) This section applies to an interest for the period starting from 1 July 2001 and ending immediately before 1 July 2004 (the *transitional period*) if:

(a) the interest was issued before 1 July 2001; and

(b) disregarding the debt and equity test amendments (within the meaning of Part 4 of Schedule 1 to the *New Business Tax System (Debt and Equity) Act 2001*), the interest would be:

(i) an asset of an entity comprised by equity issued by another entity; or

(ii) equity issued by an entity to another entity; and

(c) the interest is a debt interest that remains on issue.

What happens if there is no election

(2) If:

(a) the issuer of the interest does not elect under paragraph 118(6)(b) of Schedule 1 to the *New Business Tax System (Debt and Equity) Act 2001* to have that paragraph apply to the interest; and

(b) at any time during the transitional period, Division 820 of the *Income Tax Assessment Act 1997* applies to an entity that is the issuer or the holder of the interest;

the interest must be treated as an equity interest for the purposes of applying that Division to that entity at that time.

What happens if there is an election

(3) Subsections (4) to (6) apply if the issuer of the interest elects under paragraph 118(6)(b) of Schedule 1 to the *New Business Tax System (Debt and Equity) Act 2001* to have that paragraph apply to the interest.

(4) For the purposes of applying Division 820 of the *Income Tax Assessment Act 1997* at any time during the transitional period to an entity that is the issuer of the interest at that time, the interest must be treated as a debt interest at that time.

(5) Except as provided by subsection (6), for the purposes of applying that Division at any time during the transitional period to an entity that is the holder of the interest at that time, the interest must be treated as an equity interest at that time.

(6) Despite subsection (5), the interest must be treated as a debt interest at that time for the purposes of applying that Division to that holder at that time if:

(a) apart from this section, the interest would be included in the associate entity debt of that holder at that time for those purposes; and

(b) at that time, the issuer of the interest is not an Australian controlled foreign entity for which that holder is an Australian controller.

(63) Schedule 1, item 22, page 122 (after line 6), at the end of Division 820 add:

820-40 Transitional provision—transitional equity interests

(1) This section applies to an interest for the period starting from 1 July 2001 and ending immediately before 1 July 2004 (the *transitional period*) if:

(a) the interest was issued before 1 July 2001; and

(b) disregarding the debt and equity test amendments (within the meaning of Part 4 of Schedule 1 to the *New Business Tax System (Debt and Equity) Act 2001*), the interest would be:

(i) an asset of an entity comprised by a debt owed to the entity by the issuer of the interest; or
(ii) a debt owed by the issuer of the interest to another entity; and
(c) the interest is an equity interest.

For the issuer

(2) The interest must be treated as an equity interest at any time during the transitional period for the purposes of applying Division 820 of the *Income Tax Assessment Act 1997* to an entity that is the issuer of that interest at that time.

For the holder

(3) Except as provided by subsection (4), the interest must be treated as a debt interest at any time during the transitional period for the purposes of applying that Division to an entity that is the holder of the interest at that time.

(4) Despite subsection (3), that interest must be treated as an equity interest at that time for the purposes of applying that Division to that holder at that time if:
(a) apart from this section, the interest would be included in the associate entity equity of that holder at that time for those purposes; and
(b) at that time, the issuer of the interest is not an Australian controlled foreign entity for which that holder is an Australian controller.

(64) Schedule 1, page 123 (after line 7), after item 23, insert:

**23A Application—section 160AF of the *Income Tax Assessment Act 1936***

The amendments of section 160AF of the *Income Tax Assessment Act 1936* made by this Schedule apply in relation to assessable income of a year of income that begins on or after 1 July 2001.

(65) Schedule 2, item 4, page 126 (line 2), omit “820-565”, substitute “820-562”.

(66) Schedule 2, item 29, page 129 (line 25) to page 130 (line 12), omit the definition of *equity capital*, substitute:

*equity capital*, of an entity and at a particular time, means:
(a) if the entity is a company that is not an *outward investing entity (ADI)* at that time:
(i) the total value of the entity’s paid-up share capital, retained earnings, general reserves and asset revaluation reserves as at that time; minus
(ii) the value of the entity’s *debt capital* that is part of the entity’s paid-up share capital at that time; or
(b) if the entity is a company that is an outward investing entity (ADI) at that time:
(i) the total value of the entity’s tier 1 capital (within the meaning of the *prudential standards*) as at that time; minus
(ii) the value of the entity’s debt capital that is part of the entity’s tier 1 capital at that time; or
(c) if the entity is a trust or partnership at that time:
(i) the total value of the entity’s capital and reserves as at that time; minus
(ii) the value of the entity’s debt capital that is part of the entity’s capital at that time.

(67) Schedule 2, item 48, page 133 (line 20), at the end of the definition of *non-debt liabilities*, add:

; or (d) any liability of the entity under a securities loan arrangement if, as at that time, the entity:
(i) has received amounts for the sale of securities (other than any fees associated with the sale) under the arrangement; and
(ii) has not repurchased the securities under the arrangements

(68) Schedule 2, page 135 (after line 15), after item 56, insert:

**56A Subsection 995-1(1)**

Insert:

*registered scheme* has the same meaning as in the *Corporations Act 2001*.

**56B Subsection 995-1(1)**

Insert:

*responsible entity*, of a *registered scheme*, has the same meaning as in the *Corporations Act 2001*.

(69) Schedule 2, page 136 (after line 30), after item 62, insert:

**62A Subsection 995-1(1)**

Insert:
subordinated debt interest means a debt interest issued to:
(a) an unsecured creditor; or
(b) a secured creditor who, in the event of the liquidation of the entity issuing the interest, can only make a claim regarding that interest after the claims of other secured creditors regarding other debt interests issued by that entity have been met.

(70) Schedule 2, page 138 (after line 4), after item 69, insert:

69A Subsection 995-1(1)
Insert:
valuation days, in relation to the calculation of the average value of a matter for an entity under Division 820, means the particular days at which the value of that matter is measured under Subdivision 820-G for the purposes of that calculation.

Mr SLIPPER (Fisher—Parliamentary Secretary to the Minister for Finance and Administration) (5.27 p.m.)—I move:

That the amendments be agreed to.

This bill implements recommendations made by the Ralph Review of Business Taxation and it will improve the integrity and fairness of Australia’s taxation system. The bill currently before the chamber should ensure that Australia receives its appropriate share of tax paid by multinational companies. The measures will limit the amount of tax that can be used to finance Australian operations of certain investors by reducing debt deductions where an entity’s debt to equity ratio exceeds certain limits.

Question resolved in the affirmative.

ADJOURNMENT
Mr SPEAKER—It being almost 5.30 p.m., I propose the question:

That the House do now adjourn.

Mr Slipper—Mr Speaker, I require that the question be put forthwith without debate.

Question resolved in the negative.

NEW BUSINESS TAX SYSTEM (DEBT AND EQUITY) BILL 2001
Consideration of Senate Message
Bill returned from the Senate with amendments.
(6) Schedule 1, item 3, page 4 (line 10) omit “(4)”, substitute “(6)”. This will not happen if a provision in this Act specifically provides for a different treatment for the interest or dividend.

(7) Schedule 1, item 3, page 4 (line 10) omit “(3)”, substitute “(5)”.

(8) Schedule 1, item 4, page 4 (line 16), after “distributions”, insert “and dividends”.

(9) Schedule 1, item 4, page 4 (after line 19), at the end of section 26-26, add:

(2) A company cannot deduct a dividend paid on an equity interest in the company as a general deduction under this Act.

(10) Schedule 1, item 34, page 16 (line 6), omit “The test is intended to”, substitute “Another object of this Division is that the test referred to in subsection (1) is to”:

(11) Schedule 1, item 34, page 16 (lines 9 to 12), omit “In assessing economic substance regard is to be had, for example, to the undue tax benefits that could be obtained from deducting dividend-like payments (deductible equity) or from franking interest-like returns (franked debt).”

(12) Schedule 1, item 34, page 16 (line 13), omit “Note”, substitute “Note 1”.

(13) Schedule 1, item 34, page 16 (after line 17), at the end of subsection (2) (after the note), add:

Note 2: The test is intended to operate, for example, to:

(a) deny deductibility (but allow franking) for “interest” in relation to a scheme that has the legal form of a loan if the economic substance of the rights and obligations arising under the relevant scheme gives the interest characteristics that are the same as or similar to those of a dividend on an ordinary share (and thereby prevent deductible returns on equity); and

(b) allow a deduction (but not franking) for a “dividend” in relation to a scheme that has the legal form of an ordinary share if the economic substance of the rights and obligations arising under the relevant scheme gives the dividend characteristics that are the same as or similar to those of deductible interest on an ordinary loan (and thereby prevent frankable returns on debt).

(14) Schedule 1, item 34, page 16 (line 18), omit “This Division allows the combined effect of related schemes to be”, substitute “Another object of this Division is that the combined effect of related schemes be”.

(15) Schedule 1, item 34, page 16 (lines 20 and 21), omit paragraph (3)(a), substitute:

(a) to ensure that the test operates effectively on the basis of the economic substance of the rights and obligations arising under the schemes rather than merely on the basis of the legal form of the schemes; and

(16) Schedule 1, item 34, page 16 (after line 31), after subsection (4), insert:

(5) The Commissioner must have regard to the objects stated in subsections (1) to (3) in exercising the power to make a determination under any of the following provisions:

(a) subsection 974-15(4);
(b) subsection 974-60(3), (4) or (5);
(c) section 974-65;
(d) subsection 974-70(4);
(e) subsection 974-150(2).

Note: An entity can apply to the Commissioner to have a determination made and can object under Part IVC of the Taxation Administration Act 1953 if it is dissatisfied with a determination (see section 974-112).

(17) Schedule 1, item 34, page 16 (line 32) omit “(5)”, substitute “(6)”.

(18) Schedule 1, item 34, page 17 (line 3) omit “(6)”, substitute “(7)”.

(19) Schedule 1, item 34, page 18 (lines 18 to 20), omit “determines that it would be inappropriate to apply that subsection to those schemes”, substitute “determines that it would be unreasonable to apply that subsection to those schemes”.

(20) Schedule 1, item 34, page 18 (after line 20), at the end of section 974-15, add:

(5) Without limiting subsection 974-10(5), the Commissioner must, in exercising the power to make a determination un-
under subsection (4), have regard to the following:

(a) the purpose of the schemes (considered both individually and in combination);
(b) the effects of the schemes (considered both individually and in combination);
(c) the rights and obligations of the parties to the schemes (considered both individually and in combination);
(d) whether the schemes (when considered either individually or in combination) provide the basis for, or underpin, an interest issued to investors with the expectation that the interest can be assigned to other investors;
(e) whether the schemes (when considered either individually or in combination) comprise a set of rights and obligations issued to investors with the expectation that it can be assigned to other investors;
(f) any other relevant circumstances.

(6) If:

(a) 2 or more related schemes give rise to a debt interest in an entity; and
(b) one or more of those schemes (the hedging scheme or schemes) are schemes for hedging or managing financial risk; and
(c) the other scheme or schemes give rise to a debt interest in the entity even if the hedging scheme or schemes are disregarded;

the debt interest that arises from the schemes is taken, for the purposes of Division 820 (the thin capitalisation rules), not to include the hedging scheme or schemes.

Note: This means that in these circumstances the losses associated with the hedging scheme or schemes are not debt deductions under section 820-40.

(24) Schedule 1, item 34, page 19 (line 5) omit “(4)”, substitute “(3)”.
(25) Schedule 1, item 34, page 19 (lines 13 to 17), omit subsection (2).
(26) Schedule 1, item 34, page 19 (line 18) omit “(3)”, substitute “(2)”.
(27) Schedule 1, item 34, page 19 (line 26) omit “(4)”, substitute “(3)”.
(28) Schedule 1, item 34, page 19 (after line 32), after subsection (4), insert:

(4) For the purposes of paragraph (1)(b) and subsections (2) and (3):

(a) a financial benefit to be provided under the scheme by the entity or a connected entity is taken into account only if it is one that the entity or connected entity has an effectively non-contingent obligation to provide; and
(b) a financial benefit to be received under the scheme by the entity or a connected entity is taken into account only if it is one that another entity has an effectively non-contingent obligation to provide.

(29) Schedule 1, item 34, page 20 (lines 8 to 20), omit subsection (1).
(30) Schedule 1, item 34, page 20 (line 22) omit “(2)”, substitute “(1)”.
(31) Schedule 1, item 34, page 20 (lines 33 and 34), omit paragraph (2)(c), substitute:

(c) the financial benefit mentioned in paragraph 974-20(1)(c):

(i) is in fact provided within that period; or
(ii) is not provided within that period because the entity required to provide the benefit neglects to provide the benefit within that period (although willing to do so); or
(iii) is not provided within that period because the entity required to provide the benefit is unable to provide the benefit within that period (although willing to do so); and

(32) Schedule 1, item 34, page 21 (line 5) omit “(3)”, substitute “(2)”.
(33) Schedule 1, item 34, page 21 (line 6) omit “(2)”, substitute “(1)”.
(34) Schedule 1, item 34, page 21 (line 9) omit “(2)”, substitute “(1)”.  
(35) Schedule 1, item 34, page 21 (line 11) omit “(2)”, substitute “(1)”.  
(36) Schedule 1, item 34, page 23 (line 21), omit “currency”, substitute “currency etc.”.  
(37) Schedule 1, item 34, page 23 (line 23), omit “currency, they do not need”, insert “currency or in terms of quantities of a particular commodity or other unit of account, they are not”.  
(38) Schedule 1, item 34, page 27 (lines 27 and 28), omit paragraph (1)(a), substitute:  
(a) the scheme would satisfy paragraphs 974-20(1)(a), (b), (c) and (e); but  
(39) Schedule 1, item 34, page 29 (line 5), omit “Single scheme”, substitute “Scheme”.  
(40) Schedule 1, item 34, page 29 (lines 15 to 19), omit the notes, substitute:  
Note 1: An equity interest can also arise under subsection (2) if a notional scheme with the combined effect of a number of related schemes would give rise to an equity interest under this subsection. To do this, the notional scheme would need to satisfy paragraph (b). This means that the related schemes will not give rise to an equity interest if the notional scheme would be characterised as (or form part of a larger interest that would be characterised as) a debt interest in the company or a connected entity.  
Note 2: An equity interest can also arise under section 974-80 (arrangements for funding return through connected entities).  
Note 3: Section 974-95 defines various aspects of the equity interest that arises.  
(41) Schedule 1, item 34, page 30 (lines 11 and 12), omit “determines that, having regard to the objects of this Division, it would be inappropriate to apply that subsection to those schemes”, substitute “determines that it would be unreasonable to apply that subsection to those schemes”.  
(42) Schedule 1, item 34, page 30 (after line 12), at the end of section 974-70, add:  
(5) Without limiting subsection 974-10(5), the Commissioner must, in exercising the power to make a determination under subsection (4), have regard to the following:  
(a) the purpose of the schemes (considered both individually and in combination);  
(b) the effects of the schemes (considered both individually and in combination);  
(c) the rights and obligations of the parties to the schemes (considered both individually and in combination);  
(d) whether the schemes (when considered either individually or in combination) provide the basis for, or underpin, an interest issued to investors with the expectation that the interest can be assigned to other investors;  
(e) whether the schemes (when considered either individually or in combination) comprise a set of rights and obligations issued to investors with the expectation that it can be assigned to other investors;  
(f) any other relevant circumstances.  
(43) Schedule 1, item 34, page 31 (after line 14), at the end of section 974-75, add:  
Exception for certain at call loans—until 31 December 2002  
(4) If:  
(a) a financing arrangement takes the form of a loan to a company by a connected entity; and  
(b) the loan does not have a fixed term; and  
(c) under the arrangement the loan is repayable on demand by the connected entity; and  
(d) the arrangement was entered into on or after 21 February 2001;  
the arrangement does not give rise to an equity interest in the company. Instead, the arrangement is taken, despite anything in Subdivision 974-B, to give rise to a debt interest in the company. This subsection ceases to have effect on 1 January 2003.  
(44) Schedule 1, item 34, page 32 (lines 5 to 7), omit paragraph (d), substitute:
(ca) the scheme that gives rise to the interest is a financing arrangement for the company; and
(d) there is a scheme, or a series of schemes, designed to operate so that the return to the connected entity is to be used to fund (directly or indirectly) a return to another person (the ultimate recipient).

(45) Schedule 1, item 34, page 32 (lines 31 and 32), omit “and the interest is not characterised as, and does not form part of a larger interest that is characterised as,”, substitute “and if the interest does not form part of a larger interest that is characterised as”.

(46) Schedule 1, item 34, page 35 (line 30), omit “this Act (other than this subsection)”, substitute “the provisions that subsection (2) covers”.

(47) Schedule 1, item 34, page 36 (after line 10), at the end of section 974-105, add:
(2) This subsection covers:
(a) the provisions of this Division (other than this section); and
(b) any other provision of this Act whose operation depends on an expression whose meaning is given by this Division.

(48) Schedule 1, item 34, page 37 (after line 34), at the end of Subdivision 974-D, add:

974-112 Determinations by Commissioner

Determinations covered by this section

(1) This section covers a determination by the Commissioner under any of the following provisions:
(a) subsection 974-15(4);
(b) subsection 974-60(3), (4) or (5);
(c) section 974-65;
(d) subsection 974-70(4);
(e) subsection 974-150(2).

Determination on own initiative or on application

(2) The Commissioner may make a determination covered by this section:
(a) on his or her own initiative; or
(b) on an application made under subsection (3).

Application for determination

(3) An entity may apply to the Commissioner for a determination covered by this section in relation to:
(a) an interest of which the entity is the issuer; or
(b) an interest of which the entity would be the issuer:
   (i) if the determination were made; or
   (ii) if the determination were not made.

Note: Paragraph (b) may apply, for example, if the effect of the determination applied for would be to allow, or to prevent, a number of related schemes giving rise to a debt interest or an equity interest.

(4) The application:
(a) must be in writing; and
(b) must set out the grounds on which the applicant thinks the determination should be made; and
(c) must set out any information relevant to deciding whether to make the determination.

Review of determinations

(5) A taxpayer who is dissatisfied with a determination covered by this section may object against the determination in the manner set out in Part IVC of the Taxation Administration Act 1953.

(49) Schedule 1, item 34, page 39 (lines 6 and 7), omit paragraph (1)(b), substitute:
(b) to fund another scheme, or a part of another scheme, that is a financing arrangement under paragraph (a); or
(c) to fund a return, or a part of a return, payable under or provided by or under another scheme, or a part of another scheme, that is a financing arrangement under paragraph (a).

(50) Schedule 1, item 34, page 39 (lines 24 to 29), omit paragraph (4)(a), substitute:
(a) a lease or bailment that satisfies all of the following:
   (i) the property leased or bailed is not property to which Division 16D of Part III of the Income Tax Assessment Act 1936 (arrangements relating to the use of property) applies;
   (ii) the lease or bailment is not a relevant agreement for the purposes of section 128AC of that Act (deemed interest in respect of
hire-purchase and certain other arrangements);

(iii) the lease or bailment is not an arrangement to which Division 42A in Schedule 2E to that Act (leasing of luxury cars) applies;

(iv) the lease or bailment is not an arrangement to which Division 340 of Part 3-10 of this Act (hire-purchase arrangements treated as a sale and loan) applies;

(v) the lessee or bailee, or a connected entity of the lessee or bailee, is not to, and does not have an obligation (whether contingent or not) or a right to, acquire the leased or bailed property;

(51) Schedule 1, item 34, page 40 (after line 5), at the end of section 974-130, add:

(5) The regulations may:

(a) specify that particular * schemes are not financing arrangements; and

(b) specify circumstances in which a scheme will not be a financing arrangement.

(52) Schedule 1, item 34, page 42 (after line 21), after subsection 974-150(2), insert:

(3) Without limiting subsection 974-10(5), the Commissioner must, in exercising the power to make a determination under subsection (2), have regard to the following:

(a) the purpose of the *scheme (considered both as a whole and in terms of its individual components);

(b) the effects of the scheme and each of its components (considered both as a whole and in terms of its individual components);

(c) the rights and obligations of the parties to the scheme (considered both as a whole and in relation to its individual components);

(d) whether the scheme (when considered as a whole or in terms of its individual components) provides the basis for, or underpins, an interest issued to investors with the expectation that the interest can be assigned to other investors;

(e) whether the scheme (when considered as a whole or in terms of its individual components) comprises a set of rights and obligations issued to investors with the expectation that it can be assigned to other investors;

(f) any other relevant circumstances.

(53) Schedule 1, item 34, page 42 (line 22), substitute "(3)", substitute "(4)".

(54) Schedule 1, page 46 (after line 24), after item 46, insert:

46A Subsection 6(1)

Insert:

return on a debt interest or equity interest has the same meaning as in the Income Tax Assessment Act 1997.

(55) Schedule 1, item 95, page 61 (lines 19 to 24), omit the item.

(56) Schedule 1, item 98, page 62 (lines 10 to 12), omit paragraph (1)(b), substitute:

(b) the non-share dividend is paid in respect of a non-share equity interest that:

(i) by itself; or

(ii) in combination with one or more schemes that are related schemes (within the meaning of the Income Tax Assessment Act 1997) to the scheme under which the interest arises;

forms part of the ADI’s Tier 1 capital either on a solo or consolidated basis (within the meaning of the prudential standards); and

(57) Schedule 1, item 118, page 76 (line 27) to page 77 (line 2), omit subitem (6), substitute:

Application of debt and equity test amendments to interests issued before 1 July 2001

(6) If an interest was issued before 1 July 2001, the debt and equity test amendments:

(a) apply only to transactions that take place in relation to the interest on or after 1 July 2004 if the issuer of the interest does not make an election under paragraph (b); and

(b) apply to transactions that take place in relation to the interest on or after 1 July 2001 if the issuer
elects to have this paragraph apply to the interest.

(58) Schedule 1, item 118, page 77 (line 4), omit “21 February 2001”, substitute “1 July 2001”.

(59) Schedule 1, item 118, page 77 (lines 14 to 16), omit subitem (8).

(60) Schedule 1, item 118, page 77 (line 17), omit “an election is made in relation to an interest under subitem (6)”, substitute “paragraph (6)(a) applies to an interest”.

(61) Schedule 1, item 118, page 77 (line 26), omit “subitem (6)”, substitute “paragraph (6)(b)”.

(62) Schedule 1, item 118, page 77 (line 28), omit “28”, substitute “90”.

(63) Schedule 1, item 118, page 77 (line 31), omit “subitem (6)”.

(64) Schedule 1, item 118, page 77 (line 33), omit “21 February 2001”, substitute “1 July 2001”.

(65) Schedule 1, item 118, page 78 (lines 15 to 17), omit subparagraphs (xi) and (xii), substitute:

(xii) conversion/exercise details.

(66) Schedule 1, item 118, page 78 (line 18), omit “subitem (6)”, substitute “paragraph (6)(b)”.

(67) Schedule 1, item 118, page 78 (lines 19 to 21), omit subitem (11), substitute:

(11) The Commissioner may allow further time under subpara-
graph (10)(a)(ii) if he or she:

(a) is satisfied that the issuer would otherwise not have sufficient op-
tportunity to make the election; or

(b) otherwise considers it reasonable to do so.

(68) Schedule 1, item 118, page 78 (lines 23 to 28), omit paragraphs (a) and (b), substitute:

(a) paragraph (6)(a) applies to an interest; and

(b) on or after 1 July 2001 and before 1 July 2004:

(i) the terms of the interest are altered; or

(ii) the interest is rolled over; or

(iii) the original term of the interest is extended;

(69) Schedule 2, page 83 (after line 9), at the end of the Schedule, add:

23 Subsection 995-1(1)

Insert:

return on a "debt interest or "equity interest does not include a return of an amount invested in the interest.

Mr SLIPPER (Fisher—Parliamentary Secretary to the Minister for Finance and Administration) (5.30 p.m.)—I move:

That the amendments be agreed to.

This bill implements recommendations made by the Ralph Review of Business Taxation and will assist the integrity and fairness of Australia’s taxation system. The bill provides greater certainty and coherence than is obtainable under the current law. Importantly, the bill explains how the debt-equity borderline is drawn for tax purposes. The rules determine whether returns on an interest may be frankable or may be deductible. I commend the motion to the House.

Question resolved in the affirmative.

JURISDICTION OF THE FEDERAL MAGISTRATES SERVICE LEGISLATION AMENDMENT BILL 2001

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 2, page 1 (lines 8 to 10), omit the clause, substitute:

2 Commencement

(1) Subject to this section, this Act commences on the day on which it receives the Royal Assent.

(2) Items 5 to 28 of Schedule 1 do not commence if Schedule 1 to the Migration Legislation Amendment (Judicial Review) Act 2001 commences on or before the day on which this Act receives the Royal Assent.

(3) Items 26 and 27 of Schedule 1 do not commence if Part 1 of Schedule 1 to the Migration Legislation Amendment Act (No. 1) 2001 commences on or before the day on which this Act receives the Royal Assent.

(4) Schedule 3 commences immediately after the later of the following:

(a) the commencement of section 1;
(b) the commencement of Schedule 1 to the Migration Legislation Amendment (Judicial Review) Act 2001.

(5) Items 1, 2, 3 and 9 of Schedule 4 do not commence if Schedule 1 to the Migration Legislation Amendment (Judicial Review) Act 2001 commences on or before the day on which this Act receives the Royal Assent.

(6) Subject to subsection (5), items 1, 2, 3 and 9 of Schedule 4 commence immediately after the later of the following:
   (a) the commencement of section 1;
   (b) the commencement of Part 1 of the Migrant Legislation Amendment Act (No. 1) 2001.

(7) Items 4, 5, 6, 7, 8 and 10 of Schedule 4 commence immediately after the later of the following:
   (a) the commencement of section 1;
   (b) the commencement of Part 2 of the Migration Legislation Amendment Act (No. 1) 2001.

(8) Schedule 5 commences immediately after the later of the following:
   (a) the commencement of section 1;
   (b) the commencement of Part 1 of the Migration Legislation Amendment Act (No. 6) 2001.

(2) Clause 3, page 2 (line 2), omit “Each”, substitute “Subject to section 2, each”.

(3) Heading to Schedule 1, page 3 (lines 2 and 3), at the end of the heading, add “conferring jurisdiction on the Federal Magistrates Court in migration matters”.

(4) Schedule 1, heading to Part 1, page 3 (line 4), omit “Amendments”, substitute “Amendment of the Migration Act 1958”.

(5) Heading to Schedule 2, page 8 (line 2), omit “Other amendments”, substitute “Amendment of other Acts conferring jurisdiction on the Federal Magistrates Court in migration matters”.

(6) Page 9 (after line 9), at the end of the bill, add:

   Schedule 3—Amendments linked to the Migration Legislation Amendment (Judicial Review) Act 2001

   Part 1—Amendment of the Migration Act 1958

1 Section 475A

   After “1903”, insert “or section 39 of the Federal Magistrates Act 1999, or the jurisdiction of the Federal Magistrates Court under section 483A of this Act, section 44 of the Judiciary Act 1903 or section 32AB of the Federal Court of Australia Act 1976”.

2 Paragraph 475A(b)

   Omit “Court’s”, substitute “court’s”.

   Note: The heading to section 475A is altered by inserting “or Federal Magistrates Court” after “Court”.

3 Subsection 476(1)

   Omit “, including sections 39B and 44 of the Judiciary Act 1903, the Federal Court does”, substitute “(including section 483A, sections 39B and 44 of the Judiciary Act 1903, section 32AB of the Federal Court of Australia Act 1976 and section 39 of the Federal Magistrates Act 1999), the Federal Court and the Federal Magistrates Court do”.

   Note: The heading to section 476 is altered by omitting “does” and substituting “and Federal Magistrates Court do”.

4 Subsection 476(2)

   Omit “, including sections 39B and 44 of the Judiciary Act 1903, the Federal Court does”, substitute “(including section 483A, sections 39B and 44 of the Judiciary Act 1903, section 32AB of the Federal Court of Australia Act 1976 and section 39 of the Federal Magistrates Act 1999), the Federal Court and the Federal Magistrates Court do”.

5 Subsection 476(2A)

   Omit “, including sections 39B and 44 of the Judiciary Act 1903, the Federal Court does”, substitute “(including section 483A, sections 39B and 44 of the Judiciary Act 1903, section 32AB of the Federal Court of Australia Act 1976 and section 39 of the Federal Magistrates Act 1999), the Federal Court and the Federal Magistrates Court do”.
6 Subsection 476(2B)
Omit “, including sections 39B and 44 of the Judiciary Act 1903, the Federal Court does”, substitute “(including section 483A, sections 39B and 44 of the Judiciary Act 1903, section 32AB of the Federal Court of Australia Act 1976 and section 39 of the Federal Magistrates Act 1999), the Federal Court and the Federal Magistrates Court do”.

7 Subsection 476(4)
After “Federal Court” (wherever occurring), insert “or the Federal Magistrates Court”.

8 After subsection 477(1)
Insert:
(1A) An application to the Federal Magistrates Court under section 483A for:
(a) a writ of mandamus, prohibition or certiorari; or
(b) an injunction or a declaration;
in respect of a privative clause decision in relation to which the jurisdiction of the Federal Magistrates Court is not excluded by section 476 must be made to the Federal Magistrates Court within 28 days of the notification of the decision.

9 Subsection 477(2)
After “Court”, insert “or the Federal Magistrates Court”.

10 Subsection 477(2)
After “subsection (1)”, insert “or (1A)”.

11 Section 478
Omit “subsection 477(1)”, substitute “section 477”.

12 Section 479
Omit “subsection 477(1)”, substitute “section 477”.

13 Subsection 480(1)
Omit “subsection 477(1)”, substitute “section 477”.

14 Subsection 480(2)
After “Court”, insert “or Federal Magistrates Court (as the case requires)”.

15 Section 481
Omit “subsection 477(1)”, substitute “section 477”.

16 After section 483
Insert:

483A Jurisdiction of the Federal Magistrates Court

Subject to this Act and despite any other law, the Federal Magistrates Court has the same jurisdiction as the Federal Court in relation to a matter arising under this Act.

17 Subsection 484(1)
Repeal the subsection, substitute:
(1) The jurisdiction of the Federal Court and the Federal Magistrates Court in relation to privative clause decisions is exclusive of the jurisdiction of all other courts, other than the jurisdiction of the High Court under section 75 of the Constitution.

Note: The heading to section 484 is altered by inserting “and Federal Magistrates Court” after “Court”.

Part 2—Application of amendments

18 Application of amendments
The amendments of the Migration Act 1958 made by this Schedule apply in relation to applications made under section 477 of that Act after the commencement of this item.

(7) Page 9 (after line 9), at the end of the bill, add:

Schedule 4—Amendments linked to the Migration Legislation Amendment Act (No. 1) 2001

Part 1—Amendment of the Migration Act 1958

1 Subsection 485(3)
Omit “under section 44 of the Judiciary Act 1903, the Court”, substitute “or the Federal Magistrates Court under section 44 of the Judiciary Act 1903, section 32AB of the Federal Court of Australia Act 1976 or section 39 of the Federal Magistrates Act 1999, the court”.

2 Subsection 485(4)
After “Court”, insert “or the Federal Magistrates Court”.

3 Section 485A
Omit “, including sections 39B and 44 of the Judiciary Act 1903, the Federal Court does not have”, substitute “(including sections 39B and 44 of the Ju-
diciary Act 1903, section 32AB of the Federal Court of Australia Act 1976 and section 39 of the Federal Magistrates Act 1999), neither the Federal Court nor the Federal Magistrates Court has”,

Note: The heading to section 485A is altered by omitting “does” and substituting “and Federal Magistrates Court do”.

4 Subsection 486B(1)
Omit “or the Federal Court”, substitute “, the Federal Court or the Federal Magistrates Court”.

5 Subsection 486C(1)
After “Court”, insert “or the Federal Magistrates Court”.

Note: The heading to section 486C is altered by inserting “or Federal Magistrates Court” after “Court”.

6 Subsection 486C(2) (note)
Omit “has”, substitute “and the Federal Magistrates Court have”.

7 Subsection 486C(3)
After “1903”, insert “, section 39 of the Federal Magistrates Act 1999”.

8 After subsection 486C(3)
Insert:

(3A) This section applies to proceedings in the Federal Magistrates Court’s jurisdiction under Part 8 of this Act, section 44 of the Judiciary Act 1903, section 32AB of the Federal Court of Australia Act 1976 or any other law.

Part 2—Application of amendments

9 Application of amendments made by items 1, 2 and 3
The amendments of the Migration Act 1958 made by items 1, 2 and 3 of this Schedule apply in relation to proceedings instituted after the commencement of this item.

10 Application of amendments made by items 4, 5, 6, 7 and 8
The amendments of the Migration Act 1958 made by items 4, 5, 6, 7 and 8 of this Schedule apply in relation to proceedings instituted after the commencement of this item.

(8) Page 9 (after line 9), at the end of the bill, add:

Schedule 5—Amendment linked to the Migration Legislation Amendment Act (No. 6) 2001

Part 1—Amendment of the Migration Act 1958

1 Subsection 91X(1)
Omit “or the Federal Court”, substitute “, the Federal Court or the Federal Magistrates Court”.

Note: The heading to section 91X is altered by omitting “or the Federal Court” and substituting “, the Federal Court or the Federal Magistrates Court”.

Part 2—Application of amendment

2 Application of amendment
The amendment of the Migration Act 1958 made by this Schedule applies in relation to proceedings instituted after the commencement of this item.

Motion (by Mr Slipper) agreed to:
That the amendments be agreed to.

ROYAL COMMISSIONS AND OTHER LEGISLATION AMENDMENT BILL 2001

Consideration of Senate Message

Bill returned from the Senate with amendments.

Ordered that the amendments be taken into consideration forthwith.

Senate’s amendments—

(1) Schedule 1, page 3 (after line 11), after item 1, insert:

1A Subsection 127(5)
After “subsection”, insert “(2C),”.

(2) Schedule 1, page 3 (after line 14), before item 3, insert:

2A Section 3
Insert:

official, in relation to a Royal Commission, means:

(a) a legal practitioner appointed to assist the Commission; or

(b) a person otherwise assisting the Commission and authorised in writing by the sole Commissioner or a member of the Commission.

2B Section 3
Insert:
Royal Commission has the same meaning as in the Royal Commissions Act 1902.

(3) Schedule 1, item 3, page 3 (lines 17 and 18), omit “(within the meaning of the Royal Commissions Act 1902)”.

(4) Schedule 1, item 3, page 3 (line 20), after “has”, insert “, or might have.”.

(5) Schedule 1, item 4, page 3 (lines 25 and 26), omit paragraphs (u) and (v), substitute:
   (u) an official of such a Commission.

(6) Schedule 1, page 3 (after line 27), before item 5, insert:

4A Subsection 2(1)
Repeal the subsection, substitute:

(1) A member of a Commission may summon a person to appear before the Commission at a hearing to do either or both of the following:
   (a) to give evidence;
   (b) to produce the documents, or other things, specified in the summons.

4B After subsection 2(3)
Insert:

(3A) A member of a Commission may, by written notice served (as prescribed) on a person, require the person to produce a document or thing specified in the notice to a person, and at the time and place, specified in the notice.

4C At the end of section 3
Add:

(4) A person served with a notice under subsection 2(3A) must not refuse or fail to produce a document or other thing that the person was required to produce in accordance with the notice.

Penalty: $1,000 or imprisonment for 6 months.

(5) Subsection (4) does not apply if the person has a reasonable excuse.

(6) It is a defence to a prosecution for an offence against subsection (4) constituted by a refusal or failure to produce a document or other thing if the document or other thing was not relevant to the matters into which the Commission was inquiring.

Note: A defendant bears an evidential burden in relation to the matters in subsections (5) and (6) (see subsection 13.3(3) of the Criminal Code).

4D Before subsection 4(1)
Insert:

(1A) A relevant Commission may authorise:
   (a) a member of the relevant Commission; or
   (b) a member of the Australian Federal Police, or of the Police Force of a State or Territory, who is assisting the relevant Commission;

   to apply for search warrants under subsection (3) in relation to matters into which the relevant Commission is inquiring. The authorisation must be in writing.

4E Paragraph 4(1)(a)
After “a relevant Commission”, insert “, or a person authorised by a relevant Commission under subsection (1A),”.

4F Paragraph 4(1)(b)
After “the relevant Commission”, insert “, or the person,”.

4G Subsection 4(1)
Omit “the relevant Commission may”, substitute “the relevant Commission, or the person, may”.

4H Subsection 4(2)
Repeal the subsection.

4I Subsection 4(3)
Omit “by a relevant Commission”.

4J Subsection 4(4)
Omit “on the application of a relevant Commission”.

4K Subsection 5(1)
Repeal the subsection, substitute:

(1) An application for a search warrant under subsection 4(1) may be made by telephone if the applicant for the warrant considers it necessary to do so because of circumstances of urgency.

4L Paragraph 5(2)(b)
Omit “the relevant Commission”, substitute “the applicant”.

4M Paragraph 5(2)(c)
Omit “the relevant Commission”, substitute “the applicant”.

4N Section 6A
Repeal the section, substitute:
6A Self incrimination

(1) It is not a reasonable excuse for the purposes of subsection 3(2B) or (5) for a natural person to refuse or fail to produce a document or other thing that the production of the document or other thing might tend to:

(a) incriminate the person; or
(b) make the person liable to a penalty.

(2) A natural person is not excused from answering a question that the person is required to answer by a member of a Commission on the ground that answering the question might tend to:

(a) incriminate the person; or
(b) make the person liable to a penalty.

(3) Subsections (1) and (2) do not apply to the production of a document or other thing, or the answer to a question, if:

(a) the production or answer might tend to incriminate the person in relation to an offence; and
(b) the person has been charged with that offence; and
(c) the charge has not been finally dealt with by a court or otherwise disposed of.

(4) Subsections (1) and (2) do not apply to the production of a document or other thing, or the answer to a question, if:

(a) the production or answer might tend to make the person liable to a penalty; and
(b) proceedings in respect of the penalty have commenced; and
(c) those proceedings have not been finally dealt with by a court or otherwise disposed of.

4O Section 6C

Omit “five or section six of this Act”, substitute “3 or 6”.

4P Paragraph 6D(3)(b)

Repeal the paragraph, substitute:

(b) the contents of any document, or a description of any thing:

(i) produced before, or delivered to, the Commission; or
(ii) produced under a notice under subsection 2(3A); or

4Q Section 6DD

Repeal the section, substitute:

6DD Statements made by witness not admissible in evidence against the witness

(1) The following are not admissible in evidence against a natural person in any civil or criminal proceedings in any court of the Commonwealth, of a State or of a Territory:

(a) a statement or disclosure made by the person in the course of giving evidence before a Commission;
(b) the production of a document or other thing by the person pursuant to a summons, requirement or notice under section 2.

(2) Subsection (1) does not apply to the admissibility of evidence in proceedings for an offence against this Act.

4R Paragraph 6F(1)(a)

Repeal the paragraph, substitute:

(a) inspect any documents or other things:

(i) produced before, or delivered to, the Commission; or
(ii) produced under a notice under subsection 2(3A); and

4S Paragraph 6F(1)(c)

Repeal the paragraph, substitute:

(c) in the case of documents:

(i) produced before, or delivered to, the Commission; or
(ii) produced under a notice under subsection 2(3A); make copies of any documents that contain matter that is relevant to a matter into which the Commission is inquiring.

4T At the end of section 6I

Add:

(2) Any person who:

(a) gives, confers, or procures, or promises or offers to give or confer, or to procure or attempt to procure, any property or benefit of any kind to, upon, or for, any person, upon any agreement or understanding that any person who is required to produce a document or other thing pursuant to a summons, requirement or notice under section 2 will not comply with the requirement; or
(b) attempts by any means to induce any person who is required to pro-
duce a document or other thing pursuant to a summons, requirement or notice under section 2 not to comply with the requirement; or

c) asks, receives or obtains, or agrees to receive or obtain any property or benefit of any kind for himself, or any other person, upon any agreement or understanding that any person who is required to produce a document or other thing pursuant to a summons, requirement or notice under section 2 will not comply with the requirement;

is guilty of an indictable offence.

Penalty: Imprisonment for 5 years.

4U At the end of section 6J
Add:

(2) Any person who practises any fraud or deceit, or intentionally makes or exhibits any statement, representation, token, or writing, knowing it to be false, to any person with intent that any person who is required to produce a document or other thing pursuant to a summons, requirement or notice under section 2 will not comply with the requirement, is guilty of an indictable offence.

Penalty: Imprisonment for 2 years.

4V Paragraph 6K(1)(c)
Repeal the paragraph, substitute:

c) the person knows, or is reckless as to whether, the document or thing is one that:

(i) is or may be required in evidence before a Commission; or

(ii) a person has been, or is likely to be, required to produce pursuant to a summons, requirement or notice under section 2.

4W At the end of section 6L
Add:

(2) Any person who intentionally prevents any person who is required to produce a document or other thing pursuant to a notice under subsection 2(3A) from producing that document or thing in accordance with the notice is guilty of an indictable offence.

Penalty: Imprisonment for 1 year.

4X Section 6M
Repeal the section, substitute:

6M Injury to witness

Any person who uses, causes or inflicts, any violence, punishment, damage, loss, or disadvantage to any person for or on account of:

(a) the person having appeared as a witness before any Royal Commission; or

(b) any evidence given by him or her before any Royal Commission; or

(c) the person having produced a document or thing pursuant to a summons, requirement or notice under section 2;

is guilty of an indictable offence.

Penalty: $1,000, or imprisonment for 1 year.

4Y Subsection 6N(1)
Repeal the subsection, substitute:

(1) Any employer who dismisses any employee from his or her employment, or prejudices any employee in his or her employment, for or on account of the employee having:

(a) appeared as a witness before a Royal Commission; or

(b) given evidence before a Royal Commission; or

(c) produced a document or thing pursuant to a summons, requirement or notice under section 2;

is guilty of an indictable offence.

Penalty: $1,000, or imprisonment for 1 year.

(7) Schedule 1, page 4 (after line 11), at the end of the Schedule, add:

Telecommunications (Interception) Act 1979

8 Subsection 5(1) (definition of chief officer)

After “an agency,” insert “an eligible Commonwealth authority”.

9 Subsection 5(1) (after paragraph (b) of the definition of chief officer)

Insert:

(ba) in the case of an eligible Commonwealth authority—the member con-
stuting, or the member who generally presides at hearings and other meetings of the Commonwealth Royal Commission concerned; or

10 Subsection 5(1)
Insert:

Commonwealth Royal Commission means a Royal Commission within the meaning of the Royal Commissions Act 1902.

11 Subsection 5(1)
Insert:

eligible Commonwealth authority means a Commonwealth Royal Commission in relation to which a declaration under section 5AA is in force.

12 Subsection 5(1)
Insert:

member of the staff of a Commonwealth Royal Commission means:
(a) a legal practitioner appointed to assist the Commission; or
(b) a person otherwise assisting the Commission and authorised in writing by the sole Commissioner or a member of the Commission.

13 Subsection 5(1) (definition of officer)
After “an agency,” insert “an eligible Commonwealth authority”.

14 Subsection 5(1) (after paragraph (b) of the definition of officer)
Insert:

(ba) in the case of an eligible Commonwealth authority—a member of the Commonwealth Royal Commission concerned or a member of the staff of the Royal Commission; or

15 Subsection 5(1) (definition of permitted purpose)
After “an agency,” insert “an eligible Commonwealth authority”.

16 Subsection 5(1) (after paragraph (b) of the definition of permitted purpose)
Insert:

(ba) in the case of an eligible Commonwealth authority:
(i) an investigation that the Commonwealth Royal Commission concerned is conducting in the course of the inquiry it is commissioned to undertake; or
(ii) a report on such an investigation; or

17 Subsection 5(1) (definition of prescribed investigation)
After “a Commonwealth agency”, insert “, an eligible Commonwealth authority”.

18 Subsection 5(1) (after paragraph (b) of the definition of prescribed investigation)
Insert:

(ba) in the case of an eligible Commonwealth authority—an investigation that the Commonwealth Royal Commission concerned is conducting in the course of the inquiry it is commissioned to undertake; or

19 Subsection 5(1) (definition of relevant offence)
After “a Commonwealth agency”, insert “, an eligible Commonwealth authority”.

20 Subsection 5(1) (after paragraph (b) of the definition of relevant offence)
Insert:

(ba) in the case of an eligible Commonwealth authority—a prescribed offence to which a prescribed investigation relates; or

21 After section 5
Insert:

5AA Eligible Commonwealth authority declarations
The Minister may, by notice published in the Gazette, declare a Commonwealth Royal Commission to be an eligible Commonwealth authority for the purposes of this Act if the Minister is satisfied that the Royal Commission is likely to inquire into matters that may involve the commission of a prescribed offence.

22 After paragraph 5B(h)
Insert:

(ha) a proceeding of an eligible Commonwealth authority; or

23 At the end of section 67
Add:
(2) An officer of an eligible Commonwealth authority may, for a permitted purpose, or permitted purposes, in relation to the authority, and for no other purpose, communicate to another person, make use of, or make a record of the following:

(a) lawfully obtained information other than foreign intelligence information;

(b) designated warrant information.

24 After paragraph 68(d)

Insert:

(da) if the information relates, or appears to relate, to the commission of a relevant offence in relation to an eligible Commonwealth authority—

25 Subsection 95(1)

After “Commonwealth agency”, insert “, or eligible Commonwealth authority,”.

26 Subsection 95(2)

After “Commonwealth agency”, insert “, or eligible Commonwealth authority,”.

27 Subsection 102(1)

After “each Commonwealth agency”, insert “, for each eligible Commonwealth authority”.

28 Subparagraph 102(2)(a)(i)

After “Commonwealth agencies”, insert “, of eligible Commonwealth authorities”.

29 Paragraph 102(2)(b)

After “Commonwealth agencies”, insert “, of eligible Commonwealth authorities”.

Motion (by Mr Slipper) agreed to:

That the amendments be agreed to.

TAXATION LAWS AMENDMENT BILL (No. 2) 2001

Consideration of Senate Message

Bill returned from the Senate with amendments.

Ordered that the amendments be taken into consideration forthwith.

Senate’s amendments—
covenants. I commend the motion to the chamber.

Question resolved in the affirmative.

PARLIAMENTARY ZONE

Approval of Proposal

Mr SPEAKER—I have received a message from the Senate transmitting the following resolution agreed to by the Senate:

That, in accordance with section 5 of the Parliament Act 1974, the Senate approves of the proposal by the National Capital Authority for capital works within the Parliamentary Zone, being artworks and finishes to Speakers Square at Commonwealth Place in the Parliamentary Zone.

BILLS RETURNED FROM THE SENATE

The following bills were returned from the Senate without amendment or request:

Air Passenger Ticket Levy (Collection) Bill 2001
Air Passenger Ticket Levy (Imposition) Bill 2001
Fuel Legislation Amendment (Grant and Rebate Schemes) Bill 2001
Taxation Laws Amendment Bill (No. 5) 2001
Defence Legislation Amendment (Application of Criminal Code) Bill 2001
Transport and Regional Services Legislation Amendment (Application of Criminal Code) Bill 2001
Indigenous Education (Targeted Assistance) Amendment Bill 2001
Olympic Insignia Protection Amendment Bill 2001
Customs Tariff Amendment Bill (No. 4) 2001
Excise Tariff Amendment (Crude Oil) Bill 2001
Abolition of Compulsory Age Retirement (Statutory Officeholders) Bill 2001
Intelligence Services Bill 2001
Intelligence Services (Consequential Provisions) Bill 2001

COMMITTEES

Publications Committee

Report

Ms JANN McFARLANE (Stirling) (5.36 p.m.)—I present the 30th report from the Publications Committee sitting in conference with the Publications Committee of the Senate. Copies of the report are being circulated to honourable members in the chamber.


Native Title and the Aboriginal and Torres Strait Islander Land Fund

Report

Mr SNOWDON (Northern Territory) (5.37 p.m.)—On behalf of the Joint Committee on Native Title and the Aboriginal and Torres Strait Islander Land Fund, I present the 19th report of the committee entitled Second interim report for the s.206(d) inquiry—indigenous land use agreements. I seek leave to make a short statement.

Leave granted.

Mr SNOWDON—I am pleased to table the committee’s 19th report today. Since early 1999, the Joint Native Title and the Aboriginal and Torres Strait Islander Land Fund Committee has been inquiring into indigenous land use agreements, ILUAs. The committee has always been aware that the inquiry to be completed pursuant to section 206(d) of the act would be extensive. The committee has accordingly decided to prepare a number of interim reports that focus on each specific matter, and until this week our minds have been focused on ILUAs.

The ILUA amendments

The Senate passed the Native Title Amendment Bill 1997 on 8 July 1998, introducing ILUAs to the native title statute. ILUAs were designed to provide a flexible, certain and efficient method of facilitating agreements about land use with native title holders.

The committee inquiry

The inquiry centred on an examination of the ways in which ILUAs operate in practice. Evidence was heard in South Australia, Queensland, Western Australia and the Northern Territory as well as in Canberra on
several occasions. Thirty-nine parties presented written submissions. The committee is satisfied that it has heard from a very wide range of interests in this matter.

Positive developments

It has been possible to register ILUAs since September 1998. In the three-year period since then, experience has demonstrated that ILUAs have considerable potential to recognise rights to country and to facilitate land use proposals. A number of ILUAs have now been registered and many more are in the negotiation process.

Difficulties arising

The negotiation of an ILUA is often time consuming and resource intensive. In part, this is the understandable consequence of the complex process of reaching agreement with native title holders who may, for instance, live in a number of locations. But, as experience builds, and with it the capacity of all parties to negotiate, the time and resources necessary to negotiate ILUAs may diminish. In particular, difficulties associated with identifying native title groups are expected to decline as native title determinations increase. Solutions to many difficulties are not possible through amendments to the act. For example, if parties are unwilling to negotiate, the statute cannot assist them. Further, even where parties are willing to embrace negotiation, it takes time for them to develop relationships that are conducive to agreement making.

Some non-statutory solutions

The committee has consistently heard about the problems presented by the lack of resources on the part of those who are willing to negotiate ILUAs. On any fair assessment, it is clear that the negotiation of ILUAs is being hampered by the inadequate resources of native title representative bodies. The committee has recommended that more financial resources be made available to them for the negotiation of ILUAs. In addition, it is recommended that adequate funding be provided to prescribed bodies corporate to enable them to fulfil their statutory functions.

Other parties to ILUAs, such as pastoralists, smaller miners and remote shire councils, confront similar resource constraints. Consequently, the committee has recommended that the Attorney-General’s Department review its Guidelines for the Provision of Financial Assistance in Native Title Cases to ensure that non-native title parties receive adequate assistance for their participation in the negotiation of ILUAs.

Recommended statutory amendments

Generally speaking, stakeholders agree that the statutory framework for ILUAs is sound and that the 1998 amendments to the statute remedy a number of deficiencies of the original act in relation to land management. Nevertheless, in the course of the committee’s inquiry several suggestions were made for further amendments. In response, the committee has recommended some amendments to the act.

The interaction between ILUAs and the common law of contract has been unclear. In particular, the operation of the normal contractual remedies in regard to termination and recission of a contract may be excluded by the present provisions of the act. The committee has concluded that an amendment to the act is required to clarify the contractual status of an ILUA upon registration.

If ILUAs are subject to normal contractual principles, another area of uncertainty can arise. There is a difficulty in relation to the status of an ILUA that remains registered yet has lost its contractual effect by operation of the common law. The act specifies the particular circumstances under which the registrar can deregister an ILUA. However, the circumstances specified in the act would permit ILUAs to remain on the register even though they have lost contractual effect. The act must be amended to allow the registrar to deregister an ILUA in those circumstances.

Also, the committee has concluded that the act should be amended to give the tribunal powers to assist in dispute resolution in relation to registered ILUAs when requested. Further, the act should specify the ways in which an amendment to a registered ILUA can be made. Consideration should be given to providing different processes for amendment, depending upon the type of amendment proposed to the agreement.
Summary

It is clear that ILUAs cannot bear the burden of resolving all of the land use issues that arise on land subject to native title interest, nor were they intended to. Consequently, many parties are pursuing agreements outside the framework of the act; in other cases alternative mechanisms within the ‘future act’ regime under the statute are more suitable for serving the particular needs of parties. The committee, however, is encouraged by a growing body of evidence that the use of ILUAs is being welcomed to cooperatively address land use issues. Apart from the amendments recommended to the act, and the resource difficulties facing both native title parties and non-native title interests, it is clear that the statutory framework supporting ILUAs is capable of delivering consensual, certain and flexible outcomes to the benefit of all parties. I commend the native title committee’s 19th report to the House.

Environment and Heritage Committee Report

Mr CAUSLEY (Page) (5.42 p.m.)—On behalf of the Standing Committee on Environment and Heritage, I present the committee’s interim report on its inquiry into the effects upon land-holders and farmers of public good conservation measures imposed by Australian governments, entitled Public good conservation: our challenge for the 21st century, together with the minutes of proceedings and evidence received by the committee.

Ordered that the report be printed.

Mr CAUSLEY—by leave—Environmental degradation has been described, and I think rightly, as a crisis. Land-holders, individuals and communities have responded by engaging in a wide variety of conservation activities. These often benefit someone other than the land-holder putting in the hard work. Such activities are the core of public good conservation. They form part of a larger project: moving Australian land use to sustainable natural systems management practices.

Often land-holders have no choice in the matter: they are required by law to undertake such activities. In other cases they do what they can because they know it is necessary to do so. They often receive little or no financial assistance and, where assistance is available, it is difficult to obtain and does not come anywhere near the cost of the activity. This was the story told over and over again in the 250 or so submissions the committee received, and at the public hearings and meetings held across country.

Let there be no mistake. Managing land carries with it great responsibilities. Land is not an asset that we have inherited from the past, but one we have borrowed from the future. Every land-holder knows this. Evidence indicated that current policies do not deliver appropriate support and incentives to enable land-holders to undertake public good conservation activities to the extent that we think is required. Taxation laws do not provide realistic incentives, nor do the tax laws link taxation concessions closely enough with environmental outcomes. Land-holders face problems gaining access to finance so that they can undertake the transition to more sustainable land management systems.

There was considerable anger that some of the current public good conservation measures undermined perceived property rights and appeared to require land-holders to work for the community without payment. Submissions and testimony revealed considerable confusion over land-holders’ duty of care and their responsibilities towards land. In some cases, the policies were said to have imposed great hardship and to have created enormous stress for land-holders. In other cases, it was said that the policies affected the viability of farming enterprises. There is no doubt that land management practices will have to change. Land-holders cannot do it alone—many do not have the financial resources. They have managed the land as governments encouraged them to and, in many cases, required them to. But governments have changed some of the rules. The point is clear: in order to enable land-holders to undertake more public good conservation activities, incentives and assistance must be provided.

This report seeks solutions to these problems. This report is about outcomes. This report is about securing a future for rural and
regional communities and the nation as a whole. This report recommends appropriate policies that will provide realistic and genuine incentives to land-holders to undertake the public good conservation works so desperately required. The committee believes that the challenge posed by environmental degradation presents an enormous opportunity not only to repair the country but also to revitalise rural and urban communities. The benefits will be not merely economic but social and cultural. This report, and its companion volume, *Co-ordinating catchment management*, tabled earlier this year, provide the blueprint to secure an ecologically and economically sustainable lifestyle for future generations. This is not a party political issue. The committee agreed on the recommendations. It is a bipartisan report. This should send a signal to the community and to the government and alternative governments alike.

Finally, I wish to record the thanks of the committee for the invaluable assistance given to this inquiry by people across the nation. We were given help and assistance wherever we went. I would also like to thank the secretariat, Ian Dundas, Dr Andrew Brien and Marlene Lyons, for the tremendous support they gave. I also thank my committee, the deputy chair and member for Holt, and the members for Hughes, Scullin and Dunkley, who all contributed considerably to this report.

*Mr Byrne (Holt)* (5.46 p.m.)—by leave—I thank the chair of the committee, the member for Page, for those very kind words. It is evident that there was a strong degree of bipartisanship in terms of the report of the Standing Committee on Environment and Heritage, *Public good conservation: our challenge for the 21st century*. There was a strong degree of bipartisanship because this is an issue that needs bipartisanship for resolution. In great national infrastructure projects in times of crisis, in times when things need to be done, there needs to be bipartisanship. The goodwill and bipartisanship evidenced in this committee demonstrate the significance of the challenge that we face as a community.

Unfortunately, given the vagaries of politics, I would have liked to have seen a much greater debate in this centenary year of our Federation about the environmental wreckage that is occurring within our country. Whilst I think a lot of people in the cities do not actually see that wreckage, they will soon have evidence of it unless there is some constructive, definitive national action taken to resolve this crisis. It is a crisis that exists and which will start impacting more severely on people’s lives until some sort of concrete action is taken. I will give you an example of that. Environmental degradation affects not only the 300,000 people who live directly on the land; 5½ million Australians live in rural and regional communities and, unless we act, their lives will be severely dislocated. Rural industries provide about 25 per cent of our national export earnings. The large cities of our country all depend upon the products of rural Australia. They rely upon the water generated in the nation’s catchments and the ecoservices our countryside provides. As the effects of environmental degradation bite, the 14 million Australians who live in our large urban areas will suffer economically and socially.

This report affirms the recommendation of the earlier report, *Co-ordinating catchment management*. It recommends that the policy be focused on obtaining and, if need be, purchasing outcomes. There is a lot of discussion about what should occur in terms of ensuring that there be public good conservation measure outcomes, but there needs to be some assistance and, obviously, governments of any persuasion down the track are going to have to consider ways of actually purchasing those outcomes if need be. The report recommends transition assistance to assist land-holders to adopt ecologically sustainable land management practices and a system for the management of protected habitat and compensation where a property is no longer viable.

The report recommends the clarification of a land-holder’s duty of care and assistance in meeting it where it is beyond the land-holder’s capacity to do so. I think this at present ill-defined capacity is going to create a legal nightmare for us. I have no doubt that,
unless we have some sort of concrete and definitive clarification, we are going to experience in the not too distant future a Mabo of land-holders’ duty of care. To protect that, we need to jump ahead and get some sort of definite idea about what that means. The report recommends a linkage between access to taxation concessions and ecologically sustainable use of Australia’s land, and also recommends increased taxation incentives and deductions for ecologically sustainable use of Australia’s land, including incentives for non land-holders. It recommends the creation of various funding, research and development agencies and a revolving fund to promote public good conservation and the development of ecologically sustainable industries. I could go on, but time does not permit.

When I was travelling with committee members over this ancient and fragile landscape, the one thing that particularly struck me was how much we owe to this generation and future generations to ensure that it is protected, enhanced and developed. It was an eye-opening experience for me. We are very fortunate as members of parliament to be able to go out and speak to the people concerned and see the environmental degradation and wreckage that is occurring. But there are solutions to this particular problem. As I said, the problem in this current political cycle is that there has not been sufficient public debate concerning this issue and the issue needs to be addressed. One of my hopes arising out of the Centenary of Federation was that there would be a proper debate about this issue. Sadly, that is not going to occur, but it may occur next year.

I would like to thank the committee secretariat. It has been fantastic. It is great to work with a secretariat that has commitment, passion and vision—and I certainly experienced that with Ian Dundas, Andrew Brien and Marlene Lyons. I would particularly like to thank the chair of the committee. It is good to work with someone who shares the same ideals and vision with respect to this issue, and that occurred throughout the work of the committee. Mindful of the fact that we are running short of time, I will close my remarks. But I issue this challenge to future governments of whatever persuasion: this issue must be addressed; if it is not addressed now, we will face a national catastrophe.

Mr BILLSON (Dunkley) (5.51 p.m.)—by leave—I rise in support of the chair and the deputy chair of the Standing Committee on Environment and Heritage and I commend the committee secretariat for their work on this report, Public good conservation: our challenge for the 21st century, and its companion piece on catchment management. I have a few quick remarks to make in the minutes that are available. It is unmistakable and undeniable that we as a nation face some enormous challenges to turn around the degradation of our natural systems and to ensure that our use of those natural systems is sustainable into the future.

What we have seen throughout this report is that some of our citizens sincerely feel that they carry a disproportionate burden of the task before our nation to properly care for our natural systems and to turn around the degradation that has occurred from past practices. This report seeks to draw out some of those feelings and sentiments and highlights the fact that, at the end of the day, someone has to pay. I suggested that the report could be called ‘tax or till’. At the end of the day our citizens are going to have to recognise that there is a cost to sound and sustainable natural systems management as part of the production costs in primary industry and other areas that make use of our natural systems.

We heard from a number of primary industry operators, many of whom are already in marginal circumstances in terms of the financial viability of their enterprises and who found the cost of sustainable natural systems management an additional burden that was crippling them. Through the research and work we have done we have not been able to draw out the extent to which people who find these challenges most difficult also find that financial difficulties generally are causing the biggest barrier to their moving to a more sustainable production footing. What we do know, though, is that those people who are not making a viable concern of their business do find it very dif-
ficult to invest in longer term sustainability and changes to their practices.

The question that we try to tackle here today is: what do we do with that? Once we have recognised that some citizens do carry a disproportionate burden, how do we transfer the resources to them in a fair and equitable way, to enable that burden to be shared by all of our citizens, as we all have an interest in the health of our natural systems? That is something that requires further work. We know there is a willingness by many people in our community to put their own private funds into natural systems management works. We know that some feel they are forced to do that, but we also know that some of the existing government programs are oversubscribed. Bushcare programs are an example where there are more willing participants than we have cash to contribute. We need to grow the pot of resources available for sustainable natural systems management in our country. We need to recognise that some land-holders carry a disproportionate burden to uphold those standards of sustainability but we also need to make sure that, as we transfer resources from one section of our community to another, we do it in a fair and defensible way.

Part of that is trying to define a duty of care. What is it reasonable to ask of natural systems managers to do to look after those systems as part of their task? What are those fair things and what is above that fair ask that the broader community should be contributing to? They were the difficult questions we got somewhere towards addressing in this report. It is a great basis for further work. I commend the report to people with an interest in sustainable natural systems management; it has some great ideas. There is a need for further research and that is also recognised in the body of the report.

Public Accounts and Audit Committee Reports

Mr GEORGIOU (Kooyong) (5.55 p.m.)—by leave—On behalf of the member for La Trobe, who has been called away unexpectedly, and on behalf of the Joint Committee of Public Accounts and Audit, I present the following reports entitled Report 386—Review of the Auditor-General Act 1997, and Report 387—Annual report 2000-2001.

Ordered that the reports be printed.

Mr GEORGIOU—by leave—Under the Public Accounts and Audit Committee Act 1951, the JCPAA is required to prepare a report on the performance of its duties during the past financial year. Since the Financial Management and Accountability Act, the Commonwealth Authorities and Companies Act and the Auditor-General Act came into effect on 1 January 1998, the Joint Committee of Public Accounts and Audit has completed a systematic review of the effectiveness of this suite of legislation. The committee’s reports on corporate governance arrangements for government business enterprises and on the operation of the FMA and CAC acts tabled last financial year are complemented by the review of the Auditor-General Act 1997 which has just been completed and tabled.

Mr Bob Charles MP has been the chairman of the JCPAA since 1997. He has asked me to say that he is proud of the committee’s work. The JCPAA is the linchpin in accountability between parliament and the people. It has been responsible for raising public standards in risk management, accountability and corporate governance. The committee has been in the vanguard on these matters—a fact recognised both in Australia and overseas. The committee’s reports have been consulted widely and many of its recommendations have been adopted by government. The chairman has asked me to convey his indebtedness to the members of the committee who have dedicated their time and effort to various inquiries and to reviewing the Auditor-General’s reports throughout the 2000-01 period. As well, he would like to thank the secretariat involved in the inquiries. As a member of the committee and on behalf of the chairman, I commend the JCPAA annual report 2000-01 to the House.

Turning to report No. 386, the Review of the Auditor-General Act 1997, it is essential that the legislation underpinning the Auditor-General is current and provides the Australian National Audit Office with sufficient powers and privileges to scrutinise the administration of government agencies. In view
of the JCPAA’s significant legislative responsibilities to guard the independence of the Auditor-General, it was considered timely to conduct a review of the act. The committee’s overall finding is that the act provides an effective framework for the ANAO to carry out its functions. The committee has, however, identified a number of sections in the act where legislative amendments will provide enhancement.

The amendments proposed will allow the Auditor-General to circulate extracts of draft reports and to provide completed reports to ministers with a special interest in them. The committee considered that, in view of the uncertainty as to whether parliamentary privilege applies to the Auditor-General’s working papers, draft reports and so on, there should be more examination of this issue, and recommended that the Privileges Committee of both the Senate and the House of Representatives examine this matter. Under section 19(4), recipients of a proposed report have 28 days to provide written comments for consideration by the Auditor-General. The act does not direct the Auditor-General to include comments provided by recipients of draft reports. The committee believes and has recommended that the Auditor-General must include comments in full in that proposed report.

Sections 32 and 33 of the act provide the legislative framework for the access powers of the Auditor-General. The committee has long held the view that the Auditor-General’s access powers should be increased to include within its scope access to the premises of Commonwealth contractors. The committee has resolved that, as part of its power to review and change the annual report guidelines, it will require government agencies to include in their annual reports a list showing all contracts by name and value, and the reason why the standard access clause, which provides the Auditor-General with access to the premises of Commonwealth contractors, was not included in the contract.

The committee is confident that these proposals will enhance the Auditor-General Act 1997 and will ensure that the Australian National Audit Office will be able to perform efficiently and effectively. In conclusion, I would like to express the committee’s appreciation to those people who contributed to the inquiry by preparing submissions and giving evidence at public hearings. I would like to thank the members of the sectional committee for their time and dedication and also the secretariat staff. I commend the report to the House.

Mr COX (Kingston) (6.00 p.m.)—by leave—We all assume that the powers and prerogatives of the parliament are exercised in the public interest and it is incumbent on us to protect those powers and prerogatives. The Financial Management and Accountability Act is one area in which I think that the parliament has probably been negligent and has allowed the executive to take too much control over the size and shape of appropriations. Another area, and one where the Joint Committee of Public Accounts and Audit has been in some conflict with the executive, is the access of the Auditor-General to the premises and records of private contractors. The public accounts committee, over some years, has been attempting to get a legislative provision which would give the Auditor-General that power. To date, the government has only acceded that access be provided as one of the things that a government agency should consider in making a contract. In this report, the committee, as the member for Kooyong has already mentioned, is exercising the one right that it has, and that is to set the terms of what is included in annual reports to also have an exposition of all those contracts, where that access is not provided.

The other issue that was significant, which was in fact the genesis of this report, was the question of the Auditor-General’s right to parliamentary privilege in relation to his reports. Nobody contradicts the fact that, when they are tabled here, he does have parliamentary privilege, but there is some ambiguity in relation to his draft reports. Sections of his draft reports, under changed arrangements, are required to be circulated to affected parties. It was with some shock that, at an informal briefing with the Auditor, some members of the committee discovered that the Auditor had occasionally faced suggestions from private sector contractors that
parts of those reports that they did not like might be subject to litigation. It was for that reason that we sought to do this inquiry. The committee decided that it was not totally up to the public accounts committee to come to a conclusion about how far back in the chain of the development of the Auditor-General’s reports privilege should go. Although there is some qualified privilege undoubtedly going back to drafts and working papers, it would be subject to decision by the courts.

We believe that it is something that the parliament should give further consideration to and that in fact the Privileges Committee should have an examination of this area and, hopefully, come up with some recommendations. I personally would like to see the Auditor-General given unqualified privilege for the circulation of his draft reports, as he is required by the act to do that. The committee—and I agree with this also—decided that there was no reason to legislate to give unqualified privilege to draft reports that had not been circulated and to working papers, and that that was a matter that could be left to be contested in the courts. Certainly the draft reports that the Auditor-General is required to circulate to affected parties, because he is required by the act to circulate those, should have unqualified privilege and there should be legislation to do that. I hope that the Privileges Committee will look at that recommendation and give it full consideration.

Public Accounts and Audit Committee Reports


Mr SPEAKER—I thank the member for Kooyong. I think the member for Kingston and I consider the ledger is now a little closer to balanced.

Treaties Committee Report

Mr BARTLETT (Macquarie) (6.05 p.m.)—On behalf of the Joint Standing Committee on Treaties, I present the committee’s report entitled Report 43—Thirteen treaties tabled in August 2001, together with the minutes of proceedings and evidence received by the committee.

Ordered that the report be printed.

Mr SPEAKER—On consultation, it seems convenient to the House to move to the special adjournment.

SPECIAL ADJOURNMENT

Debate resumed.

Mr O’KEEFE (Burke) (6.06 p.m.)—I am retiring at the election, so this will be my last speech in the federal parliament. Seventeen years is quite a long time to serve as a federal MP and it is certainly the longest time I have spent in any one position. Every day of it has been a privilege beyond description. Anyone who is fortunate enough to have had the experience to work in a job that they truly love knows that it is a fantastic bonus in life, and I am extremely grateful to those who have made this possible for me. As I look around this chamber, now I reflect that it is such a long way from my beginnings as a wide-eyed junior on the Labor totem pole, taking up residency in the basement of the Old Parliament House.

I had come from a position as a fairly senior executive in the credit union industry, with a spacious office and all the business mod cons of the day, and here I was in this place which was almost medieval in its facilities but resounding in its vibrancy, its atmosphere and its incredible sense of urgency. I have been witness to some special moments in our recent parliamentary history: the move to the new Parliament House in May 1988, the bicentenary later that year, the celebra-
tions at the turn of the century, and this year, of course, the celebration of the centenary of Federation and the centenary of my own party, the Australian Labor Party.

Three events during my 17 years symbolise my political experience and, I guess, the things that I stand for. The first was to be present with the then Treasurer, Paul Keating, when he gave that famous ‘banana republic’ interview in Melbourne in May 1986. He was actually at a small business reception in my electorate at Kismet Park in Sunbury and he gave the radio interview over the wall phone from the kitchen of the reception centre. He had said to me earlier that morning that he might have to change the script a little, because people were getting worried about the falling dollar. From that morning came my idea about the Australian Made campaign—the evolution of the green and gold kangaroo and what it stood for—and it was not about jingoism; it was about restoring pride in our capacity to manufacture goods and services that Australians would want to buy and would later want to export so that people overseas would buy. And it was a huge success.

There were many decisions taken by the Howard government when it came to office in 1996 with which I disagreed strongly. But, to this day, I remain incredulous at the stupidity and pettiness of the decision to scrap the Australian Made campaign. It cost little; it was a small budget item but it produced such a huge multiplier. I can only surmise that it was simply the fact that it was something Labor did that led to the decision to rule the line through it.

The other special policy change set in motion by the events highlighted that morning in Sunbury was the drive to rebuild Australia’s savings base and to wean the country off overseas borrowings. It took a little while to evolve, but the collapse in our terms of trade and the falling dollar needed both immediate responses and longer-term solutions, and both went into place. We did not have an outward looking vibrant export culture as we do now. We did not have a world-class tourism industry as we do now. We did not have educated, sophisticated young Australians in so many industries and professions around the globe. We did not have anyone prepared to invest in our merits. We did not have any money of our own. We were completely dependent on high interest rates to attract foreign currency to balance the books.

In response to this financial crisis, the Labor movement in Australia set about one of the most competent pieces of economic management this nation has seen in the hundred years since Federation. In a partnership between the ACTU and the federal Labor government, opposed at every stage by employers and the Liberal and National parties opposite, the movement set about building a new capital base in our economy—the huge pool we now know as the superannuation funds. And remember that in 1987 when this first began, Australia had $40 billion in our national pension funds. That figure has now grown to $650 billion, and it will be over $1,000 billion in five years time.

The proof of the pudding is in the eating. In 1986, the lack of capital and skills meant that we could attract money to Australia only with high interest rates, reaching levels as high as 20 per cent. In 1997, with the building blocks put in place by Labor, when the dollar again fell as a result of the Asian crisis, we had a completely different result. Exporters were ready to seize the moment, the tourism industry jumped at the opportunity, investors offshore could not get here quickly enough to take up partnerships and, because we had our own money, it was not necessary to raise interest rates to attract capital. This was an extraordinary achievement, but one which, sadly, has gone unsung for the Labor movement. I regret that, for whatever reason, we have failed to spell out the magnitude of what has been achieved here, the extent of the competence behind this. We now face an election in which our opponents will almost certainly run a nonsense campaign about Labor’s economic management, and there should be a much greater community understanding and recognition of this achievement and the huge level of competence behind it. I hope that my colleagues will take up these themes and redress some of this in the weeks to come.

I mentioned earlier that there were three events which, for me, encapsulate the past 17
years. The second event was a very special ceremony in 1995 at the Australian War Memorial. It was the ceremony to mark the return of the Unknown Soldier to his resting place on Australian soil. These things have national significance, but they also have deep personal significance. We are shaped by our experiences and those of our families. My grandfather, Henry Duell, was an Anzac. He survived Gallipoli and he survived France. He also survived the Depression, and he lived to see it all happen again for young men in the Second World War—young men like his son Bill, my late uncle; my father and my wife’s father, who both served in New Guinea; and my cousin, his grandson, who served in Vietnam, and on it goes. As parliamentarians, nothing shakes us to the core more than the prospect of sending young Australian men and women to war. It has happened twice in my time here—during the Gulf War in 1991 and during the East Timor conflict two years ago—and it is about to happen again.

As Australia embarks on this process, I urge caution and I urge fairness. Australia has once before made the mistake of going unthinkingly ‘all the way with LBJ’. Vietnam became a national tragedy which we still have trouble coming to grips with. In my last speech in this parliament, I counsel caution and I especially counsel fairness. If we are to embark on an international war on terrorism, let us be sure that is what we mean. Let us be sure we also mean mobilising next time some white lunatic blows up a building in Oklahoma City or next time some Northern Irish fanatic lets off a bomb in Belfast or London. We do not have the luxury of only going into this to clean out the fanatics of particular causes in particular places. As I said, I urge caution and I urge even-handedness in our commitment.

The third event that has burnt a hole in my memory is the shameful rise of the One Nation Party and the pathetic response to it by the Prime Minister and his party. These events have special meaning to me: our family has form on this topic, and I am very proud of it. To aficionados and students of our migration laws there is a case that is at the centre of the breakdown of the White Australia Policy and at the beginning of the maturity of this nation as a multicultural society. That case is to be found in the Commonwealth Law Reports of 1947, and it is called O’Keefe v. Calwell and the Commonwealth of Australia. We are the O’Keefes of that case. The woman at the centre of it, Mrs Annie O’Keefe, was of Indonesian origin—then called the Dutch East Indies. She married Jim O’Keefe, my father’s uncle, while in Australia for safekeeping during the war. Because of her colour, she was not allowed to remain under the laws of the day. The case was bitter. It was finally resolved in her favour in the High Court, and it produced, as an offshoot, one of the more infamous interjections made in this parliament: ‘Two wongs don’t make a white’.

So, to me, not only was the emergence of One Nation and the policies espoused by Mrs Hanson and her team abhorrent; the greater shame was the response of the Prime Minister to it. Those who were here at the time will remember those pregnant pauses in the parliament when Mrs Hanson would be given the call by the Speaker to ask a question and we would all wonder what embarrassing drivel was going to come out next. At the time, I sat on the front bench within earshot of the Prime Minister. I would say to John Howard, ‘Never forget she came from the Queensland branch of the Liberal Party’, and his embarrassment was visible.

It was in the Queensland branch of the Liberal Party that her views were not only known but tolerated and encouraged. They made her their candidate for the seat of Oxley. It was only when she became too vocal that the Prime Minister found the need to unload her. Until then she suited his purpose, with her slogans of ‘Aboriginal industry’ and ‘Asianisation of Australia’. It was only a few weeks after his election as Prime Minister in 1996 that Mr Howard went to Queensland and boasted to that same Liberal Party state branch that ‘the cloud of political correctness has been lifted from the nation’.

You stand for certain things when you come into this parliament. Although many things change, others are more fundamental and do not. Just as the response in 1947 to
Annie O’Keefe was not right for Australia, just as the Prime Minister’s response to One Nation in 1996 was not right for Australia, so too the response to the people arriving by boat in 2001 is not right for Australia. Sure, they are queue jumpers, sure they cannot just be welcomed as if they are not a problem; but the modern Australia was built on waves of people coming in just such circumstances.

We have a need for special development zones. We have regions that need new people to build them up. They are no different from the Snowy Mountains scheme in the 1950s or the vast irrigation settlements of the early 1950s. Queue jumpers can be treated differently. They can serve their qualifying period in these development zones, adding value and helping to build new regions in our nation. That is far better than camps in the outback of Australia and the farce that has now become Nauru and every other Pacific island that will soon be putting up its hand for the dollars. There are better ways to help these nations develop their economies than by bribing them to become holding pens for people who want to come to Australia. This practice and these policies are a national embarrassment, and fair-minded, mature Australians will very quickly come to this conclusion. I hope it is sooner rather than later.

I conclude with thanks to the many people who have helped me in so many ways during my six terms as the member for Burke. Firstly, through you, Mr Speaker, and the Clerk, Mr Harris, I pass on my thanks and appreciation to every member of the staff of this parliament and the organisations that work in the precinct. They see us in all shapes and sizes, coming and going at crazy hours and in every possible frame of mind—from the highest high to the deepest low. They may make judgments personally, but they never let them show. The parliament is a pressure cooker of the nation’s debates, and the staff of the parliament are the kitchen hands who make sure the mix is right and the lid does not blow. I thank them sincerely and I hope you will both pass on these words to them.

I thank the electors of Burke who have returned me each time since 1984. They have placed great confidence in the Labor Party and in me. I hope that, between us, we have been able to live up to some measure of the trust they have placed in us. I especially remember the two times, in 1990 and in 1996, when I was the only Labor member left standing in Victoria, other than in Melbourne and Geelong. People who stick with you in those times are special, and the voters of my electorate certainly qualify for that label.

I thank the Labor Party, at the national and state level, for the support and encouragement which is so vital to do this job. I especially thank the members of the branches in the Burke electorate headed by my campaign director for 17 years, Eric Dearicott, and his wife, Margaret, who also worked on my staff for 11 years. The party members have been magnificent. They have debated, questioned, supported, raised the voice for local concerns and made sure I kept my feet on the ground. They have been a very tolerant boss and I thank them collectively for their efforts and understanding.

So too a very special mention for the staff who have worked with me and driven so many of our activities over the years. The list is too long to go through individually, but I would like to place in the Hansard the names of those special people who have stuck with me for years at a time: Marg Dearicott, whom I have already mentioned; Julie Wintle, here in the gallery today after the full nine yards—17 years of service and a wide range of friends in this building who have enjoyed her companionship and respect the work she has done; Pat Giles, who has been with me since 1994—on the road through all those country towns and bush tracks from 5 a.m. till midnight, and he still wants to keep at it! I mention also Carole Taylor, who started with me and then moved to the staff of former minister Peter Staples; Mal Fyffe; the late Joff Allan; Steven Ward; and last but not by any means least, Steve Bracks, now Premier of Victoria. I offer my special thanks to them all and also to the volunteers and part-timers who have helped out along the way.

As everyone who serves in this chamber knows, close, supportive family and friends are the lifeblood of survival for a federal MP. While you are constantly surrounded by peo-
ple, it is often a very lonely life, constantly pressured by one thing or another. If something has to give or crack, it is almost always at home or among friends. To the family and friends who have been there, who have staffed those polling booths in the middle of nowhere and who have made the effort to stay in touch, I say thank you. And a special thank you to two of our close family friends, Frank and Colleen Bosci, who are in the gallery tonight.

In my first speech 17 years ago I said that it would not be possible to do this job without the support of my wife, Rhonda, and sons, Michael and Andrew. And that is how it has turned out. Every millimetre of achievement has only been possible because of them. So many political marriages cannot survive this process. That ours has is due entirely to the determination and love of my wife for what we have together and as a family unit. And I thank her for it.

So, Mr Speaker, we come to the end. To my colleagues in the federal parliamentary Labor Party—those who were here when I started and have since moved on, right through to those here as I leave—I say thank you for having me as part of the show. I have been privileged to serve under three leaders who have each performed great Labor miracles in their time: Bob Hawke, to whom I owe my political survival and from whom I learned so much—our most successful Labor leader; Paul Keating, whose sheer audacity and brilliance made anything possible; and Kim Beazley, who has managed to pull the Labor Party back from the brink of disaster in 1996 to a credible and formidable force in 1998 and a winning prospect for 2001. He is a man whose achievements have always been underestimated and one who will prove to be one of the great prime ministers of this nation. I hope he is given the chance. Kim, I thank you for the kind words you said about me earlier in the day. I was seeing guests to the dining room and I was not here to hear them. I thank you for being here for my contribution.

Mr Leo McLeay—You are always late for question time.

Mr O’KEEFEx—I am always late; that is right. Thanks, Leo. A special word of thanks to my three mentors from the small Victorian independent group of the Labor Party—now diminished even further: John Button, Barry Jones and Michael Duffy. They have helped me so much over the years in so many ways and I thank them for it. To Pricey and my two housemates for many years, Con Sciaccia and Gavan O’Connor: thanks, fellas, for the companionship and support. We have all got along well and neither Gavan nor Con are the housemates from hell. They will have to set up new digs now and I can recommend them to the rest of my colleagues. There are so many friends with us here; I would love to go through the whole list, but I cannot.

I will finish with one brief anecdote: an experience with Mick Young, the man who for me embodied what the Labor movement was all about. Mick one time took umbrage at something I was complaining about. It was so important I cannot even remember now what it was, but I certainly remember what he said to me. He stopped me dead in my tracks and said: ‘Listen, Neil, never forget what a privilege it is to be chosen by the Labor movement to look after its affairs.’ He then pointed out that I had been entrusted with industrial responsibility as a union official, financial responsibility as a credit union executive and political responsibility as a Labor MP. Mick’s words were, ‘Never forget that the Labor movement has dealt you a pretty good hand—in fact, I think it is five aces, and no-one can beat that.’ He was absolutely right. I leave this place both grateful and humble in exactly the way I think Mick would have meant—remembering that the Labor movement and the people of Australia have dealt me five aces and I will forever be returning the favour. But my most fervent wish is that my colleagues who are about to contest this election do so successfully—that I can watch the television at peace on election night and I can see Kim Beazley become Prime Minister of Australia.

Honourable members—Hear, hear!

Dr WOOLDRIDGE (Casey—Minister for Health and Aged Care) (6.29 p.m.)—To continue, I was thanking my staff. In politics you end up spending more time with your staff than with your family. I have been extraordinarily lucky in that I have had around
50 people work for me in the time I have been in politics and as a minister, and I have never once had to place a job advertisement. Staff put in extraordinary hours. I take some pleasure in the fact that they go on from me to earn substantially higher incomes, and that is the way it should be.

It is always difficult to pick people out, but I will pick out just three: my secretary, June Van Opstal, who has been with me 14 years and has managed to manage my life; Rebecca James, who was with me on and off as an adviser for 10 years; and Ken Smith, who started with me in the electorate prior to my getting into parliament, and resigned as my chief of staff only last year. You achieve what you do with your staff. If anyone in politics ever thinks they get there by themselves or that they achieve it alone, it is time to leave—although, in leaving, I have never believed that mine has been a solo effort.

I thank the Liberal Party, particularly in Chisholm and Casey, for giving me the opportunity to serve as an MP—an incredible privilege. I thank the Prime Minister for the chance to have been part of his cabinet and for the support he has given me personally in a very difficult portfolio over 5½ years. If I had known what a good leader he was going to be, I might have voted for him a bit earlier on in a few of those ballots. I know, though, that the party is being left in good hands with the Treasurer being a very capable person who will, at some point in the future, lead my great party.

I have had one great pleasure in my time as a minister, and one regret. The pleasure has been in getting to know and understand the public sector, something it is impossible to do in opposition, and something of which I had no understanding. I have said in the past that becoming a minister is a bit like landing on a desert island inhabited by a group of people who speak a different language, and you are not sure whether they are friendly or otherwise. They have been an extraordinary group of people—talented and dedicated, and they have certainly changed my view very dramatically. I thank my department, from the secretary, Andrew Podger, down, for their great teamwork.

My regret is in the area of indigenous affairs. We have been able to do quite a lot in the last 5½ years. The budget for Aboriginal health will have gone from about $100 million to around $250 million by the time the money I have won in the budgets comes through in the forward estimates. It is only a start, though. If I have learnt anything in five years as a minister it is this: it is only when you can start concentrating on something other than day-to-day emergencies that you are actually going to make a real difference to health. That is how we have done it on Tiwi, and that is how we have done it in Katherine West. We are starting to do that with the Primary Health Care Access program, but it is going to need substantially more resources and substantially more patience and help before Australia can lose this blot on its conscience.

I leave with some regret, but I am enormously grateful to the people of Chisholm and Casey for giving me the chance to represent them, and to the Liberal Party in Chisholm and Casey for giving me a chance as a 29-year-old doctor who got preselection for Chisholm, and then allowing me to change and represent the electorate of Casey. Finally, I thank my family and friends, without whom I could not possibly have done it.

Mr LAWLER (Parkes) (6.32 p.m.)—I am aware that I stand here this evening as a minnow amongst those who have contributed through many years to this parliament. I make my comments in that vein. When I first spoke in this parliament, in the first paragraph of my speech I said I was not:... daunted by speaking in this chamber, but by the enormous challenge of standing before the people of my electorate after three years and being able to say that I have been an effective representative for them.

It is not for me to judge whether I have or have not been an effective representative; it is something to be judged by others. But I have been privileged to see a lot of things happen in the electorate of Parkes of which I am immensely proud. Some things I have perhaps contributed to in some degree, others I may have contributed a little to, and a lot would probably have happened whether I was here or not. But there have been a lot of
changes in the area of health, and for that I thank the Minister for Health and Aged Care, Michael Wooldridge, and John Anderson, Leader of the National Party. Those two men almost single-handedly took issue with the state of rural health in Australia. In my electorate we have seen the opening of several multipurpose health services, and the clinical school in Dubbo is to open next year. We have seen the Department of Rural Health in Broken Hill. The various scholarships and doctor retention grants have been implemented to try to reverse the disadvantage in health delivery in my electorate. That is not to mention the recent focus on nurses, allied health and that sort of thing.

There has been a huge number of social programs—with big sums—supporting families and providing a special focus on Aboriginal issues, not the least of which is the Reconnect program, which is up and going. A recent program was announced for Cobar, Warren and Nyngan in my electorate. That is only the beginning and a lot needs to be done.

There are other things like special projects that we have had an enormous amount of support for, for example, the Back of Bourke Centre, and in this context I mention Wally Mitchell, Phil Jackson and Paul Rowe. I seek leave to continue my remarks later.

Leave granted; debate adjourned.

CYBERCRIME BILL 2001

Consideration of Senate Message

Bill returned from the Senate with amendments.

Ordered that the amendments be taken into consideration forthwith.

Senate’s amendments—

(1) Schedule 1, item 4, page 5 (after line 27), at the end of section 476.2, add:

(4) For the purposes of subsection (1), if:

(a) a person causes any access, modification or impairment of a kind mentioned in that subsection; and

(b) the person does so under a warrant issued under the law of the Commonwealth, a State or a Territory; the person is entitled to cause that access, modification or impairment.

(2) Schedule 1, item 4, page 6 (line 12), omit “(the ancillary act)”.

(3) Schedule 1, item 4, page 6 (lines 15 to 22), omit paragraph (2)(b), substitute:

(b) the act:

(i) taken together with a computer-related act, event, circumstance or result that took place, or was intended to take place, outside Australia, could amount to an offence; but

(ii) in the absence of that computer-related act, event, circumstance or result, would not amount to an offence; and

(4) Schedule 1, item 4, page 6 (line 23), omit “ancillary”.

(5) Schedule 1, item 4, page 6 (after line 24), after subsection (2), insert:

(2A) Subsection (2) is not intended to permit any act in relation to premises, persons, computers, things, or telecommunications services in Australia, being:

(a) an act that ASIO could not do without a Minister authorising it by warrant issued under Division 2 of Part III of the Australian Security Intelligence Organisation Act 1979 or under Part III of the Telecommunications (Interception) Act 1979; or

(b) an act to obtain information that ASIO could not obtain other than in accordance with section 283 of the Telecommunications Act 1997.

(2B) The Inspector-General of Intelligence and Security may give a certificate in writing certifying any fact relevant to the question of whether an act was done in the proper performance of a function of an agency.

(2C) In any proceedings, a certificate given under subsection (2B) is prima facie evidence of the facts certified.

(6) Schedule 1, item 4, page 6 (line 29), omit “computer-related act means an act or omission”, substitute “computer-related act, event, circumstance or result means an act, event, circumstance or result”.

(7) Schedule 1, item 4, page 7 (lines 2 and 3), omit “device used to store data by electronic means”, substitute “data storage device”.

(8) Schedule 1, item 4, page 11 (lines 18 to 20), omit the definition of restricted data, substitute:
restricted data means data:
(a) held in a computer; and
(b) to which access is restricted by an access control system associated with a function of the computer.

(9) Schedule 2, item 7, page 15 (lines 15 and 16), omit “an extension”, substitute “one or more extensions”.

(10) Schedule 2, item 7, page 15 (line 18), at the end of subsection (3B), add “or that time as previously extended”.

(11) Schedule 2, item 8, page 16 (after line 9), after subsection (1A), insert:

(1B) If:
(a) the executing officer or constable assisting takes the device from the premises; and
(b) the Commissioner is satisfied that the data is not required (or is no longer required) for:
(i) investigating an offence against the law of the Commonwealth, a State or a Territory; or
(ii) judicial proceedings or administrative review proceedings; or
(iii) investigating or resolving a complaint under the Complaints (Australian Federal Police) Act 1981 or the Privacy Act 1988;
the Commissioner must arrange for:
(c) the removal of the data from any device in the control of the Australian Federal Police; and
(d) the destruction of any other reproduction of the data in the control of the Australian Federal Police.

(12) Schedule 2, item 12, page 17 (line 8), after “person has”, insert “relevant”.

(13) Schedule 2, item 12, page 17 (after line 15), after section 3LA, insert:

3LB Accessing data held on other premises—notification to occupier of that premises

(1) If:
(a) data that is held on premises other than the warrant premises is accessed under subsection 3L(1); and
(b) it is practicable to notify the occupier of the other premises that the data has been accessed under a warrant;
the executing officer must:
(c) do so as soon as practicable; and
(d) if the executing officer has arranged, or intends to arrange, for continued access to the data under subsection 3L(1A) or (2)—include that information in the notification.

(2) A notification under subsection (1) must include sufficient information to allow the occupier of the other premises to contact the executing officer.

(14) Schedule 2, item 23, page 19 (lines 10 and 11), omit “an extension”, substitute “one or more extensions”.

(15) Schedule 2, item 23, page 19 (line 13), at the end of subsection (3B), add “or that time as previously extended”.

(16) Schedule 2, item 24, page 20 (after line 3), after subsection (1A), insert:

(1B) If:
(a) the executing officer or person assisting takes the device from the premises; and
(b) the CEO is satisfied that the data is not required (or is no longer required) for:
(i) investigating an offence against the law of the Commonwealth, a State or a Territory; or
(ii) judicial proceedings or administrative review proceedings; or
(iii) investigating or resolving a complaint under the Ombudsman Act 1976 or the Privacy Act 1988;
the CEO must arrange for:
(c) the removal of the data from any device in the control of Customs; and
(d) the destruction of any other reproduction of the data in the control of Customs.

(17) Schedule 2, item 28, page 21 (line 3), after “person has”, insert “relevant”.

(18) Schedule 2, item 28, page 21 (after line 10), after section 201A, insert:

201B Accessing data held on other premises—notification to occupier of that premises

(1) If:
(a) data that is held on premises other than the warrant premises is accessed under subsection 201(1); and
(b) it is practicable to notify the occupier of the other premises that the data has been accessed under a warrant;
the executing officer must:
(c) do so as soon as practicable; and
(d) if the executing officer has arranged, or intends to arrange, for continued access to the data under subsection 201(1A) or (2)—include that information in the notification.

(2) A notification under subsection (1) must include sufficient information to allow the occupier of the other premises to contact the executing officer.

Motion (by Mr Slipper) agreed to:
That the amendments be agreed to

PATENTS AMENDMENT BILL 2001
Consideration of Senate Message
Bill returned from the Senate with amendments.
Ordered that the amendments be taken into consideration forthwith.

Senate’s amendments—
(1) Schedule 1, item 2, page 3 (lines 9 and 10), omit the item.
(2) Schedule 1, item 4, page 3 (lines 14 to 25), omit the item, substitute:

4 Subsection 7(3)
Repeal the subsection, substitute:
(3) The information for the purposes of subsection (2) is:
(a) any single piece of prior art information; or
(b) a combination of any 2 or more pieces of prior art information;
being information that the skilled person mentioned in subsection (2) could, before the priority date of the relevant claim, be reasonably expected to have ascertained, understood, regarded as relevant and, in the case of information mentioned in paragraph (b), combined as mentioned in that paragraph.

(3) Schedule 1, item 5, page 3 (lines 26 and 27), omit the item.

(4) Schedule 1, item 14, page 5 (lines 4 to 14), omit the item, substitute:

14 Subsection 45(3)
Repeal the subsection, substitute:
(3) The applicant must inform the Commissioner, in accordance with the regulations, of the results of any documentary searches, whether conducted in Australia or elsewhere, for the purposes of assessing the patentability of an invention disclosed in the complete specification or a corresponding application filed outside Australia that are carried out by or on behalf of the applicant, or the applicant’s predecessor in title, prior to the grant of the patent.

(5) Schedule 1, item 19, page 6 (line 24) to page 7 (line 6), omit the item, substitute:

19 Section 101D
Repeal the section, substitute:

101D Commissioner to be given information on searches
The patentee must inform the Commissioner, in accordance with the regulations, of the results of any documentary searches, whether conducted in Australia or elsewhere, for the purposes of assessing the patentability of an invention disclosed in the complete specification or a corresponding application filed outside Australia that are carried out by or on behalf of the patentee, or the patentee’s predecessor in title, prior to the issue of a certificate of examination in respect of the patent.

Motion (by Mr Slipper) agreed to:
That the amendments be agreed to

STATES GRANTS (PRIMARY AND SECONDARY EDUCATION ASSISTANCE) AMENDMENT BILL (No. 2) 2001
Consideration of Senate Message
Bill returned from the Senate with amendments.
Ordered that the amendments be taken into consideration at the next sitting.

BILLS RETURNED FROM THE SENATE
The following bill was returned from the Senate without amendment or request:

Motor Vehicle Standards Amendment Bill 2001
SPECIAL ADJOURNMENT

Debate resumed.

**Mr LAWLER** (Parkes) (6.39 p.m.)—It is with some regret, in continuing my valedictory remarks, that I inform the members who have come in that I do not have any great philosophical thoughts to share with them this evening, but I appreciate their presence in the chamber. I had been talking about some special projects that have been delivered in the electorate of Parkes. One is the Back of Bourke Centre, which is a result of an enormous amount of work by a lot of people in the Bourke area. I mention Wally Mitchell, Phil Johnson and Paul Row. The IMC is another project for which I have great expectations, and I cannot mention the IMC without mentioning Alex Ferguson and the mayors of the three core councils. There is the West 2000 project, which, again, follows great work by our current leader, John Anderson; and I cannot mention West 2000 without mentioning the great work of Geoff Wise, who puts in an enormous amount of work for people in the Western Division. Also, the Roads to Recovery project has delivered in the order of $127 million to local roads in my electorate and it is certainly welcome.

One of the enormous changes in my electorate is in something which people in other parts of the country probably would not have noticed. Telecommunications have changed around in western New South Wales from the 19th century to the 21st century almost in one go, with cheaper phone calls and the explosion of mobile phone coverage into places that a couple of years ago would never have anticipated getting that delivered—places like Wilcannia, White Cliffs, Ivanhoe, Menindee and Brewarrina. Then there are the Internet centres that have sprung up, again through the hard work of local people who see a vision for their communities and see what telecommunications improvement can do for those communities.

I do have a few regrets. When I came into this place, I—as most of us do—held a lot of ideals about the things I would like to achieve. The issues surrounding the social problems of the indigenous community in the far west of New South Wales and the health status of especially the indigenous community in my area are things I would have liked to have seen improved. But there have been improvements and there are ongoing programs. I am hopeful that they will continue and will deliver some form of equity to those disadvantaged communities that I represent.

The staff of the parliament: there are too many to mention. But I feel I have to mention someone like Brian Walshe, who I understand has actually retired and come back. It is a funny type of retirement, I guess. To me, the staff of this place were a revelation. Coming from private enterprise, I had worked with a lot of people; but I have never seen such a group of people who either enjoy their job or appear to enjoy their job and are so helpful and energetic in helping those they are here to assist—and that goes from the Comcar drivers to the chamber people, the people who work in the canteen and those who work on the doors. They are absolutely outstanding. If we could get that work ethic into the rest of Australia, I think it would be a fantastic place to live.

We all have our strengths and talents and we also have our shortcomings. That goes from those of us who have just come here, right through to the leadership. I am privileged to have had two fine leaders in my short time here. Tim Fischer and John Anderson share a passion and a fierce determination to deliver for people in the bush. I know some people do not like it being called the bush, but certainly in western New South Wales we do not mind being called residents of the bush. The staff of many of the ministers have been of great assistance to me, and I thank them for their mateship, their assistance and their genuine concern for the people and for the problems I have had to raise with them.

I want to mention the staff in the offices of the whip and the deputy whip—John Forrest and Paul Neville. In the National Party—and I see many of my colleagues here—we are a bit of a family. Even though I have only been part of that family for a short time, one of the people who are the heart and soul of that family is Gerrie, who works in John Forrest’s office. To Gerrie and the rest of the team: I
salute you and I thank you for your friendship and assistance in the three years I have been here. It has been a privilege to have served with many good friends here. I have mentioned to some of my friends, and it has been alluded to by other speakers, that in this job and perhaps in adulthood you find that your group of friends probably shrinks rather than increases as you get older. I am very privileged to count two of the people who were part of a group, named by Tim Fischer as the Three Musketeers, who came in in 1998: Stuart St Clair and Kay Hull. Guys: thank you very much for your friendship, your advice and assistance in the heavy times and the light times. I am sure that these two will go on to do great things.

It has been a pleasure also to serve with opposition members on various committees in this place. In a strange way, I wish them well in their electorates, but in a very meaningful way I wish them well in their future lives. It is very hard to single out anyone, for fear of leaving out some, but I refer especially to Sid Sidebottom. I could mention several others. Everyone comes to this place with a desire to deliver and to make this a better country. We all have the same desire, although our ways of achieving it may be somewhat different. People in the community want to see a level of cooperation and respect among members in this place. It is not a sign of weakness to show that goodwill exists on both sides of the parliament.

I have had the honour to work with many people in my electorate. Many people have provided enormous guidance and assistance to me—many people who, in their way and in their world, deliver an enormous amount through selfless work over the countless hours that they contribute to the community. It is very difficult to mention them all, but I must say that I have had a great relationship with the mayors in my electorate: the two Wilsons in Parkes and Warren; Mayor Lockhart in Forbes; Donald in Nyngan; Brady and Yench in Cobar; Smith and Peacock in Dubbo; Jones in Narromine; Mitchell and O’Malley in Bourke; Pipples in Brewarrina; Longfellow in Central Darling; and Page in Broken Hill. They are but a few of the people who give of themselves to make our world a better place.

Other significant people that I have met and dealt with in my brief time here, and not in any particular order, include Margaret Flynn from Centrecare, who is based in Forbes and who does an enormous amount of work. Sue Irvine, who is the director of nursing in Broken Hill, turned St Anne’s Nursing Home under Southern Cross Care into the dynamic facility that it is now. Dr Bruce Harris has provided me with a lot of background information and advice on health issues. I refer also to the McAllister family, the McRae family, the Bevans and the Blakes. I should mention Rob Pierpoint, that energetic person who travels around the countryside on behalf of the National Party. Nicki Sweeney from the Child Support Agency deserves special mention. Some of us have Nicki as our point of contact. I would not do her job for quids. The forbearance and patience that she shows in the face of enormous challenges is quite incredible. I refer also to Ron Hellyer, Tom Warren and Scott Howe. Glen Hadfield, the local manager of the Centrelink office, I have always found extremely helpful. He, along with his staff, including Ross McDermott, bends over backwards to help with issues that we throw their way. Cathy Sims and the other rural counsellors have done an enormous amount in difficult circumstances over the last few years, and I salute the work that they have done and thank them for their advice and assistance.

I could not conclude without mentioning my staff. My staff are second to none. I honestly believe that. As I have said, we all have our strengths and skills. I am blessed to have working in my offices a group of people who all contribute in their own unique ways. They are Amanda McKay, Sue Sulicich, Tony Webber and Evelyn Barber in Broken Hill and Dubbo. I could not have done this job without their contribution. They all, as I have said, have their own special skills and I appreciate every minute that they have worked with me.

Other members have mentioned their families, and it is appropriate that I mention my family. This job does take a toll on fam-
ily life, and people pay a price. Unfortunately, it is a price that I am not prepared to pay. I do not seek to force my judgment on other people. There are others who may take on the role that I have had in my electorate, with its pluses and its minuses, and they may decide that they can do what they have to do to be a member of parliament and do what they have to do to be fathers or mothers, husbands or wives. My family has paid a price. I estimate that my wife spends about two-thirds of the year as a single mum. I appreciate the work and effort that she has put in to allow me to do this job. It has not been easy at different times. It is often the person who does this job who is the focus of attention. I have spent time away from home, out at Broken Hill, Tullamore, Cobar or Tibcoolburra or wherever. You do work long hours and you do stay awake late at night, but, at the end of the day, you only have to look after yourself. You are responsible only for yourself when you are on the road. It is those who are left at home who have to do all the mundane stuff such as cook the tea, help with the homework, get the kids up, do the breakfast and all that sort of thing. None of us could do this job without a great deal of support on the home front.

To my wife Ellen and my wonderful kids, Emily, Amelia, Sam and Isobel, thank you for what you have contributed in my life. My mum and dad and my brothers and sisters are all part of it. Mr Speaker, I thank you for your friendship. To the others who have shared this place with me for three years, I wish you all the best. I hope you will accept my humble apologies for that, but it was really beyond my control.

Particularly in the last three years, I have said to new members of this place who were interested in hearing what I had to say—and there was always a mixed reaction, but there were some who were interested—that, when you stop believing that it is a huge honour to be here, you should give it away, because we are in an extraordinarily privileged position to represent the people of Australia. I have not seen the figures, but someone told me that only about 1,000-odd people have had this honour in the last 100 years. I might be wrong about the figure, but it is a small number of people.

I vividly remember preselection back in April 1989. I was told I would not win, and could not win, preselection. I remember I was told that I could not win a seat on Ballarat City Council back in 1981, but I did
that. When I won preselection, I was told that I could not possibly win the election, but I was very fortunate to do that. I was told that I could not hold the seat in 1993, and we did that. I was told the same thing in 1996—and they gave up saying that I could not win it in 1998, for which I was always very grateful.

It has been a huge honour because I have represented an area that I was born in, that I grew up in and that I deeply love and am passionately committed to. I have worn the tag of the parochial Ballarat boy for the last 12 years as a badge of great honour. It has been a huge honour for me to represent an extremely important part of regional Australia. Normally in these circumstances I would say that it is the best part of regional Australia but, in all fairness, there are some magnificent parts of regional Australia and I have had the great honour to represent one of those very important parts.

It has been a tough road the last 12 years. Those members in marginal country seats will know exactly what I am talking about, but everyone has to work extremely hard. Like Tony Lawler, I do have some regrets. If I had my time over again, I would listen to a former Western Australian senator who spent some time down here, my very close friend, Mr Chaney. I reckon I had been here for about a week and Fred said, ‘Michael, whatever you do, you’ve got to take a day off a week. The first day you spend with family, and the second one you spend with family and friends.’ I deeply—deeply deeply—regret that I did not do that.

It comes down to very simple things. Our children—Cate and mine—were four months, three and 4½ when I was first elected, so they were very young. I look back with great regret at Sundays, for example, when I would put a suit on at 9 o’clock in the morning. I always wear suits because I look pretty daggy in casual gear. I have a small posterior and thin legs, so I am not suited to casual clothes. I always wear a suit because it is a lot easier to get dressed in a suit.

Honourable members interjecting—

Mr RONALDSON—This is my last speech so I can take some licence here, but perhaps I will not go any further than I have already.

I vividly remember the kids playing on the trampoline. But, because you have a function at 10 o’clock, a function at midday and then a function at 2 o’clock or 3 o’clock, you never get to jump on the trampoline. You could go inside and take your suit off and put something on, come out and then go back in and get dressed again. But the easier option was to stay in the suit and not jump on the trampoline. Honourable members know that you get booked up three months ahead and you do not necessarily know when your kids are going to be playing netball. The times change. I recall the number of times I have arrived at a netball game with a suit on. One of my children’s friends asked whether I actually slept in a suit because they had never seen me out of a suit. Another friend who heard the conversation said, ‘My dad’s suit gets really crinkly. I am amazed that your dad’s doesn’t, especially when he sleeps in it.’ They had only ever seen me in suits. You would go to a netball game for 10 minutes, knowing full well that the kids would see you walking out of the netball game because you were going off to a function.

Things like phone calls are important. I have rung home every night for the last 12 years. It did not matter where I had been. After about 12 months, I got back one Friday night. I was telling the kids about something I had run into and the kids were obviously quite angry. They were still young, but they were quite angry. I said to Cate, ‘What’s wrong with the kids?’ And she said, ‘I’m not the go-between here. You have a chat to the kids about it.’ So I asked the kids what was wrong and they said, ‘Dad, you ring home, but we just don’t see enough of you or talk to you enough.’ I said, ‘Come on, guys, I ring home every night.’ And they said, ‘But, dad, you say, “I’ve got to go now.” We never get to finish the conversation.’ So from that day on I let them talk out the conversation—and guess what? The conversation lasted no longer, but they had control of the conversation.

I passionately hope that, within a decade, we change the way we operate here. This is the only profession where there is a sense of finality; you are either in or you are out. I can go through a multitude of professions—
teaching, nursing, engineering, you name it—where people move in and out, but in this job there is a sense of finality. We assume as political parties that there is a starting point and an ending point. The only ones who have a crack at it again are those who have been defeated and are desperate to get back, and as political parties we collectively support those people. Otherwise, I think we say, ‘You’re either here or you’re not, and if you’ve gone, you’ve gone.’ If people are sick of this and I am holding you up, let me know! The opposition whip and I have said that everyone else can go. If you walk out, I understand.

I would hope that, within 10 years, people will move in and out of politics and the career structure will accommodate people coming in and out. It may well be that, at 25 or 30, people who are married without kids or who are single will spend half a dozen years here, take off for six years to spend some time with the family and then come back into it. Then we would not lose the corporate knowledge we have as a House. I think we really need, as political parties and as individuals, to start getting our heads around this notion that once you have gone, you have gone. It really is crazy and we lose some terrific people. We are losing the likes of Tony Lawler, who has been here for three years. He is an impeccable young man who would have made a significant contribution to this place had he stayed on. We need to accommodate the likes of the Tony Lawlers of this world.

I vividly remember the early days here. The class of ’90, both from the Labor Party and from the coalition, had a lot of fun. We would come down here at 10.30 and all seek the call, we would bash each other around the ears and then we would go down to the staff bar and have a drink together. We formed a great sense of camaraderie. Maybe it is to my own detriment that I have not been tough enough, but I have always taken the view that we are in this together: while we might represent different political parties, we are literally part of a family. I refer to the relationship I have had with Leo. He knows that he has to play the game to show his troops that he is tougher than I am and he knows that, as Chief Government Whip, I have to play the same tough game—and so there is that argy-bargy. We will whack each other around the ears, but that does not mean that we cannot sit down and talk about things like our kids, our wives or general political things.

We have to make darn sure that we maintain the ability of this chamber to be a strong debating chamber in which those on the opposition side do whatever they can, work as hard as they can and do whatever is required to get onto this side of the chamber and that those on the government side work just as hard to make sure that they never get here. But that does not mean that we cannot have loose friendships or very strong friendships. For the last 12 years, I have looked across at my political opponents—for the first six years I was looking at this side and for the last six I have been looking at that side—for whom I have great respect. I think we should never lose sight of that fact.

I have tried to play the game as hard as anyone else—in the election campaigns, in the electorate and in the roles that I have had over the last 12 years—but I have always tried not to lose respect for my enemy. We spend so much time in this place and share so much in common. At the end of the day, we are all trying to get to the same spot and we are really just taking different routes to get there. I think there needs to be some mutual respect for each other, and I have always had that. I have had some terrific relationships with people in this place. I hope I leave here with the Labor Party saying that I have been a tough and hard but, hopefully, fair opponent, and I hope that I leave with my colleagues saying that I have been a strong and passionate advocate for them.

I say a really big thankyou to Cate and the kids. I would not have been able to do what I have done—as small as it may be—without their support. It was a huge decision for me to give this away, because I genuinely love the role. But I was not prepared to wake up in 10 years time with the kids—wherever they might be in whatever part of the world—ringing up and having a 15-minute conversation with their mother and a 30-second conversation with their old man: they
had not had the relationship with their old man that would give them the 15-minute conversation, and the 30-second conversation would be because, ‘He is the old man and I need to speak to him.’ It may very well be that they will ring up in 10 years time and speak to me for 30 seconds and to their mother for 15 minutes, but I at least want to give them the opportunity to feel confident to have the 15-minute chat with me as well. If they opt for the 30 seconds, there is not much I can do about it! But I did not want to leave my kids in the position where they did not have that opportunity.

People will say, ‘Well, you’re doing a great job,’ or, ‘You’re doing this,’ or, ‘You’re doing that,’ and some will say, ‘You’re doing a lousy job.’ I would prefer to concentrate on the ones who say, ‘You’re doing a good job.’ At the end of the day, the only reason we can achieve anything in this place is because of the staff we have. I have had fantastic staff for the last 12 years, and I mean really fantastic staff. I will very quickly go through them: Geraldine, Leander, Katherine, Jo, Rowena, Marion, Julie, Liz, Naomi, Helen, Denise, Annette, Mark, Barbara and Barry. To those who I have forgotten, I humbly apologise. We have always worked as a team. I have always worked on the professional basis that you never ask someone to do something that you are not prepared to do yourself. I hope we have provided a good service to the people of Ballarat.

I hope that one of the things I will leave is what I call ‘the Ronaldson chewing gum test’. It is how I determine how I am travelling. If you are walking down the street and people are getting chewie on the soles of their shoes, you know you are travelling all right because they are engaging you with eye contact and talking to you. I get really twitchy when they do not get the chewing gum on their shoes, because it means they are walking past you, looking at the ground and avoiding the chewie. It is called the chewie test, and you soon know how you are travelling. You do not need to have the polls; just do the chewie test and it will tell you very quickly whether you are travelling well or badly.

It has been an interesting year: there have been chewie times and no-chewie times in 2001. I thank all my colleagues. The Chief Whip’s job is not an easy one. To Stewart, Jim, John and Paul and to the opposition whips, I thank you very much for your support. Someone asked whether I am going to write a book. I said, ‘No, I am not going to write a book, because when I got into this job I said to people that once the door was closed it was closed and nothing would ever come out of it.’ I hope my colleagues trust that when this door closes it will remain closed.

I thank you most sincerely for your friendship, and I apologise for what I may or may not have done to offend you over the last three years in this job. As Leo knows, it is a tough job and there are occasions when—I will put this as politely as possible—you really do have to engage someone in a fairly frank and honest assessment of what they have done. I have tried to do that fairly, and I have also tried to never play favourites in this job. I hope my colleagues will view that as having been done. I thank you all for the great honour to be here. I thank the people of the Ballarat electorate most sincerely for the great honour that they have accorded me. As I have said to some of my colleagues before, I have had the very good fortune to have a good marriage and healthy kids. They are the greatest honour. The second greatest honour I have had is to represent the people of Ballarat for the last 12 years.

Honourable members—Hear, hear!

Mr SPEAKER—The Chief Opposition Whip.

Mr LEO McLEA Y (Watson) (7.10 p.m.)—Thank you very much, Mr Speaker, but don’t feel happy; I am not retiring! To those who are retiring, I would like to wish them well in their retirement and in the life that is ahead of them. I would like to say a few words about three of those: Neil O’Keefe, Colin Hollis and Michael Ronaldson. I thought it was very appropriate that Neil O’Keefe was not here this afternoon when the Leader of the Opposition wished him well in his retirement, because my leader found out what I had known about Neil all the time: Neil is the only person I know who is always more late for things than I am—
and I have a fairly notorious reputation for that. Neil was always one of those fellows who worked well in the bush. He always put the argument for regional Australia when we were in government and when we were in opposition and was always a pretty straight shooter. I think that Neil has had a good life here, and I am sure he will enjoy his retirement.

Colin Hollis was a member of this place for a long while. He started out in the very marginal seat of Macarthur and ended up in Throsby, which I think is the safest or second safest Labor seat in the country.

Mr Slipper interjecting—

Mr LEO McLEAY—Safer than mine, Parliamentary Secretary. Colin was one of those people who made a specialty of the committee system in this House. A lot of people come here and think that, if you do not become a minister, somehow or other you have failed in your life. I have always thought that there is a role here for people who want to be parliamentarians. Colin Hollis was one of those people. Colin put his life in this parliament into the Public Works Committee. He was the chairman of it for many years and at present I think he is the deputy chairman of that committee. A lot of people come here and think that, if you do not get a role on the Public Works Committee, you have failed in your life. I always did not think that there is a role here for people who want to be parliamentarians. Colin Hollis was one of those people. Colin put his life in this parliament into the Public Works Committee. He was the chairman of it for many years and at present I think he is the deputy chairman of that committee. A lot of people, when they first get here, think there is no point being on the Public Works Committee but Hollis worked out that, if you get on the Public Works Committee, you see Australia three or four times, and it pays you TA all the way through, so it is not a bad little earner.

When Colin first became a member of the Public Works Committee, it had a lot more of a remit than the current committee does. As the Commonwealth has moved out of public works and taken a lot of the infrastructure projects off-budget, there is not as much now for the Public Works Committee to do. Colin Hollis made that committee. He put a lot of his life into it, as he did into the Human Rights Subcommittee of the Joint Foreign Affairs, Defence and Trade Committee. Colin is one of those people whom you could say did not ever seek ministerial office but was a good parliamentarian.

I now come to Michael Ronaldson. I think I just heard one of the longest speeches that Ronno ever made. That was rather interesting for all of us. He made it without notes, so that was exceptionally interesting. Ronno is one of those people who, even though you tried to dislike him, you just cannot get around to doing it.

Mr McMullan—Well, try harder!

Mr LEO McLEAY—I have been trying hard. In the last six years, I have worn out three government whips, and Ronno has escaped unscathed.

Mr Hardgrave—He is leaving.

Mr LEO McLEAY—That is right, but that is one way of escaping. What a lot of people forget about Michael is that he went through a terrible health crisis in his life. There are a few people in this place who have beaten cancer, and he is one of them. At that time, he was a shadow minister, and I think that health crisis put a bit of a dint in his capacity to get onto the frontbench. When we look from this side across to the current frontbench, there are about eight or nine of them, mate, that you are far better than—far better! I think one of the mistakes the government made was not to make you a minister. The one thing I have always found about Michael is that he will not lie to you—he does not necessarily tell you the truth, but he will not lie to you—and he will always keep his word. He is just a nice person to get on with.

Michael, it is a shame to see you go, but I think you are going for all the right reasons. This job does destroy marriages and it does destroy families. We probably have the greatest number of proportionate marriage breakdowns of any business. This job also puts a lot of stress on your wife and children. It has mainly been wives and children, though now we have a lot more female members, which in some ways might humanise this place a little bit more because they are not willing to put up with the old hours and ways of work that have dominated this building for a long while. So I think you are making the decision for the right reason. I am sorry to see you go—I will admit that. I have always found you to be a good friend.
I would also like to say a couple of things about my two deputies, Bob Sercombe and Rod Sawford. They do all the hard work for me and I get more pay than they do.

Mr Slipper—They can count.

Mr LEO McLEY—I keep telling them, ‘If you win a division, you can have my job.’ Fortunately, the system made sure they haven’t. Though they got close one day. At the end of that day, I thought that either you were out of a job or I was out of a job. It was hard to work it out.

Mr McMullan—They nearly got both of you.

Mr LEO McLEY—That is right. To Bob and Rod, thank you for all the work that you have done over this term. I also thank Joan and Ann. A lot of colleagues say—and I am sure that Michael’s colleagues say the same thing to him—that we get the glory but the people who actually run the Whip’s offices are Joan and Geraldine. They actually think that too, and they also tell everyone that behind our backs, mate. That is the really galling thing.

Mr Slipper—But it is true.

Mr LEO McLEY—Yes, it is true. That is one of the few things that you have said that is correct, Slipper—that is true.

Mr McMullan—You did some damage when you opposed him; you destroyed him when you agreed with him. You will never hear the end of it now.

Mr LEO McLEY—Now that Slipper has entered into this debate, before I sit down I am going to tell you all the worst Slipper story any of you have ever heard.

Mr LEO McLEY—In those days there was a committee that was called the House of Representatives Expenditure Committee, which has now metamorphosed into the banking committee. We had just reformed it and there had been a little bit of work behind the scenes. As you all know, a government member has to be elected as the chairman of a parliamentary committee. The National Party members of that committee had the idea that one of their members should be the chairman of that committee. That suited me because I was going to be the deputy chairman of the committee and Stephen Lusher and I were quite good friends. I had worked out a little arrangement with him and we went along and voted for Lusher to be the chairman of the committee.

I was sitting around with some of my colleagues a little later after we had won the election and I had become the chairman of the committee, and Ros Kelly said, ‘Whose this new member, Slipper? Who is he?’ One of my colleagues, who shall remain nameless, said, ‘Oh, he’s that new member from Queensland with a head like a robber’s dog.’ About one second later, Slipper walks into the meeting. He sits down and he wants to throw his weight around straightaway. I said, ‘Well, hang on, we’ve got to elect a chairman first,’ and he says, ‘I will not be muzzled.’ So don’t interject on me, sport! I think it was due to that committee work that Colin Hollis was enthused to take the journey that he took through this House, that Neil O’Keefe became a parliamentary secretary and a shadow minister and that Michael Ronaldson became a shadow minister, a Chief Whip—and, as I have said, he would have made an excellent
It is a shame that he did not stay around to do that.

I hope you enjoy your retirement, Michael. I am sure that, in the years to come, when your kids ring, they will want to talk to you as much as they will want to talk to their mother. You have a good retirement and a good life because you deserve it.

Mr SPEAKER (7.21 p.m.)—Before I put the motion, can I join with all other parliamentarians in expressing to those who are choosing to retire the best wishes of not only Caroline and me but also of course of all members who have not had the opportunity to speak. I do not want to name individually those who are retiring. There are two very good friends still in the chamber who are part of that group, but it would be unfair to name people individually, given that all the members who have chosen to retire have made a contribution in one way or another, whether it be at almost the highest office in the land or as people, as has been indicated, who have chosen as parliamentarians to make a real contribution from the backbench through the management of the parliament, through the management of committees and through their involvement in the parliamentary process. Let me simply say that I have respected the friendship of all of those who have retired and I trust that that friendship will continue beyond the parliament and that, beyond the parliament, they will know that they are welcome not only back here in Canberra but also in my own home.

Since it is presumed that the House will not necessarily resume, I also join, as others have, in expressing my appreciation as the Speaker, particularly this year, to the staff who care for us so well in this chamber, the staff who care for us so well in this building and the staff who care for us so well beyond the building, whether from a gardening point of view or a driving point of view. I particularly want to single out for mention the great role played by the Clerk and the Deputy Clerk. It would be, as the Chief Opposition Whip is aware, an impossible job for anyone occupying the speakership to fulfil were it not for the independent and professional advice given by those officers. I have been as well served as any of my predecessors—probably better served than some. I know not, but well enough served for me to believe that I could ask for no more than I get from the Clerk and the Deputy Clerk and their team.

I am also well served by my parliamentary staff here. I stand indebted to Peter Gibson as the chief of staff for the leadership role that he plays in the office and for his intricate knowledge of the parliament. I would also like to recognise the role of other staff members here: Wendy, whom some of you may or may not know is leaving us in January because her husband is being promoted to the most senior Defence position in Washington, so she will be accompanying him there; Marie, who is known to everybody and who has been around longer than any of the members of the House of Representatives, I suspect, and who serves us so well in the chamber sense; Pauline, who has joined my staff on a part-time basis, having served Speaker Halverson so well; and Yvonne, who is known to a number of you and who has come onto the staff as the attendant. I am also indebted, as you are all as members, to my electorate staff. I want to use this opportunity to express my appreciation to Dennis, David, Kerry, Helen, Gaynor and Mignon, some of whom are serving in a part-time capacity and whose assistance is appreciated.

Most of all I just want to use this opportunity to express to colleagues every good wish. There is, as members have said, a real sense in which we are parliamentary family and no-one understands that until they have been a part of that family. I heard the member for Parkes reflect on the cooperation, respect and goodwill that exists in and across this chamber, and that is frequently not understood by those who are outside of the chamber. It struck me that, in the year 2001 as we celebrate the Centenary of Federation, it is at least worth reflecting on the fact that for over 100 years the people of this nation have been well served by those who have occupied this chamber. No matter which party happens to be the government of the day, the intent of the people of Australia has largely been met and the movement forward of this nation has been only marginally to the left or the right, depending on which party is
in power rather than in any sense being reversed. I think there is frequently too little recognition of the degree to which parliamentary cooperation exists here. One of the reasons that it is not widely enough recognised is that we spend so little time commending each other and so much time belittling each other. It is one of the things that I regret. Individually I suspect we all regret that and, as the Chief Opposition Whip has said, would like to see it in some small way addressed.

If this is to be our last sitting of this particular season and this year, I join other members in extending best wishes to those who are retiring. Our thanks to them for their contributions; our friendship is extended to them and we know it is reciprocated. Can I also wish all colleagues who are contesting an election the best of health and every opportunity for success in the coming polls.

Question resolved in the affirmative.

**ADJOURNMENT**

Mr SLIPPER (Fisher—Parliamentary Secretary to the Minister for Finance and Administration) (7.26 p.m.)—Initially I would like to thank the Chief Opposition Whip for his particularly generous comments. I do ask the leave of the House to move a motion to enable my very good friend the honourable member for Farrer to move for the adjournment of the House.

Leave granted.

Mr SLIPPER—I thank colleagues opposite, and I move:

That so much of standing and sessional orders be suspended as would prevent the honourable member for Farrer from moving forthwith that the House do now adjourn.

Question resolved in the affirmative.

Mr TIM FISCHER (Farrer) (7.27 p.m.)—My thanks, my pleasure and my privilege. I move:

That the House do now adjourn.

Question resolved in the affirmative.

House adjourned at 7.28 p.m.
Mr DEPUTY SPEAKER (Mr Nehl) took the chair at 9.51 a.m.

STATEMENTS BY MEMBERS

Australian Taxation Office: Wollongong Job Losses

Dr MARTIN (Cunningham) (9.51 a.m.)—I rise today to ask the question: why is it that the Howard government continues to kick Wollongong in the guts? I raise this in reference to the latest decision being taken by the Australian Taxation Office to slash some 40 jobs from its workforce in Wollongong. I met recently with a number of workers within the tax office, all dedicated individuals and civil servants who have given a lifetime of commitment to their organisation. They have told me that 40 jobs are being lost from Wollongong—about 17 per cent of the total staff—whereas the national average is only seven per cent, given the government’s decision to axe something like 1,300 staff nationally from the Australian Taxation Office.

They asked the question: is this a first step to actually getting rid of the tax office in Wollongong completely? I have to say that I ask that question myself. It was the Keating government which took the decision to build the office there. I remember being absolutely and intimately involved in the decision for getting that building. This latest decision is going to force 30 staff either to relocate to Hurstville—and that is totally unpalatable—or take voluntary redundancy. This, as I understand it, is a clear contravention of the agency agreement that the ATO has signed with its staff and will put totally unjustifiable pressures, both financial and personal, on everyone concerned.

The loss of 40 jobs in Wollongong at this time of economic uncertainty is going to have a significant negative impact on the local economy. Of those 40 jobs, 38 staff are working in the personal tax business line, and their number is going to be reduced to four. The other 34 members have been offered a limited number of redundancy packages. I wrote to the Assistant Treasurer, Senator Kemp, on 18 September asking him to contact the tax office and put an immediate stop on this decision to eliminate 40 jobs from the tax office in Wollongong. I am doing so because at this time, with the continuing complexities and uncertainties associated with the implementation of the Howard government’s GST, I would have thought more people would have been needed there.

The tax office workers say to me that the number of complaints and consultations coming into the personal business and personal tax area is increasing. Why then is the tax office making the decision that it wants to cut down the number of people in Wollongong? This comes hard on the heels of the Howard government’s shutting down, over the last five years, the immigration office and Medicare offices and turning its back on Wollongong. I have to say to the people in the tax office that we will do what we can to ensure those jobs are retained. It is up to Senator Kemp, the Assistant Treasurer, to go to the tax office and say, ‘Stop this ridiculous closure; stop this ridiculous elimination of jobs.’ (Time expired)

Moreton Electorate: QEII Jubilee Hospital

Mr HARDGRAVE (Moreton) (9.54 a.m.)—This week sees the 21st anniversary of the QEII Jubilee Hospital in the heart of the electorate of Moreton. The backbone of any hospital is its auxiliary. The QEII hospital auxiliary has a proud history of achievement over the past 21 years. Back in 1981 when the hospital was first opened by a coalition state government, a group of very special people banded together to form the hospital auxiliary to help the hospital provide the very best possible service to the local community.
The auxiliary’s operations have been financed through the operation of a coffee shop within the hospital to raise funds to purchase extra equipment for the hospital. They also provide direct assistance to patients under the direction of hospital staff. Over the years so many generous and community minded people have volunteered their services to the auxiliary and, in doing so, have helped an immeasurable number of patients and their families. This year the auxiliary goes from strength to strength under the leadership of Marjorie O’Keeffe—her late husband, Clem O’Keeffe OAM, was the inaugural president. In fact, seven of the original auxiliary members continue to struggle on. People like Rose O’Brien, who is well into her 90s, are there every week making their famous hamburgers and financing all sorts of amazing equipment. Well over a million dollars worth of equipment, in fact, has been put together by the auxiliary over the past 20 years.

When you look back over the history of the hospital, the Labor Party in 1992 were doing their best to end general hospital services at QEII and people like me worked with the local community to reverse that approach. It took many years. In fact, it took the creation of a state coalition government in 1995 and Mike Horan, who is now the leader of the opposition in Queensland, as health minister to follow up on what the community wanted and reverse Labor’s efforts to wind down the hospital.

It is astonishing to know that in 1995 QEII hospital had only nine patients admitted on one particular day, whilst at midnight on 25 March 1997 the hospital recorded its busiest day in many years with 106 patients. This came about because, during a black part of its long but now celebrated history, the community spoke about the need to keep the general hospital services at QEII hospital.

I will never forget the day when Dr Michael Wooldridge, our federal health minister, attended the hospital to have a look for himself. He was stunned to go into one of the operating theatres of the hospital in 1995, when Peter Beattie was the health minister, to find the place was filled with storage of boxes and even mannequins—mannequins in the operating theatre so that people could imagine that that is what doctors and nurses look like in such a place. That is what the Queensland Labor government did to the QEII hospital in the early 1990s. The community, and I was certainly involved in the campaign from 1992 onwards to reverse Labor’s bad planning as far as health services were concerned, are rightly concerned that the QEII hospital remains under threat whilst there is a Queensland Labor government. I will continue to work with the community to make sure QEII has another celebrated 20 years or more to come.

**Lyons Electorate: Woodsdale Football Club**

Mr ADAMS (Lyons) (9.57 a.m.)—Woodsdale is the football club in Woodsdale, a small, isolated community in the Southern Midlands of Tasmania. The community has a football ground that is the home of some young, dedicated footballers who have played football together well before their teens. They love their football, their football club and the life around it.

The people who make up the Woodsdale Football Club play their football in the Oatlands District Football Association. The association is now 50 years old, an impressive age for a country association in changing times. The interesting point about this club is that Woodsdale has a great history of making grand finals. This year they played in their 13th successive grand final and won, which made it their 10th premiership out of 13. This has to be some sort of a record. They beat another good team, Kempton, with which there has been keen and lively competition over many years. The football association is an important part of this area, and one of the strengths of the association at this time is Helen Scott, who is the president of the association and deputy mayor of the Southern Midlands Council.
I congratulate Woodsdale as premiers and also the other teams—Kempton, Oatlands, Mount Pleasant, Bothwell and Triabunna—who made up the association this year. I understand that Swansea will be coming into the association next year. Unfortunately Tunnack did not quite make it through the whole season as they had difficulty getting players. Let us hope that they can put a team together for next year. All the teams that make up this association contribute magnificently to the quality of country life in their area—not just to the game of football. Long may this continue.

Main Committee: Appreciation

Mr LLOYD (Robertson) (9.59 a.m.)—Very briefly, in the few seconds I have left to speak, I would like to thank Hansard, the attendants, the clerks of the Main Committee—

Honourable member—And the Deputy Speaker.

Mr LLOYD—And the Deputy Speaker, whom I did thank yesterday, and the members of the opposition. As members would know, I was promoted to Government Whip about 12 months ago. The support that everyone has shown in the Main Committee has been fantastic.

Mr DEPUTY SPEAKER (Mr Nehl)—Order! In accordance with standing order 275A, the time for members’ statements has concluded.

INTERACTIVE GAMBLING AMENDMENT BILL 2001
Consideration resumed from 24 September.

Second Reading

Mr SLIPPER (Fisher—Parliamentary Secretary to the Minister for Finance and Administration) (10.00 a.m.)—I move:

That the bill be now read a second time.

The Interactive Gambling Bill 2001 was passed by the parliament on 28 June this year. With this act, the government took decisive action to address the further spread of problem gambling. The act responds to serious community concern about the potential for online technologies to exacerbate problem gambling.

Under the act it is now an offence to:

• provide an interactive gambling service to customers in Australia;
• provide an Australian based interactive gambling service to customers in designated countries; and
• publish or broadcast an interactive gambling advertisement in Australia.

The advertising ban is a key element in minimising the accessibility of harmful forms of interactive gambling. The ban is comprehensive in its scope and includes a prohibition on the promotion of ‘words that are closely associated with an interactive gambling service (whether also closely associated with other kinds of services or products)’. This provision is designed to prohibit the surreptitious marketing of interactive gambling services via, for example, the promotion of clothing or accessories bearing the service’s brand.

However, it has come to the attention of the government that the ‘close association’ provision could unintentionally prohibit the advertising of land based casinos in cases where those advertisements might be closely associated with an interactive gambling service.

For example, an Australian licensed land based casino might develop and provide an interactive gambling service wholly to customers outside Australia who are not in designated countries. Such a service would not be in contravention of the main offence provisions of the act. However, if the land based casino gives a name to its online service that is similar to the name for its land based licensed service, there is a risk that over time advertisements for the
land based product will be ‘closely associated’ with the interactive gambling service that it provides legally outside Australia. The advertising prohibition in part 7A of the act, as originally introduced, did not intend to prohibit the advertising of land based casinos as outlined in this example.

While the government is concerned about the growth and accessibility of offline gambling, this has always been a matter for the states and territories to address. For this reason, the advertising ban needs to be amended to allow this unintended consequence to be rectified.

The Interactive Gambling Amendment Bill 2001 provides for a regulation making power in relation to the advertising ban. Using this power, regulations may be made to exempt advertisements of a specified kind from the definition of ‘interactive gambling service advertisement’. These regulations will be disallowable by parliament.

The government will use the Ministerial Council On Gambling to continue to pressure states and territories to combat the socially harmful effects of land based gambling services. I commend the bill to the House and present the explanatory memorandum to this bill.

Mr STEPHEN SMITH (Perth) (10.04 a.m.)—The Interactive Gambling Amendment Bill 2001 amends the Interactive Gambling Act 2001 to allow regulations to be made under the act to provide that certain advertisements are not interactive gambling service amendments and therefore are not prohibited under part 7A of the act. The government’s policy in introducing the amendment is to allow the exemption from the ban of interactive gambling advertisements, advertisements that, while primarily advertising a non-interactive gambling service, may also by association advertise a lawful interactive gambling service—for example, a service provided from within Australia to people outside Australia. This would occur where a particular trade name for a non-interactive gambling service was synonymous with a lawful interactive gambling service.

While unobjectionable in itself, this bill only serves to further highlight the unworkability and hypocrisy of the government’s approach to interactive gambling. Contrary to the repeated assertions by the government, this is not a debate about who in this chamber cares more about the problems posed or caused by gambling.

Others have spoken during debate on the Interactive Gambling Act 2001 and in debate on the Internet Gambling Moratorium Act 2001 on the problems that gambling causes to individuals, their families and friends, and the wider Australian community. I do not intend to repeat those concerns that I am sure are shared by everyone in this chamber. The real issue is whether the approach undertaken by the government will be the most effective in addressing the social ill we all wish to address. The opposition regrets that it is not.

The problems caused by gambling, and how to deal with them where that gambling is provided over the Internet, have been discussed extensively in recent times at the Commonwealth level. The Productivity Commission, for example, considered the issue in its report on gambling. The National Office for the Information Economy has twice considered the issue, and Senate committees have considered it on three separate occasions. The result of all that deliberation is that the overwhelming weight of expert evidence is that the government’s approach—imposing an alleged ban—is not the most effective means of tackling this problem.

The government has repeatedly and disingenuously claimed that the opposition will put a casino in every Australian lounge room. Yet the practical effect of the government’s act has only been to ensure that the lounge room casino is foreign owned and operated, with possible links to organised crime and with potentially no appropriate protections for problem gamblers or consumers. The government’s legislation is, as I have described, hypocritical and unworkable, and this amendment shows itself, as I said in the second reading debate on the act itself,
to be a dog’s breakfast. Amendments to the act, such as the one we are considering today, only serve to reinforce that conclusion.

This bill is not opposed, but that does not alter the fundamental problems with the government’s approach to this vexed issue of public policy. It proves that there are no easy lines to draw on the online world and that the simplistic approach adopted by the government fails to reflect that. By contrast, the opposition has consistently proposed a comprehensive, effective and strong regulatory approach to interactive gambling, an approach we have spelt out in detail both in our second reading amendments to this bill in the Senate and during debate on the act.

I urge the government to reconsider its approach, even at this late stage, and to support a response to interactive gambling that is widely recognised as being a better response to the social ills caused by gambling, whatever its form. Consistent with those remarks, I would like to formally move a second reading amendment which has been circulated in my name. I move:

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;

(a) condemns the Government for its unworkable, hypocritical and inconsistent approach to interactive gambling which will not reduce the social harm arising from interactive gambling and;

(b) calls on the Government to show national leadership on this issue by putting in place a comprehensive, effective and strong regulatory regime in co-operation with the States and Territories and the international community as proposed by Labor”.

As indicated earlier, we do not oppose this bill in the Senate. In the other place earlier this week we allowed this bill to be passed in a non-controversial fashion, to ease and facilitate the government’s legislative program. In that place we also put on the record our second reading amendment, and, whilst you, Mr Deputy Speaker, would remember more than most that on some occasions in this place I have caused divisions to occur, I would not be proposing on this occasion to cause that to be effected either here or in the other place.

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

Mr Sercombe—I second the motion and reserve my right to speak.

Mr NEVILLE (Hinkler) (10.08 a.m.)—I rise in support of the Interactive Gambling Amendment Bill 2001. The amendments to this bill are to ensure that the advertising ban would only apply to interactive gambling services that are banned by the bill. We do not want to catch out legitimate gaming operators who may market online services offshore in markets where that service is not prohibited.

It came to the government’s attention that the act may have inadvertently prohibited the advertising of land based casinos which also provide interactive gambling services to overseas customers, so that if an Australian based casino used its name for its legitimate interactive gambling services then there would be a chance that the name would become ‘closely associated’ with the interactive gambling service. This would then prevent the casino from using the name in advertising its land based services.

The ALP might argue that it is inconsistent for the government to amend the legislation to facilitate casino operation when its general policy is to encourage a reduction in gambling levels in the community. This ignores the minister’s commitment in the Senate that the advertising prohibition would only extend to those interactive gambling services made illegal by the act. Those opposite profess compassion for the Australian people, but we on the conservative side are the ones who have taken action to protect Australian families. While the Leader of the Opposition wants to put a poker machine in every lounge room, a move that
would rip more families apart, the National Party want to make families stronger and keep them together. National Party policy on the family is fundamental. We want to see that the family as a unit in society is nurtured and made to thrive. Our policy says specifically that government policy should preserve and promote the family. The Nationals in government would deliver on this, and indeed we have.

By contrast, a quick look at the Labor Party web site shows that they have no family policy. But you do not have to go online to realise that it is obvious that their opposition is to the Interactive Gambling Act. They are soft on Internet gambling just as they are soft on drugs, soft on crime and—depending on which way the wind blows—soft on illegal immigrants. Their opposition does not just go against the moral values of middle Australia; it goes against expert recommendations, economic sense and the findings on gambling addiction. The National Office of the Information Economy commissioned economic modelling that suggested the banning of online gambling may have modest or small economic benefits for Australia in terms of restricting access to harmful activity and may have aggregate benefits for the states and territories in their taxation revenues. It found the growth of interactive gambling had the potential for negative social consequences in Australia because of the increased accessibility to gambling services. Indeed, this is what the original act was all about.

The Productivity Commission report on gambling revealed some staggering and sobering facts. Over 80 per cent of Australians gambled last year, spending $11 billion, with 40 per cent gambling regularly. Gambling is a big and rapidly growing business in Australia, with industries currently accounting for an estimated 1.5 per cent of GDP and employing over 100,000 people in more than 7,000 businesses throughout the country. However, the net gains in jobs and economic activity are small when account is taken of the impact on other industries of the diversion of consumer spending to gambling. Around 130,000 Australians, about one per cent of the population, are estimated to have a severe problem with their gambling. A further 160,000 adults have moderate problems which may require some form of treatment.

These two groups together warrant policy concern. When we take them together, we have 290,000 problem gamblers—2.1 per cent of the population. Problem gamblers comprise 15 per cent of the regular non-lottery gamblers and account for $3.5 billion in expenditure annually—about one-third of the gambling industry’s market. You can see that about 15 per cent of the regular gamblers send off about 33 per cent of the $11 billion expended on gambling. They lose on average about $12,000 a year compared with only $650 for non-regular gamblers. Perhaps the most damning finding in terms of the opposition to this bill is that the prevalence of problem gambling is related to the degree of accessibility to gambling, particularly gaming machines. That is the point I want to stress in this address. Despite these black-and-white findings, the Beazley bandits want the one-arm bandits in every lounge room. What impact do you think it will have on families?

It is interesting to note from the Productivity Commission’s findings that the Labor Party is out of step with the wider community. Seventy per cent of Australians surveyed believed that gambling did more harm than good and 92 per cent said they did not want to see any expansion of gambling activities. According to a recent survey by AustraliaSCAN, 75 per cent of Australians believe gambling on the Internet is not acceptable.

The Labor Party says it is too hard to regulate the Internet. I say that is a defeatist attitude and shows a lack of understanding of the media. We have banned advertising on gaming services across all media to limit access to the Australian market. There is already a precedent in the tobacco industry with the Tobacco Advertising Prohibition Act of 1992—

*Mr Snowdon interjecting*—
Mr NEVILLE—which I think your party actually introduced in 1992—would that not be right, Member for the Northern Territory?

Mr DEPUTY SPEAKER (Mr Nehl)—The member for Hinkler will ignore the interjectors.

Mr DEPUTY SPEAKER—Order! I would like to advise the member for the Northern Territory that when the chair is talking he should be silent. Member for Hinkler, you will ignore the interjections coming from the other side and also you will not ascribe support or non-support for any previous bill to the occupant of the chair. You will address your remarks through the chair.

Mr NEVILLE—Thank you, Mr Deputy Speaker. I was making an analogy between the Tobacco Advertising Prohibition Act introduced by the ALP in 1992 as a precedent for this act that we are introducing. It is surprising, then, that the opposition should be opposing it.

Offshore or Australian operators that provide online gaming services to customers in Australia are liable for an offence of providing a prohibited interactive gaming service. While members opposite may be prepared to put this one in the too-hard basket, my National Party colleagues—and, no doubt, my coalition colleagues—and I say that nothing is too hard when it comes to protecting families. In passing this legislation we will help protect the young, computer literate generation from new and immediate forms of gambling recognised by experts as dangerously addictive. We will also help prevent a situation where people can lose the shirts off their backs within a few minutes of sitting down in front of a home computer.

I feel very strongly about this. I will tell you why. Of recent times I have seen the demise of a lot of clubs, a demise which has come about by an overreliance on poker machines. We had a lot of good clubs on the New South Wales and Queensland coasts, where as you know there is quite a holiday atmosphere and where people—the member for Robertson is a typical example—do like to have good clubs to enjoy social interaction, to attend sporting events, to have a drink with their mates, to play indoor and outdoor sports. They have gymnasiums. All sorts of good things come with clubs, but when you overlay it with the poker machines—and I am not saying that people should not gamble; I am just saying when you let this become the overriding aspect of the club—the minute those poker machines get into trouble the whole club collapses. We have seen a whole variety of these on the New South Wales and Queensland coasts in the last couple of years. To see these beautiful clubs close because of this overreliance on poker machines is a dreadful thing.

Let me take you on from that to the damage that does to a community in terms of social interactivity. If we were to have allowed interactive gambling on the computer, can’t you just imagine some lonely soul at night with a stubbie in one hand and the mouse or the keyboard in the other, with some special facility, which no doubt would be devised very quickly, where you shove your credit card in; can’t you just see him shove the credit card in, ring up $50 or $100 worth of credit, stubbie in one hand—and away he goes, all night. You could send off hundreds of dollars like that. At least when you go to a club there is the discipline: you have to go to the counter; you have to pick up your coins; you have to physically go through the process of doing it. I say that Internet gambling would further exacerbate the problem.

Already we have, as I pointed out earlier, more than our fair share of problem gambling in Australia. I am no moralist about this: if people want to gamble on horses, or dogs, or gallops, if they want to have a flutter on the poker machines, if they want to get scratchies from the newsagent, I make no judgments. But I do not think governments should be in the business of
accelerating this sort of thing. It is obvious that an overreliance on poker machines has damaged a lot of families. Also, those clubs that have become overreliant on them, when they cannot support the activities of the club by any means other than poker machines, promptly fall over, and there is a great loss of social interaction in the communities that they serve.

I feel very passionate about this: if we were to have allowed interactive gambling on computers in homes, we would have had a whole plethora of new problems, not least of which would have been young, computer-literate people having a dabble. Even if there were security PIN numbers, not all parents are so focused in that regard. The kids find out what dad’s PIN number is, get on the machine and away they go. Worse still, imagine how many people, who at least have to make the effort to have some social interaction and go to a club, would not even go to a club.

I feel that the government has done a very good job on this matter. To some extent, I feel sad for the Northern Territory. I had a very heated debate in the party room with Senator Grant Tambling on this issue. I think his treatment by the Northern Territory CLP was regrettable. He did fight bravely for the Northern Territory on this issue, in both party rooms. He was quite focused. I know that, firstly, because I am the National Party Whip—I have seen him in action—and, secondly, because I debated against him. Having said that, with all the respect I have for him, and knowing the difficulties that this may cause for the Northern Territory, I believe the government has gone down the right track in the national interest. This amendment is a sensible one because it rectifies an unintended consequence for the existing gambling industry. For that reason, I support the bill.

Mr SNOWDON (Northern Territory) (10.22 a.m.)—I am pleased to contribute to this debate on the Interactive Gambling Amendment Bill 2001, although I must say I was quite amazed by the bizarre contribution by the previous speaker, the member for Hinkler, and I will address that in some detail shortly. Initially, I want to comment on the latter part of his speech in which he spoke about the contribution of Grant Tambling. I have no idea what went on in the party room of the National Party or in the joint party room, but he was right—this was one part of his speech which was correct—in saying that the CLP unjustly dealt with Grant Tambling. I think, frankly, that it is a matter of some concern to all of us that we have a political party in the Northern Territory—thankfully, it is no longer the government of the Northern Territory—which threatened one of its members that, if he did not vote the way it wanted him to vote in the federal parliament, it would withdraw his preselection.

That is not only wrong, but I suspect there is a very good chance that it represents a breach of privilege, because no-one has the right to tell a person how they are to cast a vote on the floor of the chamber. They may, at some subsequent time, say to a person, ‘In the past you failed to vote in the way we wanted you to vote, therefore when you’re up for preselection next time you’re not getting our support.’ But that is not what occurred. He was a preselected candidate and the CLP, as a result of the government’s failure to support its view, deliberately overturned his preselection in a subsequent act. That is not only unfair; it is wrong.

Mr Neville—He did defend the Northern Territory.

Mr SNOWDON—He may have defended the Northern Territory; I do not think he defended it very well. It demonstrates the absolute lack of influence that the Northern Territory CLP government had here in Canberra, despite the fact that the Federal President of the Liberal Party of Australia is none other than Shane Stone, a Northern Territory resident, a former Chief Minister of the Northern Territory and a member of the CLP. I know that he has now disowned the CLP. I understand, by the way, that at the moment he is involved in trying to overturn the preselection of the preselected CLP candidate for the House of Representatives.
I say to the member for Hinkler: I find it rather bizarre that you indicated that you are not making any moral judgment when it comes to people who are involved in gambling—that is exactly what you are doing. It is okay for people to go and play the one-armed bandits in any club or pub in Australia where they exist; it is okay for people to go to a casino on land and play roulette, two-up or any one of a number of games in gaming rooms; he says he makes no judgment about that. But somehow or other, people who might be playing on the Internet are clearly a different quality of person, because they deserve condemnation. Others do not; habitual punters who might have a severe problem with betting are not a problem for him. Those people who go to the track and lose their family income are not a problem for him.

**Mr Lloyd**—That is not what the member said.

**Mr Snowdon**—That is what he said. He said, ‘I don’t worry about people having a flutter.’ Those are not his words; they are mine. But they are an apt description of what he said. Somehow or other, people who sit at home and have access to the Internet are different. Well, the hypocrisy knows no bounds. It is worth contemplating what this all means, Mr Deputy Speaker. I refer to the Bills Digest because the summation contained there is a very good one. In terms of the reason for the amendment, it states:

In moving the amendments to the Interactive Gambling Bill on 28 June 2001, the Minister (Senator the Hon. Richard Alston) stated that ‘The advertising ban would only apply to interactive gambling services that are banned by the bill’. However, it has since come to the Government’s attention that the Act may inadvertently prohibit the advertising of land-based casinos which also provide interactive gambling services to overseas customers. Section 61BA(1)(e) defines an interactive gambling advertisement as any writing, visual image or audible message that promotes any words that are closely associated with an interactive gambling service. If a land based casino uses its name for its legitimate interactive gambling services, then there is a chance that the name will become closely associated with the interactive gambling service. This would then prevent the casino from using the name in advertising its land-based services.

Understand what this means: if I am a casino operator and I have an interactive gambling service which goes to countries which are not nominated in this bill, that is fine; that is okay. But if Australians want to gamble on that service, that is not okay. What sort of moral duplicity is this? We are making a judgment that it is fine for people in some other country to gamble on these sites, provided they are not one of the nominated countries, but it is not fine for Australians to gamble on these sites. Conversely, there is absolutely nothing that can be done by this government or any other to prevent Australians, wherever they might live, who have got access to the Internet, from gambling on the Internet.

I am happy to take the Parliamentary Secretary to the Minister for Finance and Administration, who has just delivered the second reading speech, and any other member of the National Party and the Liberal Party, down to my office so that we can play a few games on the Internet. Let us call up some gaming sites around the world. You do not have the ability to prohibit it. Yet, instead of accepting the integrity of standards that can be applied in Australia, there is the lunacy of saying to this one small segment of the gambling industry, ‘What you do is immoral; it is improper. We’re concerned about the state of the nation.’

I tell you it is very clear that members of the National Party and the Liberal Party do not go to workers areas around Australia. They do not go to the clubs and casinos that I go to. They do not see those people playing the one-armed bandits that I see. What response do they have? They say, ‘That is a state responsibility. We wash our hands of that. That is not an issue for us; that happens to be a matter for the states and territories.’ The contribution made by the
member for Hinkler was bizarre and so is the proposition that has been put forward by the
government in relation to Internet gambling. It is not a sensible approach. The Bills Digest
says:

Of course, any casino which wished to avoid this possibility could simply use a different name for its
interactive gambling services. However, this would deny a reputable casino the opportunity of capital-
ising on its good name with regard to its interactive services. This could be a considerable drawback, as
a reputation for reliability is essential for a successful Internet gambling operation.

It might be argued that it is inconsistent for the Government to amend its legislation to facilitate casino
operations—

which is what it is doing—

when its general policy is to encourage a reduction in gambling levels in the community.

That strikes me as a bit hypocritical. It is hypocritical and, I think, it smacks of the political
opportunism which it exhibits. I have already referred to Senator Tambling. Senator Tambling
has been dumped by the CLP for not crossing the floor in parliament on this issue.

What we also should understand about this industry is that Australian operators make up
less than four per cent of the world interactive gambling market. Ninety per cent or therea-
bouts of Australian interactive revenues come from international sources. Online gambling is
approximately one per cent of Australian gambling—only one per cent. So here we have the
opportunity for an industry to develop which could be properly regulated to ensure the secu-

rity of both the punters and the institutions—the casinos or the other gaming houses or betting
institutions. With that proper regulation it could address the issue of credit in a way which
cannot be done on a racecourse.

The member for Hinkler referred to people using their credit cards at home, slotting them
into a machine. I do not gamble myself, but I go to these places and I see people lining up by
the funny money machines. You see people line up with their cards—they are using credit
cards or making cash withdrawals through EFTPOS—and go back in and lose money on
poker machines or other games. What does the government propose to do about that? Is it
suggested that the state and territory governments say that these instant opportunities for
credit should not exist at gambling institutions? I am sure it is not.

The main issue here is online gambling. Online gambling is the most important issue in
Australian gambling. Australia has around one-fifth of the world’s poker machines, and of
course this is where the real problem is. The introduction of this legislation has created the
global perception that interactive sites in Australia are illegal. This has cost the economy and
will continue to cost the economy.

I should point out in case people are in any doubt that the Isle of Man off the coast of Eng-
land has set up a regulatory environment for interactive gambling. Three international compa-
nies have been granted licences to set up shop and trade on the Isle of Man. What does this
mean? One of the companies is MGM Mirage. MGM owns the Darwin Casino. Because it
could not get an interactive gaming licence in Australia, it has chosen to get an interactive
gaming licence to operate in a properly regulated environment on the Isle of Man. What does
the government say about this?

If I go down to my computer and key ‘MGM Mirage’ into one of the search engines, what
is to stop me? Absolutely nothing. Yet we have the hypocrisy of the government saying that it
is not prepared to set up properly and appropriately regulated Internet gaming sites in Austra-
lia so that we can control the industry. We can be concerned about the punters, but we now
have them presumably playing on the Isle of Man site and on any number of unregulated sites
around the world. We know that there are estimated to be more than 1,400 Internet gaming
sites in existence being operated by 250 companies around the world. For some reason or other, we are saying to Australian businesses who have been responsible that they cannot participate in this business, even though the government has within its hands the ability to set up a properly regulated environment for that to happen. In the past, it was possible to forecast that we could have developed an industry which was responsible, properly regulated, informed and accountable. It would have meant increasing employment, business opportunities and technological development and would have given us the possibility of taxation revenues and the ability to regulate in ways which we saw as appropriate.

I am advised that current gradable revenues from Internet gaming are about $1.5 billion—I presume that is $US1.5 billion. It is estimated that they will reach $US10 billion by the year 2005. If properly licensed, regulated and taxed, cash based Internet gaming has the potential to become a multimillion dollar opportunity for the gaming industry world wide. That is true. You cannot deny that. What we need to do as a responsible community is say that we accept the reality that this is going on and not hide our faces to this reality. We should come up with a set of proposals that allows us to participate in that process so that we can appropriately govern and regulate what happens within Australia. Not only is it silly to deny ourselves this possibility but it smacks of identifying one group of people only who are involved in gambling and saying to them, ‘We don’t trust you to gamble.’ Yet, as the member for Hinkler said, every other form of gambling in Australia gets carte blanche. Therein lies the absolute hypocrisy.

I point to two companies that operate out of Alice Springs. Lasseters Casino, which is a regulated Internet gaming site and was the first major Internet gaming site to operate in Australia, does very good business. Its clients are overseas. The other company I want to refer to is Centrebet. It is Australia’s oldest interactive gambling operator and is involved in sports wagering. It was founded in 1996 and employs 40 full-time and 40 part-time staff. It contributes over $7 million to the local economy and in 2000 was rated by the Overseas Trading Magazine as one of Australia’s top 50 important exporters. We know Centrebet’s activities are okay. You and I can ring Centrebet today. In fact, I saw in this morning’s Australian reference to Centrebet’s odds on the forthcoming election. If the parliamentary secretary opposite wants to put up a wager, he can ring Gerard Daffy at Centrebet and say, ‘I want to put a couple of dollars on the Labor Party or the Liberal Party.’

Mr Lloyd—it would not be on the Labor Party.

Mr Snowdon—a lot of people have; let me be clear about it. They are holding at the moment approximately $300,000. That is fine; that is absolutely terrific. But if you go down the road to Lasseters and say, ‘I’m going to be living at Halls Creek for the next seven months. Can I gamble off your site?’ they have to say no. What is the logic? Where is the logic? There is no logic in this legislation. I mentioned before that I thought the contribution of the member for Hinkler was bizarre. Not only was it bizarre; it was contradictory, because he was prepared to support people gambling on every other activity they possibly could in Australia but not support people being allowed to participate in interactive gambling from their homes.

I know that gambling is a problem and it must be addressed. But if the government think prohibition is the way to address it then I think they will ultimately come to the same conclusion as those people who were trying to prohibit alcohol consumption in the United States in the 1920s. They will realise that they have failed and not only have they failed but they have missed an opportunity. They have missed an opportunity to properly regulate, properly govern and properly administer an industry which has the potential to earn a great deal of money for
Australia and provide many job and business opportunities. I am pleased to support the amendments put forward by the shadow minister on behalf of the Labor Party.

Dr THEOPHANOUS (Calwell) (10.42 a.m.)—It is not often that I disagree with my colleague, the member for the Northern Territory but, unlike the member for Hinkler, I am concerned about all forms of gambling in Australia and I am concerned about what has been happening with the massive expansion of gambling in this country.

The member for the Northern Territory says, ‘If we’ve got all of that, why don’t we have a bit more?’ I believe that what we have got to do is put a stop to new forms of gambling arising and start to reverse the trends in relation to the most insidious forms that have appeared in this country. I am talking here about the poker machine phenomenon, which has been a total disaster. When I say it has been a total disaster I do not mean simply in terms of the way people have lost so much money on the poker machines. I mean the social consequences of those losses.

Mr Slipper—We have a huge proportion of the world’s machines in this country.

Dr THEOPHANOUS—Yes, we do, as the parliamentary secretary says. When this bill went through the House this was one of the rare occasions that I actually supported a bill from the government. Mr Andren, the other Independent, and I did so on the basis that we believe that this is a whole new area of gambling that is going to have disastrous consequences if it is allowed to spread. I do not say, as some do, ‘This is the only area of gambling which we need to tackle.’ No. We also need to tackle the other areas. I will come back to that in a minute.

It seems to me that in what the member for the Northern Territory put forward there were two basic arguments. One was: if you have got every other type of gambling, why don’t you have this one? The answer to that is clear. If you open up this new type of gambling, you can stay in your own home, turn on the Internet and, if you are really mad, gamble away in the same night maybe all of your money. People are already doing enough of this in the casinos and with poker machines which have appeared in so many clubs and hotels throughout this country, especially in the state of Victoria.

We used to have a situation in Sydney—and in New South Wales—where poker machines were only available to nonprofit organisations. What then happened in Victoria? To their utter disgrace, the previous Labor government introduced poker machines into profitable organisations—hotels, clubs and any other organisation able to make a buck. They appeared everywhere.

Mr Slipper—They wanted that revenue.

Dr THEOPHANOUS—The parliamentary secretary says they wanted the revenue. But the fact of the matter is that what happened was a disgrace. The whole social culture of Victoria has been changed because of this phenomenon, even the pubs. Pubs used to be a place where you went and had a drink and mixed with your mates. You go to a pub now in Victoria, and what do you see? You see people not talking to each other at all. They are all in front of these damn machines and losing thousands of dollars.

Even the state government recently admitted how many millions and millions were lost by Victorians. But do they do anything about it? They say, ‘We might have to introduce a few regulatory things here and there to stop the number of times you do it.’ But the point is: the phenomenon has occurred. It has happened and it has changed the culture even in hotels now. You go to a hotel and people do not mix; they do not socialise. They just play these damn machines and they lose all their money. Whether it is the wife or the husband, what happens when they do not have any money to supply the basic goods and services for the children? I know about this because in my electorate we have the Salvation Army and the care centre
who continually run out of food for children. Why? It is because these people lose so much money in this gambling phenomenon.

Of course, you cannot ban gambling altogether. Nobody is saying that. But the more opportunities you make available, the worse it gets. There is absolutely no doubt about that. This is what happened in Victoria with the poker machines. Now it is very difficult to reverse such a phenomenon. The hotels that got the poker machines became very rich and had plenty of customers. The occasional old traditional pub that did not get them went to the wall. We have a situation now where the hotel industry has become totally dependent on these poker machines and the whole culture has been changed.

Imagine what would happen if Internet gambling were to become totally available in the way in which it has been suggested. We would have the potential to bring the problem into every home. It is an outrage to suggest that there is no social issue here. I agree with the member for the Northern Territory that there could be some money in it. Since when did the Labor Party support matters only because there is money in it? I do not know where they got this idea that we should not proceed to ban Internet gambling. Of course we should ban it. Not only that, we should work for the reversal of what has already happened.

I do not often agree with the Prime Minister—everybody knows that—but I agree with him on this point: the gambling disease has become a curse in this country. It has got to the point where it is affecting the social fabric in a very serious way. It is all right for middle-class and upper-class people to have their flutters at the casino. Even if they lose $1,000 or $2,000 it does not matter so much. But the poor people without big incomes who have easy forms of gambling available to them in this way include sad cases where pensioners get their pensions and go off to the poker machines and waste all their money.

If interactive gambling were to proceed, not only would we have the groups that go to clubs and hotels and gamble away all their money; we would also have young people who are accustomed to the use of the Internet suddenly discovering that this was a way forward. And what would happen? Young people would be afflicted by this disease. Not only would we have the older people, the pensioners and so on, who now go to these hotels—some of them go every day and waste all their money—but also, younger people who are used to working with the Internet would get involved.

We have to understand that society needs some goals other than gambling. Sport is an important Australian phenomenon. We should encourage that. We have so many cultural activities. There are so many activities conducted by different organisations in our society—which, by the way, need support from people. Many of these are not being supported because of the time being spent by individuals on the gambling disease. I refer to activities like volunteer work, which Australians are good at. We could have more people volunteering to do good works were it not for the fact that there is so much time and effort being totally wasted because of this gambling disease. We are told that, because it is there and because it is going to become more readily available at an international level, we must have it here in Australia.

If this bill represents only a start in coming to grips with the gambling disease, let it be a start. Let it be an important start. Let us draw a line; let us say that we, as parliamentarians, care about this phenomenon and that we want to stop it. I am not referring to ordinary recreational gambling; I am referring to the excesses and the situation where people are absolutely ruining their lives.

The member for the Northern Territory said that there are all of these responsible organisations that control gambling; therefore they could easily control Internet gambling. How responsible are these organisations? Isn’t this the same set of organisations that is constantly promoting gambling? Isn’t this the same set of organisations that has promoted the dreadful
growth in the number of poker machines to such an enormous degree? When poker machines came in, they said, ‘We’re going to be very responsible.’ They now actively try to do everything they can to get people to invest more and more money in these gambling activities.

I do not consider them to be responsible in any social sense. Maybe they are responsible in the sense that they do not resort to criminal activities, but that is not the same as their being responsible and saying, ‘This particular individual is going beyond the bounds and is destroying himself and his family.’ They do not do that. There are no controls in that way. We then have to say that at least in a social milieu some people might see this person—it does not happen often but it does occasionally—and perhaps give him a hand or advice. If Internet gambling is available in the person’s own home, with nobody knowing about it, that person could, in the space of a day or two or a week, totally lose their assets—not only their income but their assets. The number of people who have lost everything through gambling is frightening.

I bring up this point: we do not publicise the statistics, but suicide as a result of gambling is a serious problem. People do come to that desperation point. The thing about gambling is, as the great Dostoevski said in his novels, the way in which it gets to you. You think, ‘The next round, I am going to win, and then I am going to win the round after that, and the one after that.’

The parliament secretary wanted me to finish within 10 minutes, and I have gone over time. But I want to say that I oppose the introduction of interactive gambling into Australia, and I believe this bill is a good move. I think we should also work together with the states. Whoever wins the federal election should bring together the state governments and tackle directly the problem of the excessive gambling with poker machines in clubs and hotels which has got to such a point that it is undermining and destroying the social fabric of this country.

Mr SLIPPER (Fisher—Parliamentary Secretary to the Minister for Finance and Administration) (10.55 a.m.)—Initially, I would like to say to the member for Calwell that I was not seeking to restrict him to 10 minutes; I was just interested to know how long he was going to speak in the Main Committee. I do understand that there is a division imminent in the main chamber and so I will endeavour to complete the summing up prior to that occurring, but I could be interrupted.

I listened very carefully to the comments made by the honourable member for Calwell. It is pretty clear that he does not have a lot in common with the Australian Labor Party any more, and one can understand why, after 21 years, he has taken that important step and has become an Independent by walking away from the Australian Labor Party. I am hopeful that, in the election, the Australian people will once again walk away from the Australian Labor Party because of their flip-flopping all over the place and not having any positive policies to improve this wonderful country.

I thank all the honourable members on both sides who have contributed to this debate on the Interactive Gambling Amendment Bill 2001. The government is concerned about the potential for new technologies to increase the accessibility of gambling services and therefore to exacerbate problem gambling in the Australian community. The Interactive Gambling Act represents a strong response by the government to the use of new interactive communications technologies to spread gambling into Australian homes.

The ban on the advertising of interactive gambling is an important element of this tough approach. However, it has never been the intention of the act to restrict offline or land based gambling or the advertising of such services. While the government remains very concerned about the socially harmful effects of poker machines and casinos—and the member for Calwell outlined the problems of poker machines—the responsibility rests squarely with the
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states and territories which have allowed them to proliferate. The new exemption power provided for in this amendment will allow the government to rectify any unintentional effect that the advertising ban may have on land based gambling services. In the Ministerial Council on Gambling, the Commonwealth government will continue to pursue measures to protect the Australian community from both online and offline gambling.

The shadow minister moved a second reading amendment. The government does not accept that second reading amendment. We do not support regulation as an alternative to a ban. The regulatory approach in effect provides a stimulus to the growth of this form of gambling. Efforts by states and territories to reach agreement on new national standards have not succeeded, despite the announcement by the Prime Minister—

A division having been called in the House of Representatives—

Sitting suspended from 10.59 a.m. to 11.10 a.m.

Mr SLIPPER—As I was saying before I was so rudely interrupted by the Australian Labor Party, who called for a division in the other place, despite the Prime Minister’s announcement of the Commonwealth’s concerns in December 1999 efforts by the states and territories to reach agreement on new national standards have not succeeded. There is no reason to think that states and territories can restrict the growth of new forms of gambling any more than they have been able to do with poker machines. Australia has a quite frightening percentage of the world’s poker machines in operation.

During the debate, certain matters were raised by the honourable member for the Northern Territory. In effect, it has been asked in the debate: how will the interactive gambling legislation deter the provision of interactive gambling services to Australians from offshore locations? The member for the Northern Territory referred in particular to a casino operating with an Isle of Man licence. A number of measures have been put in place by the legislation. This is a difficult area but the extension of the offence to foreign providers, which will deter them from signing up Australian customers in much the same way as the US Wire Wager Act, is one way. A ban on the advertising of interactive gambling services in Australia is another. There are regulations in development which will deal with the unenforceability of agreements, such as money transfers relating to illegal interactive gambling. There is a system under which Internet service providers will be able to respond to complaints about foreign gambling services on the Internet by providing their customers with filtering options. There is also a designated country clause which will allow complementary legislation in other countries to be recognised under the Australian act. These measures will also deter the take-up of interactive gambling by Australians.

We reject the amendment moved by the honourable member for Perth and we ask the chamber to support the Interactive Gambling Amendment Bill 2001.

Amendment negatived.

Original question resolved in the affirmative.

Bill read a second time.

Ordered that the bill be reported to the House without amendment.

FAMILY AND COMMUNITY SERVICES LEGISLATION AMENDMENT (APPLICATION OF CRIMINAL CODE) BILL 2001

Consideration resumed from 18 September.

Second Reading

Mr ENTSCH (Leichhardt—Parliamentary Secretary to the Minister for Industry, Science and Resources) (11.13 a.m.)—I move:
That the bill be now read a second time.

The purpose of the Family and Community Services Legislation Amendment (Application of Criminal Code) Bill 2001 is to make consequential amendments to certain offence provisions in portfolio legislation to reflect the application of the Criminal Code Act 1995. The code contains a standard approach to the formulation of criminal offences. When it commences on 15 December 2001, the code will alter the way in which the criminal offence provisions are interpreted, including offences contained in Family and Community Services portfolio legislation. The amendments made by this bill harmonise relevant offences with the code while also ensuring that the relevant offences continue to have the same meaning in operation as they do at present. This bill is one of a series designed to apply the code on a portfolio by portfolio basis. I present the explanatory memorandum to the bill.

Mr ALBANESE (Grayndler) (11.15 a.m.)—I want to take this opportunity to put on the record a few comments for the Australian Labor Party about the Family and Community Services Legislation Amendment (Application of Criminal Code) Bill 2001, even though we have agreed to support it in the House of Representatives and the Senate. This bill amends a number of Family and Community Services portfolio statutes to ensure that they are in accord with chapter 2 of the Criminal Code Act 1995. I understand that this is occurring across portfolios with the intention of ensuring that all Commonwealth criminal offences have standard formulation of the elements of intention, fault, burden of proof and penalty. The approach the government is taking to the application of chapter 2 of the Criminal Code is appropriate and has already been supported by Labor in respect of the Law and Justice Legislation Amendment (Application of Criminal Code) Bill 2001 and other like bills in other portfolios. In respect of that bill, I note that the shadow minister for justice said that there might be difficulties with some of the drafting but that the detailed problems would only become apparent as the amendments are applied across portfolios. It is neither possible nor efficient to attempt to double-check each and every offence in each and every portfolio from the position of opposition.

While the Labor Party are giving support to the government’s legislation, we will monitor the application of the amendments and we will move to address any anomalies or problems which arise. In fact, Labor has been made aware of several issues by the Welfare Rights Network, an organisation we have a great deal of respect for and one that has advised the parliament previously of potential anomalies and has got it right. The Welfare Rights Network is concerned that this bill will make a material difference to the lives of some income support recipients. I would like to put some of those concerns on the record. The Welfare Rights Network is concerned that this bill will make a material difference to the lives of some income support recipients.

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The main implications for social security recipients seem to be as follows. Firstly, regarding the issue of strict liability, the code clarifies the traditional distinction between the actus reus—the physical act now referred to as the ‘physical element’—and the mens rea—what the defendant thought or intended, now referred to as the ‘fault element’. Where strict liability applies to an offence, the prosecution does not have to prove fault on behalf of the defendant. The prosecution need only prove that the physical element of the offence or actus reus did occur, and the intention behind the action is irrelevant to determining whether the offence has taken place. The bill introduces several subclauses specifying that offences be now offences of strict liability. However, there is the defence of mistake of fact under section 9.2 of the code. Section 9.2 provides that a person is not criminally responsible for an offence of this
nature if, at the time of the conduct constituting the physical element, the person considered whether or not fact existed and is under a mistaken but reasonable belief about those facts and, had those facts existed, the conduct would not have constituted an offence. According to subsection 13.3(2) of the code, the person wishing to deny criminal responsibility bears an evidential burden in relation to showing a mistake of fact.

The second issue I wish to raise is the treatment of intention. The physical elements provided for by the code are the conduct, the circumstance in which it occurs and the result of the conduct. For every physical element there is a corresponding fault element. The code does not prevent an offence from specifying an alternative fault element, but the code indicates that a default element will apply in the absence of a specified fault element. The code establishes four default fault elements: intention, knowledge, recklessness and negligence. It provides that for conduct, the default element is intention; for circumstantial result, the default fault element is recklessness. The bill substitutes clauses that had referred to a person as ‘knowingly’ or ‘recklessly’ with simply ‘recklessly’. For example, section 1061ZZBW is concerned with refusal or failure to comply with notices. Currently, the provision applies the fault elements of intention—or intentionally—and recklessness—or recklessly—in relation to the prescribed physical element of conduct, namely, the refusal or failure to comply. The explanatory memorandum states:

Following application of the Code, the fault elements of ... recklessness will be restricted to physical elements of circumstance or result, and intention will be the sole fault element that can be applied to a physical element of conduct: see Division 5 of Part 2.2 of the Code. ... This Item recreates the offence so that intention is the only fault element in relation to the physical element of conduct....The Item also reconstructs the offence so that the fault element of recklessness applies in relation to the physical element of circumstances ...

—namely the requirement to comply. In the view of the Welfare Rights Network, all that this effectively achieves is the reduction of the level of intention where recklessness is all that is necessary for the finding of an offence.

The third issue I wish to raise is the shift of burden of proof. The bill may also shift the burden of proof in regard to the defences ‘reasonable excuse’ and ‘to the extent that the person is capable of complying’. The bill removes the phrases ‘without reasonable excuse’ and ‘to the extent to which the person is capable of complying’ from a number of clauses. This shifts the ability to take into account such factors, and their treatment as specific defences. For example—and I have referred to this section before—section 1061ZZBW is concerned with refusal or failure to comply with notices. The bill removes the defences of ‘to the extent that the person is capable complying with the notice’ and ‘without reasonable excuse’, and they are recreated in new sections.

The member for Moreton, who is speaking next, might like to refer to these sections of the bill, sections 1061ZZBW(2) and (3). I would be interested in the view of the member for Moreton on how those sections will affect welfare recipients and whether he agrees with the Welfare Rights Network that this creates a potential problem. The rationale for this amendment is to prevent any future interpretation that ‘without reasonable excuse’ is an element of the offence, which would have to be disproved in the negative by the prosecution. I know the member for Werriwa is going to talk about this clause when he addresses this bill later on in the debate.

The explanatory memorandum claims:
The amendment puts it beyond doubt that having a reasonable excuse is a defence to the offence. Pursuant to subsection 13.3(3) of the Code, a defendant who wishes to rely on such defences bears an evidential burden in relation to the defence.

Effectively, then, the change formally shifts the burden of proof for such matters from the prosecution to the defence.

We are going to keep a close eye on these matters, which is why the Australian Labor Party, the member for Werriwa and I have closely examined this bill and gone through it in such detail. We believe that you have to keep your eye on this shifty government, particularly when it comes to areas of welfare, because we know what its view is—if it can slip something in that will punish people, then it will be for it. A future Labor government will have, by the end of the year, a large task in making fair many aspects of social security legislation that have been skewed against the disadvantaged during the time of this government. This government is a government that believes in punishing the poor and the vulnerable in our community. Whilst I believe that, in this instance, there is no intent other than to achieve consistency across legislation, I want to say very clearly that we will look at the impact of this legislation and we will move to reform it if the concerns raised by the Welfare Rights Network have a real and negative impact on the lives of income support recipients.

Mr HARDGRAVE (Moreton) (11.25 a.m.)—I am pleased to contribute to this discussion and wish to place on record my congratulations to the member for Grayndler for his detailed assessment of aspects of the Family and Community Services Legislation Amendment (Application of Criminal Code) Bill 2001. My only fear is that after having been on the outer of the Labor Party for so long he may be succumbing to some illness. I suspect he has been a bit cold out there all these years, but I wish him well and hope that his health returns soon.

This piece of legislation before us is part of an ongoing package of measures that the government has had to introduce to try to bring some consistency when dealing with the application of the Criminal Code across all portfolios. In particular, this bill will, in fact, apply amendments across a range of acts, including A New Tax System (Bonus for Older Australians) Act, the family assistance act, Child Support Assessment Act, Child Support (Registration Collection) Act, Commonwealth Services Delivery Agency Act, Data-matching Program (Assistance and Tax) Act, Disability Services Act, Farm Household Support Act, First Home Owners Act, Home Deposit Assistance Act, Home Savings Grant Act 1964 and 1976, Social Security Act 1991, Social Security Administration Act 1999 and the Social Welfare Commission (Repeal) Act 1976. Whilst this particular matter may seem consequential of changes to the way the Criminal Code operates, it nevertheless does involve a great deal of considered repeal and amendment to a variety of acts.

I am a bit like the member for Grayndler—I am not sure what the member for Werriwa will say—in this way because I always share some concern about the consequence of public policy, which may impact in an unintended way on some in our community. I can assure the House that my role as a member of parliament is always to look for exceptions to the rule and to deal with them. It is very important that rights are always balanced by a sense of responsibility, which the government has attempted to do in this area of community services legislation. We accept that a great range of Australians are on low incomes and are, for whatever circumstance, in a position where they are not able to fully support themselves. We want to ensure that they do rightly gain access to assistance. It is a fundamental principle of fair go. The availability of this particular assistance means that equality of opportunity, the opportunity to get to the starting line of life, is of course assured for all Australians. The so-called social safety net is something that I fundamentally believe is an important and great mark as far as a decent society is concerned.
At the same time it is important that those who do claim falsely are not getting in the way of those who really need it. The responsibility factor of anybody who claims access to social benefits is to ensure that they are keeping the agencies which dole that money out fully across their circumstances. If their circumstances change, they should report those changes and ensure that they are getting the correct share, not their excess share, of assistance that they are entitled to. Why? There are a couple of reasons. One reason is that the sense of a fair go means that those who need it most should get it and those who do not need it most can wait or perhaps should not get it. Those who have the capacity to do something for themselves should go on and do it and make a contribution to the overall good of society to ensure that those who do not have the capacity to do something for themselves are well looked after by society.

It is important that, when we deal with anomalies, we understand that anomalies only stand out because the great bulk of people are doing the right thing. The proper laws, the proper application of them and the proper understanding of all individual citizens involved in the various systems are enforced. I would like to place in the context of this debate the congratulations I offer to the compliance and control section of Centrelink. The government has not changed any laws as far as bringing in new draconian measures, as those opposite often try to suggest; all we have done is enforce longstanding principles and arrangements that were in so many ways legislated by those opposite when they were last in power. We have simply enforced longstanding accepted practices that, for lack of will from ministerial level down under the previous Labor government, allowed too many people to claim too much, too often, at the overall cost to the community and to the detriment of those who legitimately claim.

Those who are on welfare services are often looked down upon by others; they have been looked down upon in the past. We often hear terms used in our community about welfare recipients. But in the last couple of years the legitimate receivers of welfare have been able to hold their heads high and say, ‘Look, compliance, control, tough measures—they are there. They are enforcing the longstanding principles. I get what I get because I am entitled to it.’ A great sense of dignity is now being restored to those who need that dignity because, for whatever reason, they are not able to look after themselves. They get the dignity knowing that the system now enforces their right to gain access to benefits by ensuring that those who do not have the right are not getting the benefits.

It is interesting to note that Minister Anthony, who has been doing a fine job in this portfolio area, recently announced that at this time last year there was an increase in reviews into welfare fraud resulting from public tip-offs—an increase of 32 per cent in Queensland alone, between 1 July and 31 December 2000. The most recent Centrelink half-year compliance report shows that as a direct result of tip-offs from Queenslanders, $2.8 million in debts was realised. That is a massive amount.

A division having been called in the House of Representatives—

Sitting suspended from 11.32 a.m. to 11.42 a.m.

Mr HARDGRAVE—Queenslanders have realised that those who are entitled to get access to benefits should of course be assured of that entitlement. Those who do get access to benefits are now more understanding that they have a responsibility to make sure that they get what they should get and no more, because the money should be released to go to those who are more needy. In that regard, $2.8 million worth of debts was located for the second half of last year. It is a saving of almost $153,000 per week but, more particularly, it is the opportunity to redirect money to those who need it more. It is beholden upon a responsible government to ensure that assistance in the form of any social welfare is directed to the most needy first of all.
Across the country the figure was far greater. Nationally the tip-offs increased by 58 per cent. Centrelink conducted 36,423 tip-off reviews resulting in 8,211 payment cancellations or reductions and debts of $16.1 million being raised. I know that every one of those dollars and every one of those figures and statistics underlie and point to one particular person or a family. In a lot of cases, this is a difficulty for those families involved. I know that the government has worked to try and alleviate some of those problems for some of those families. At the same time, the pressure will be maintained to continue to implement longstanding rules and regulations in regard to entitlements. The message must be clearly understood—and it is being more clearly understood. The application of the Criminal Code across this particular area to bring this department and the important work they do into line with other departments is a welcome reform. I commend this bill to the House.

Mr LATHAM (Werriwa) (11.43 a.m.)—The Family and Community Services Legislation Amendment (Application of Criminal Code) Bill 2001 amends a number of statutes within the Family and Community Services portfolio. In fact, it amends so many laws within that portfolio area that it provides members with an opportunity to talk about welfare reform more generally. This opportunity has been taken by the two previous speakers, the member for Grayndler and the member for Moreton. I wish to add my thoughts on this important area of welfare reform. I wish to place two ideas on the agenda of the parliament. I wish to add to the debate about how we can alleviate poverty and disadvantage in our nation; and how we can produce a more equal, caring and just society.

This government has claimed to have embarked on welfare reform. I believe that it has done no such thing. The government has done nothing more substantial than fiddle around with the transfer payment system. It has adjusted at the margin the way in which material resources are paid to Australians on welfare, and it has done this in response to so-called expert committees.

I believe they have missed the all-important social dimension of poverty. Mr Deputy Speaker Quick, I know that, in your electorate in Tasmania and in your own personal work, this is something on which you have placed a great priority. It is a concern that I share. I believe we need to treat poverty as a social issue, not just as an economic question. That is why I am a great supporter of what I call human scale welfare. Human scale welfare, which gets the relationships right between people in their communities, is the first and essential foundation stone for alleviating poverty.

In the past, as a parliament, we have treated welfare as an economic issue. We have made payments to people to improve their material standard of living, but through this process we have lost sight of the social dimension of poverty. We need to face the reality that long periods of unemployment and economic disadvantage alter people’s behaviour, especially when the problems pass from one generation to the next. I see this in my own electorate. The curse of intergenerational unemployment is very corrosive when it comes to the quality of our society, the bonds between people, the strength of our communities.

In particular, young people lose sight of the role models for a successful life. They lose sight of the difference between right and wrong; they lose sight of the social norms and values of community life. At the end of this corrosive process, the social problem, the breakdown in families and communities, is actually worse than the economic problem that commenced the process. So these problems start with the economic dimension—people falling out of the workforce, people falling into material poverty—but then, after long periods of that experience, the social dimension, the social problems, are so vast that they are indeed greater than the economic issues themselves.
This is the curse of social poverty. I believe that social poverty is as big an issue in our nation as economic poverty. Social poverty is reflected in record rates of loneliness and isolation, a record number of Australians living by themselves, living without family and community support. It is also reflected in the escalation of street crime, youth gangs and enormous public concern about the fabric of our society.

There are some depressing stories that we need to face up to. I have always believed that in welfare reform you need to take an evidence based approach. Understand the evidence; don’t worry so much about dogma, ideology and textbook theories; look at the evidence and work out practical solutions to these social and economic problems.

Intergenerational poverty is corrosive of self-esteem and ambition. Probably my saddest experience as a member of parliament was to talk to a school principal in a public housing estate in my electorate about the school’s careers day. The principal told me stories of how some of the young people, when they are asked what they are going to do after they leave school, say, ‘We’ll do what our dads and grand-dads have done before us—we’ll go on the dole.’ This is the way in which long-term poverty erodes social ambition, self-esteem and confidence. It erodes the sorts of values and norms that we in this place would take for granted.

I had another reminder of the extent of this problem. Just recently, I have been talking to Father Chris Riley’s Youth Off the Streets program. On Monday I had the opportunity to look at their wonderful retreat school at Canyonleigh in the Southern Highlands. They undertake great work there for troubled adolescents—trying to bring young people back into the mainstream of society and to put their personal and drug related problems behind them. Recently, Youth Off the Streets had a segment on the A Current Affair program on TV. It was a wonderful example of how they help troubled adolescents. I am told that in the week that followed that TV program they had 300 calls from parents around Australia, saying, ‘Can you take my child off my hands? Can you do the same sort of thing for my child?’ I think that is a terrible situation in our society—that parents are willing to say, ‘Take my child off me.’ Their circumstances are so desperate, the problems are so severe, that they are looking, out of desperation, for any sort of help to overcome the difficulties within their own homes.

In the public housing estates in my electorate—areas with 40 per cent unemployment and welfare dependency rates of 80 per cent—people do not necessarily say they want more deregulation and market forces; they do not necessarily say they want more government spending or a bigger public sector. Their first priority is the social dimension. The social problems have become so important that people are saying, ‘Normalise our neighbourhood, rebuild our communities.’

The first priority is not necessarily what we hear in this parliament. We have a debate with one side talking about economic deregulation and the other side talking about the size of government. The public wants to talk about the size of society, the bonds between people and the good relationships of a strong and growing community. People in public housing estates in my electorate talk about the need to normalise the neighbourhood, to live in a normal community where people work together instead of against each other. We need to get the relationships right between people, to deliver welfare services on a human scale. Getting the human and social dimension right is the first step towards the alleviation of poverty.

The great contradiction is that we have built the post-war welfare state around large, impersonal bureaucracies. These government bureaucracies are good at some things—they are good at dispensing entitlements to people—but they are not so good at other things. Large, impersonal bureaucracies do not have any capacity for building relationships of trust and confi-
dence between people. We have built a public sector that is not necessarily good at the human scale of welfare reform.

I think it is simply a matter of commonsense. Despite all the programs and all the money that is spent by this parliament in welfare services, the reality is that people are not likely to make best use of those services and entitlements without social capital, without the self-esteem and trust of a normal neighbourhood. Unless we are building stronger communities, it is very unlikely that people will make good use of the services that are provided by government.

In fact, in my electorate I cannot find any evidence of government bureaucracies solving poverty. I cannot find evidence of government bureaucracies addressing the social dimension of disadvantage. I cannot see ways in which the public sector is actually breaking the poverty cycle. Of course we need material support. People need income support from government to put food on the table and to keep a roof over their heads but, as a parliament, we need to recognise that that is not a sufficient form of support for breaking poverty. We need to recognise the need to address the social dimension of poverty.

I would like to suggest three ways in which this can be done. The first is to back the work of social entrepreneurs. These are special people who combine the best of social and business practice. They are very good at local community work, building stronger networks of community support and social cooperation, but they are also good at taking risks. They are not willing to sit back and think that government will do it all; they are not willing to sit back and underestimate the need for entrepreneurial flair and spirit; they are not willing to sit back and just complain or demand more government resources. They actually want to use their own initiative, take a risk and inject some entrepreneurial spirit and flair into these disadvantaged communities. That is why we call them ‘social entrepreneurs’: they are good at social work, but they are also entrepreneurial in their outlook. They support social justice, but they think like business people. It is an example of boundary crossing by people who combine the best of the social and business sectors.

One of them is Brian Murnane, a wonderful man in my electorate, who has undertaken superb work in the public housing estate of Claymore. When I first became the member for Werriwa in 1994, I wondered how we could ever get progress in Claymore. It was a tough suburb. It was a suburb that was regarded as one of the worst in New South Wales. There was one street, Proctor Way, that had 60 police incidents a month: that is two a day. We are talking about a really tough suburb with severe social problems.

In 1995, there were some terrible fires in two of the town houses. Six people passed away in those fires. The New South Wales Department of Housing needed to face up to this tragic reality. They decided to move out of Claymore, and they looked to expressions of interest from someone who wanted to come in and provide the housing management and community support. The person who put his hand up was Brian Murnane from the Argyle Community Housing program, a division of the St Vincent de Paul Society. Brian Murnane took a very important first step: he moved into Proctor Way, Claymore. He moved his office into a town house next to where the two burnt-down town houses had been. So he was not going to be part of a remote, impersonal bureaucracy like the New South Wales department, locked away in some head office tens of kilometres away. He actually became a local; he became part of the community.

I think this is a great lesson. We hear so much about government funded community work but the workers do not come from the community. It is a real paradox—almost an absurdity—that we talk about community workers but they do not actually come from the community itself. Brian Murnane overcame that problem by becoming a local. He then sent a notice
around to invite people to come to a morning tea and talk about ways in which Claymore could be improved—dealing with the crime problem and dealing with the lack of community spirit and cooperation. Nobody turned up. He put out the notice for the morning tea and nobody turned up. But, as a social entrepreneur, he was not going to be deterred. He decided to rent a barbecue and start cooking sausages and onions in the middle of the street—almost taunting people to come out of their homes and talk to him about the things that could be done.

This is social capital formed from the smell of sausages and onions in Proctor Way, Claymore. People who were not used to talking to each other and helping each other were peering out through their curtains. Kids were saying to their parents, ‘Mum, there’s a madman in the street cooking sausages and onions,’ but people did come out of their homes for the first time to talk to each other. They talked to Brian Murnane. He said to them, ‘What can we do here? What is your first priority for improving this area?’ The people said, ‘We want to clean up this street and get rid of all the garbage and rubbish.’ They organised a clean-up day and got a vast amount of rubbish out of Proctor Way. This was such a significant act: it was the first time that people worked together for a common community purpose.

From this steady commencement of the habit of helping each other, things began to grow. They formed a Neighbourhood Watch scheme. They formed a wonderful community garden where they grew fresh vegetables—good for the budget and good for the family diet. They established a low interest loan scheme, whereby people could purchase household items. It was a real community financing scheme. They established employment and training schemes. Brian Murnane now wants to take over the local half-derelict shopping centre as an opportunity for business cooperatives, for local training programs and for connecting local people to the real economy. He is wanting social venture capital to achieve this purpose.

Social entrepreneurship in Claymore has been a slow, methodical process. I have whizzed through the things that have happened but, over five or six years, this has been long, slow, methodical work—rebuilding the connections between people and overcoming the social dimension of poverty. Now the neighbourhood has been normalised. Claymore is a normal neighbourhood where people work together instead of against each other. Through this process of social and community building it is possible to set the foundations for economic success. People now have the habits of cooperation; they now have the confidence and self-esteem by which they can reconnect and re-enter the real economy.

This is the process that we need to foster. As a parliament, we need to make social venture capital available to social entrepreneurs. One of the best developments in our country is the emergence of a Social Entrepreneurs Network. It is something that has been formed to bring social entrepreneurs together so that they can share experience and share their success across the nation. I am very supportive of that network. I am very supportive of new ways in which the parliament can fund its work. We need social venture capital to support these special people who get results in communities. We also need to refashion the role of government. Government needs to act as a junior partner to people like Brian Murnane—not the senior dominating partner, with bureaucrats walking into suburbs like Claymore, as they did for many years, thinking that they know best. Government needs to act as a junior partner to social entrepreneurs.

We also need to establish a national mentoring program. The biggest issue in my electorate is the trouble with boys—boys dropping out of school, boys getting on the streets, boys forming into gangs and boys engaging in negative behaviour in our community. Unfortunately, it is possible for boys to grow up in my electorate and go through life without male role models. We see this in the growth of single parent families; we see it in the absence of
male teachers in our primary schools; and we see it in the loss of the apprenticeship scheme. Apprenticeships were not only about work force entry; they were actually about social mentoring, where boys could find out and learn what it meant to grow up and be a man in the work force. The loss of the apprenticeship scheme has added to this problem.

We need to mobilise mentors from the business, sport and community sectors. Any successful Australian has a responsibility to put back in to our community. Just do not pull your success out of our society; put something back in by acting as a mentor to a boy who does not necessarily have the right guidance and role models in life. There is a great opportunity here to reconnect younger Australians with older Australians. We know that we are an ageing society. We need to mobilise the vast and growing army of retired Australians to act as mentors for adolescents who lack role models and moral guidance. We need a role for government to act as the bridge from older to younger Australians. We need a role for government to call on successful business, sporting and community people to act as mentors in our society.

The third step is service devolution. We cannot build a stronger community unless people have things to do in common. We often hear community demands for better services. My attitude is that people should not be campaigning for better services; they should be running them. People should not be calling on government for better services; they should be stepping up and running these services at a community level. When I talk about the public sector, I prefer to talk about community schools, health mutuals, social cooperatives and community banks. There is a public sector beyond the role of government that lies in the cooperation of people in local communities. It is not possible to create social capital unless people have things to do in common.

This is an argument over big or small-scale government. It is not the polarised debate that we often hear in this parliament, where one side supports small-scale government and the other side supports big government. I am talking about human scale welfare and human scale government that recognises our first challenge is the social dimension of poverty. In effect, we need to put the ‘social’ back into ‘social justice’. We need to get the relationships right between people to tackle the social dimensions of disadvantage. With the fall of the Berlin Wall the world witnessed the end of state socialism. I prefer to talk about civic socialism: building a better society at a local level through the sorts of reforms that I have mentioned in this speech.

I had another idea I wanted to talk about but I think time will get away from me. It is asset based welfare reform to provide incentives for disadvantaged people to save and accumulate assets. It is one of the great paradoxes in the welfare debate. The reality is that poor people cannot leave poverty behind on a permanent basis unless they can save and accumulate assets, but all we ever get from the welfare system is income support for disadvantaged people. We never get access to asset accumulation. There was an example recently with the news that millionaires are cashing in on the first home ownership scheme. I think it is immoral for people buying $2 million homes to be receiving a government grant. It is an example of how we have made asset support and accumulation available to the middle class but we have not provided that same opportunity to the underclass, the low income people. There are many pilot schemes and great demonstration projects in the United States which demonstrate that poor people can save and accumulate assets if they receive the right incentives and support from government.

It is a great shame that in this nation we have not embarked on asset based welfare. As I mentioned at the beginning, all this government have done is fiddle at the margins of the transfer payment system. They have fiddled at the margins of material support for people, without doing two critical things. They have not addressed the social dimension of poverty.
Mr ENTSCH (Leichhardt—Parliamentary Secretary to the Minister for Industry, Science and Resources) (12.03 p.m.)—in reply—In speaking to the Family and Community Services Legislation Amendment (Application of Criminal Code) Bill 2001 I would like to thank all the honourable members who have taken their time to contribute to this debate. I would like to just raise some of the issues that were commented on by the member for Grayndler with regards to amendments made by the bill. One of the issues concerned the treatment of intention.

Section 1061ZZBW was mentioned as an example. However, the comment did not reflect the full understanding of what the amendment seeks to achieve. The existing provision requires that the prosecution should show either knowledge or recklessness in relation to failing to comply with the notice. After the amendments, recklessness will not be sufficient grounds for prosecution under this section. After the amendment’s intention there will be the requisite fault element in relation to the making of the statement. If anything this represents a tightening of the requirements for a successful prosecution.

The second issue raised by the honourable member related to the removal of certain defences from section 1061ZZBW. However, the amendments simply provide for the same defences to be inserted as discrete paragraphs of the offence provision. The defences are not removed. It has always been the case that a person seeking to rely on a defence has the onus of establishing that defence. These amendments do not alter that approach.

The member for Moreton highlighted the positive actions by this government to return the integrity to our social welfare system. He recognised that there was now a greater level of respect afforded to those that are actually in genuine need of welfare support.

The member for Werriwa raised some very interesting views and serious concerns on the issue of social poverty and how it differs very much from economic poverty. He recognised the wonderful contribution and value to the community of people that he called the ‘social entrepreneurs’. He gave an excellent example from Claymore, a suburb in his electorate. He also raised another issue that I am particularly interested in: the need for a youth mentoring scheme. He quite rightly highlighted the desperate need within the community for young boys to have male role models. Because of the way in which our society is going, there is a need for adult males within the community to offer a contribution. I will be seeking to talk to the honourable member later on. We actually have a pilot program specifically on this—it is happening now—and I am fortunate to have had it in my electorate. It has been operating for over a year very successfully, and I will be giving him details so that he can further his interest in this matter. Hopefully it is something that we can eventually get up as a national scheme.

An important component of the bill is to provide clarity about the application of strict liability to some offence creating provisions. Under the Criminal Code, strict liability must be identified for an offence; otherwise the prosecution will be required to prove fault in relation to each element of the offence. The bill also ensures that the strict liability nature of some provisions is not lost in the transition to application of the Criminal Code’s general purposes. If relevant offences are not adjusted in this manner, many may become more difficult for the prosecution to prove, thereby reducing the protection which is intended by the parliament to be provided.

This bill will similarly improve the efficient and fair prosecution of offences by clarifying physical elements of defences and amending inappropriate fault elements. This measure has the potential to save many hours of court time otherwise spent in complicated and sometimes
inconsistent interpretations of offence creating provisions. The Criminal Code is a significant step in the reform of our system of justice. It is important that it be implemented in a way that is considered and that pays careful regard to the way the Commonwealth offence provisions are to work in practice. This bill is an important step in that progress.

Question resolved in the affirmative.

Bill read a second time.

Ordered that the bill be reported to the House without amendment.

INDUSTRY, SCIENCE AND RESOURCES LEGISLATION AMENDMENT (APPLICATION OF CRIMINAL CODE) BILL 2001

Consideration resumed from 18 September.

Second Reading

Mr ENTSCH (Leichhardt—Parliamentary Secretary to the Minister for Industry, Science and Resources) (12.09 p.m.)—I move:

That the bill be now read a second time.


The amendments are intended to ensure that when chapter 2 of the Criminal Code Act 1995 (the code) is applied from 15 December 2001 to all Commonwealth criminal offences, those provisions will continue to operate in the same manner as they operated previously. If legislation containing offence provisions were not amended to have regard to the code, the code, upon coming into operation, may alter the interpretation of existing offence provisions.

The Criminal Code is set out in schedule 2 to the Criminal Code Act 1995. It contains the general principles of criminal responsibility that will apply to all Commonwealth criminal offences when the Criminal Code Act comes into force, on and after 15 December 2001.

Chapter 2 of the Criminal Code codifies the general principles of criminal law and adopts the common law approach of subjective fault based principles. It adopts the traditional distinction of dividing offences into their physical elements (the actus reus) and fault elements (mens rea). The general rule is that for each physical element of an offence it is necessary to prove that the defendant had the relevant fault element. The prosecution must prove every physical and fault element of an offence. The physical elements are ‘conduct’, ‘result of conduct’ and ‘circumstances of conduct’ and the fault elements specified in the Criminal Code are ‘intention’, ‘knowledge’, ‘recklessness’ and ‘negligence’.

The ‘default fault elements’, which the Criminal Code provides, will apply where a fault element is not specified and where the offence (or an element of the offence) is not specified to be a strict or absolute liability offence. The default fault elements set out in the Criminal Code are ‘intention for a physical element of conduct’ and ‘recklessness for a physical element of circumstances or result’.

Fault elements will not be applied where an offence is specified to be one of strict liability. This bill specifies where an offence is one of strict liability. This is necessary to ensure that offences currently interpreted as strict liability continue to be interpreted as such after the Criminal Code is applied. In addition the bill amends certain offence provisions to remove the defence and restate it is a separate subsection. This is to ensure that the defences are not interpreted as an element of the offence.
The amendments fall into the following broad categories:

- specifying that an offence is one of strict liability (with an express statement on the face of the offence that is an offence of strict liability, referring to section 6.1 of the Criminal Code);
- restructuring offence provisions which include an inappropriate fault element for conduct;
- restructuring offence provisions which include an inappropriate fault element for circumstance;
- restructuring offence provisions where part of the conduct element of the offence includes breach of a condition;
- restructuring offence provisions to proscribe the actions of a person whose conduct causes damage, injury, destruction or obliteration of prescribed property;
- restructuring criminal offence provisions containing a defence, by putting the defence provisions in separate subsections, in order to avoid a defence being mistakenly interpreted to be part of the elements of the offence;
- specifying whether a defence places a legal or evidential burden on a defendant;
- restructuring an offence to resolve an internal conflict between the offence and the complicity provision of the Criminal Code;
- restructuring ancillary offence provisions so as to apply the relevant ancillary provisions of the Criminal Code;
- extension of meaning of ‘engaging in conduct’ to include omissions;
- restructuring offence provisions so as not to require knowledge of law;
- specifying in provisions which establish criminal responsibility for corporations whether or not part 2.5 of the Criminal Code (dealing with corporate criminal responsibility) is applicable.

This bill ensures that the current criminal offences will operate in the same manner as they currently operate, following the application of the Criminal Code.

I present the explanatory memorandum.

Mr MARTYN EVANS (Bonython) (12.15 p.m.)—The opposition is pleased to indicate its support for the general thrust of the legislation which the parliamentary secretary has so comprehensively explained this morning. It is of course consistent with the wide range of acts which the House has been considering in recent weeks covering the implementation of the Criminal Code from 1995 and the way in which that will apply to existing offences from December this year. Of course, it is, as the parliamentary secretary has said, necessary to bring up to date the various existing pieces of legislation within the Industry, Science and Resources portfolios to ensure that the appropriate legal standards are brought to bear from 15 December, when the changes take principal effect.

As with other similar items of legislation associated with these measures, the opposition have indicated support for this bill. We do so again this morning. In light of the fact that the parliamentary secretary has so adequately and comprehensively explained these diverse legal provisions, it would be unnecessary and inappropriate for me to take the time of the committee by further elaborating on and duplicating that explanation. I will simply indicate our general support for these measures and look forward to their speedy passage through the parliament.

Mr ENTSCH (Leichhardt—Parliamentary Secretary to the Minister for Industry, Science and Resources) (12.16 p.m.)—in reply—Summing up the second reading debate on the Indus-
try, Science and Resources Legislation Amendment (Application of Criminal Code) Bill 2001, I would like to thank the member for Bonython for his excellent example of cooperation and his learned response. I certainly greatly appreciate his contribution and bipartisan support. The Industry, Science and Resources Legislation Amendment (Application of Criminal Code) Bill 2001 advances the government’s program to harmonise offence creating and relating provisions in Commonwealth legislation with the Criminal Code. This bill is similar to other Criminal Code harmonisation bills introduced by other ministers. The Criminal Code will codify the most serious offences against Commonwealth law and establish a cohesive set of general principles of conduct responsibility.

The harmonisation with the Criminal Code by creating a related offence in Industry, Science and Resources portfolio legislation, while technical in nature, is an important step in the government’s program of legislative reform, which will achieve greater consistency in the application of Commonwealth criminal law. I thank honourable members and senators for their support. It is great to see that we have had the opportunity of getting this legislation through without any difficulty. I know there are a lot of other bills that need to come through. The issues are quite complex—

A division having been called in the House of Representatives—

Sitting suspended from 12.18 p.m. to 12.30 p.m.

Mr ENTSCH—I commend the bill to the House, Mr Deputy Speaker.

Question resolved in the affirmative.

Bill read a second time.

Ordered that the bill be reported to the House without amendment.

ADJOURNMENT

Mr DEPUTY SPEAKER (Mr Quick)—Order! It being 12.30 p.m., I propose the question: That the Main Committee do now adjourn.

Mr Neville—Mr Deputy Speaker, I require the question to be put forthwith without debate.

Question resolved in the negative.

COMMITTEES

Communications, Transport and the Arts Committee

Report

Debate resumed from 24 September, on motion by Mr Neville:

That the House take note of the paper.

Mr MOSSFIELD (Greenway) (12.31 p.m.)—It gives me great pleasure to be able to make a few remarks about the report Local voices: inquiry into regional radio. Radio is a very important information medium, particularly in regional and remote Australia. It is cheaper to produce and broadcast radio programs than television programs. A radio is also far cheaper and more portable than a TV set. There are far more radio licences than TV stations, and they are located in local communities, so they are in the best position to provide news and information about local communities to local communities. Local radio is, and should be, the ‘local voice’, as it is the title of this report.

We have seen in the last few years that this is changing, however, and not necessarily for the better. New technology has been a double-edged sword for regional Australia. There has been an increased use of networked, prerecorded, automated and syndicated programming. In some instances, this has led to increased hours of operation by local stations, but it has also led to the loss of that local voice. As I said, it is a double-edged sword.
This has been a very extensive inquiry. We received some 290 submissions, heard from 169 witnesses and held 18 public hearings throughout regional Australia. I would like to take this opportunity to thank the staff of the committee who, as always, have done a marvellous job in keeping the inquiry on track. I would also like to thank the chairman and the deputy chairman of the committee. They provided a really good unity ticket, which I think was of great benefit to the committee.

The report makes some 20 recommendations across a broad spectrum of issues, but I would like to concentrate my remarks on just a few of them. The first I would like to comment on is recommendation No. 7, which states:

The Minister for Communications, Information Technology and the Arts should prepare amendments to the Broadcasting Service Act 1992 to require all non-metropolitan commercial, community and narrow-cast radio services to identify the originating source of programming when giving their call signs.

This recommendation is born out of these changes that I speak of, namely, increased networking and syndication of programs. People have a right to know that the program they are listening to is not local but a network program from a major centre or another station. One witness told the committee about how a program got the weather completely wrong. The weather was fine where the announcer was broadcasting from, but it was raining in the area where this witness was listening. Whilst we cannot stop networking programs—we do wish to—we do believe that they should be labelled correctly.

Recommendation 14 deals with emergency service announcements. This is a vital recommendation dealing with fundamental safety issues. If ever there was an absolute necessity for local radio to be precise, it is during storms, bushfires and floods or any other emergency situation. If a station is carrying a networking program from somewhere hundreds of miles away, local state emergency service personnel must have the ability to cut across the program to put out their alert and warn locals. Without this ability the safety of hundreds of lives could be compromised. Emergency service personnel need to know who to contact, and the staff of local broadcasting stations need to know which contacts are state emergency services. I am sure we would all agree that this is a necessary recommendation that the government should act upon as quickly as possible.

I would like to briefly comment about recommendation 6, which concerns training of community broadcasters. The recommendation calls for government expenditure in a dollar for dollar scenario to provide accredited training for community broadcasters. This is an important recommendation. There is a cap of $5,000 per station. That would be more than adequate to provide the type of training envisaged by the committee. It is important that it is accredited training. Long gone are the days that the words ‘I have been doing it for years’ would suffice when it comes to trainers. Courses need to be accredited and run professionally. The qualifications gained from attending the courses must be transportable. Providing accredited training to regional and rural radio broadcasters will allow them to gain employment elsewhere in the industry should they so desire. Government initiatives are important in order to kick-start and sustain such a program.

The focus of this report is on local communities. Each community has a different character and radio is a great way to reflect and protect that character. While economics has determined an increase in the number of networking programs on regional radio, we must not allow this to dominate the local voice. More than ever in this shrinking world, where we can tap into so much information from around the globe, the local voice is very important.

I will just comment on one of the very important issues that the committee addressed, the question of localism. In the report, reference is made in 3.1 to the fact that it became apparent early in the inquiry that one of the issues of most concern was the impact of changes in the...
broadcasting environment on the nature of local radio. Most of the discussion concerning this
centred on the degree to which radio services in regional areas are providing a genuine local
radio service. A challenge for the committee has been to define what it is that makes regional
radio service local. I take issue with some of the submissions to the inquiry, particularly from
the Federation of Australian Radio Broadcasters and also from the DMG group relating to
their different definition of localism. The Federation of Australian Radio Broadcasters said, in
part:
Localism ... should not be measured according to how much content is produced by a local announcer
or how much is produced in a local radio station.
The DMG group also said:
Localism does not mean the live broadcasting of programs around the clock from a local studio. Local-
ism is not the same as physical presence.
I disagree with those two statements. I do really believe that is what localism is about. It is
about a local broadcaster actually broadcasting from a local studio. If you have an announcer
in a local studio you can be assured that you are getting the correct weather broadcast. In the
event of an emergency broadcast, you have an announcer who is familiar with the local land-
scape.
I would like to conclude by saying that local communities should not be forced to lose their
voice because of local economic factors. The local voice is important, and radio is the best
means of ensuring that it is heard. Local businesses should have the opportunity to advertise
on local radio. Many small rural businesses could not afford to advertise on a network syndi-
cated program, nor would their businesses benefit all that much by doing so.
Local radio with local announcers helps to build local communities, and it should be sup-
ported by the government. A way to help this happen is to implement the recommendations of
this report. I urge the minister to examine the recommendations contained in this report and to
bear in mind the extremely exhaustive processes that the committee went through to arrive at
its conclusions and recommendations. I commend the report to the committee. I seek leave to
continue my remarks later.

Leave granted; debate adjourned.

ADJOURNMENT

Motion (by Mr Neville) proposed:
That the Main Committee do now adjourn.

Isaacs Electorate

Ms CORCORAN (Isaacs) (12.41 p.m.)—I guess we are all expecting that this will be the
last day of parliament, and I think this is a good opportunity for me to talk about and reflect
on the things that I have learnt in my first 12 months as member for Isaacs. In doing so, I
think that what is happening in Isaacs is actually typical of what is happening around Austra-
lia, that this government has let down the people of Isaacs very badly.

First of all, it introduced the GST—the never ever GST, the GST that would leave no-one
worse off, the GST that would cut red tape for small businesses. Having done that, it then ig-
ored our health needs. It ignored our right to a decent education; it ignored our right to de-
cent care for our elderly people. As I move around Isaacs, I hear over and over again about
how the GST is hurting people. People tell me that their household expenses have gone up
way beyond any compensation that they received 12 months ago. Pensioners tell me how they
feel insulted by the nonexistent $1,000 that they were supposed to get. That was last year; this
year some of them have received $300, but it is only an insult.
Families tell me they are facing increased bills and they are not amused that they fork out every single day for this new GST. In Isaacs, some businesses have closed up shop because of the GST. Others are worried that they will soon have to close because of the financial effects of GST and the load of paperwork it has brought with it. The small businesses in Isaacs are not alone. Australia now has a massive number of small businesses going bankrupt, far more than before the GST was introduced. Forecasts suggest that this trend will continue. It is no consolation to these small operators that the big businesses are also experiencing these problems.

People in Isaacs are also worried about getting good care if they need to go into hospital or if they need to find aged care accommodation for their parents. There is a big shortage of aged care beds in Isaacs, and it is not getting any better. This shortage impacts on people in acute hospitals. Aged people in need of aged care often end up in an acute hospital while they wait for a bed. That forces queues for elective surgery. But it gets worse: a number of people who work in aged care facilities have contacted me over the last 12 months to say how difficult it is for them to work in an industry that forces them to deliver unprofessional care and in which they are forced to watch residents suffering as a result. This problem stems from underfunding. The lack of funding puts pressure on nursing homes to cut costs, which means cutting the wages bill. The lack of staff means that the staff who are left are forced to rush from resident to resident, delivering the basics but not able to stop and deliver the human touch. If the evidence I hear is not enough, it was backed up this week by a leaked report from the Department of Health and Aged Care that showed that an additional $300 million a year is needed to ensure proper care for our frail elderly.

The other thing I keep hearing about is education. One of two things happens at this point: parents and teachers at government schools talk about lack of funds for their students and children; those associated with category 1 schools start the conversation a different way but it becomes very interesting. People with children in one of the category 1 schools in Isaacs talked to me about why they chose an independent school for their child. They said that when they went shopping for a good school for their child they came to the conclusion that the independent school had better physical facilities and a wider range of experiences to offer than did their local government school. These parents, understandably, chose the school that would offer their child the best they could afford. That is interesting—if some children are able to go to a school with better facilities why can’t all children? Why shouldn’t every child have access to excellent education facilities and experiences, regardless of their parents’ financial circumstances? It is very clear to me that, as a community, we cannot increase taxpayers’ support for the schools which are already relatively better off before we ensure that all students have access to decent and excellent education facilities. It is clear to me that the people in Isaacs are concerned about the basics of life: a good education for their children, a reliable health system and financial security, which means jobs and an equitable tax system.

Goods and Services Tax: Vietnam Veterans’ Nambus

Mr LLOYD (Robertson) (12.46 p.m.)—It is interesting to hear some of the comments from the member opposite. Unfortunately, it is typical of the Labor Party’s lack of understanding of the new tax system and the effects of the GST. The member for Isaacs raised concerns about the GST and made no mention of scrapping Labor’s wholesale sales tax; no mention of the large income tax cuts that have been a great benefit to families, certainly in my electorate; and no mention of the lowest interest rates for 30 years, which have given many young people and many families in my electorate the chance to buy their first home—a dream that was taken away from them by the 13 years of the Labor government with 17 per cent interest rates.
A good example of the lack of understanding that the Labor opposition has of the GST is
the stunt that the Labor candidate in my electorate tried to pull recently. She basically conned a couple of members of the Vietnam veterans’ Nambus committee into having the bus parked outside her campaign office to collect signatures against the GST and the effect that it has on charities. This caused a great uproar from the members of the Vietnam Veterans Gosford City Sub-branch, which is a non-political organisation that works very hard to secure benefits for veterans. The Nambus is a great facility—it is a mobile museum which the veterans take all around New South Wales to help educate and inform children about the Vietnam War.

The Nambus committee contacted my office on 13 August and sought some advice about some GST concerns. I referred them to Christine Drakeford, the federal government’s small business assistance officer, who spoke to them and explained that as they were a registered charity they could choose whether they wanted to pay the GST or not; they simply had to tick the box. What the committee had not realised was that they could reclaim all their GST payments on repairs, fuel and other expenses. Because they were a low income earning charity but had high expenses they were better off staying in the GST system because they would get it all back. Under the Labor Party’s old wholesale sales tax system they could not get anything back. I also know that they got back the full amount of the diesel fuel rebate on diesel to run the bus. That amounted to several hundred dollars that they were not aware they could claim. They were not aware because of the scare campaign that the Labor opposition continually runs about the GST and the complexities of it. It is great that the federal government has spent money to employ people such as Christine Drakeford as the small business assistance officer, as she has been able to give people the facts about the GST and the new tax system. That is just an example of how the Labor Party continues to mislead the community. This will be shown up in the forthcoming election.

What people want in Australia is a strong leader. They certainly have that under our Prime Minister, John Howard. Whether you agree with some of his decisions or whether you do not, he is a decent man and a strong leader, and he makes decisions which are right for the future of this country. I am very proud to be part of a government that has been led by John Howard since 1996. He is prepared to make the tough decisions—going back to the gun legislation that made this country safer and the tough industrial relations reforms that we were told could not happen. The waterfront reforms have resulted in the waterfront being competitive and up to world standards. After the unions and others said that it could not be done, they are now up to over 25 crane lifts per hour, on average, over all our ports. This is very important for our exporters, which are doing wonderfully well at the moment.

With respect to the tax reforms that we as a government were prepared to make, that has not been an easy thing to do, but it has taken many wholesale sales taxes off exports and it has stimulated business. I congratulate the business community because this process has been tough. This has been a huge reform. The small and large business communities have got behind us. They have worked hard to make sure that this has been implemented and to make sure that it has been good for small business and for the country. These are just some examples—

Mr Lindsay—Work for the Dole.

Mr Lloyd—of the wonderful decisions that the Howard government has made. We have implemented Work for the Dole. We have doubled the number of apprenticeships for young people since we came into office in 1996. We have fought against Labor’s policy to scrap youth wages, which would have destroyed employment opportunities for young people in this country. I look forward very much to facing the Australian community very shortly at the next federal election. I am confident that they will support our Prime Minister. (Time expired)
Mr BYRNE (Holt) (12.51 p.m.)—I would like to speak about an event that was organised and facilitated on 21 September. It is an event that, I believe, brought great credit to the community of Holt—a community that I very proudly represent. It was a gathering of Muslim community leaders, members of the interfaith network, the City of Greater Dandenong and other supportive residents. They came together at the request of a number of people to discuss issues of concern to them. Initially, they wanted to allay some misapprehensions within the community that the Muslim community endorsed the barbaric act that was perpetrated on the World Trade Centre on 11 September, because some within the community were, in fact, putting that out.

They wanted not only to condemn that act but also to seek tolerance by their fellow Australians. Notwithstanding the fact that they as a community were all shocked by what transpired, they were the unwilling scapegoats of people who were trying to make sense of an event by making an unfair association. At that event, the President of the Islamic Society of Melbourne, Mr Hesham Mobarek, read a statement to the gathering of Muslim community leaders. He has asked me, as their local federal representative, to read it to the House, which I will now do. The statement is dated 21 September. It reads:

We as Muslim community leaders coming from many nations have gathered here today to unequivocally and collectively condemn the abhorrent terrorist attacks committed on the United States of America on 11 September 2001. We share with our fellow Australians’ a deep sense of grief and anger at these senseless attack on human life. We extend our condolences to the friends and families of the victims of this mindless aggression.

These attacks were evil acts committed against not only innocent U.S. citizens but on all of humanity. Attacks of this nature claiming the lives of thousands of innocent civilians have no moral, legal or religious justification whatsoever. For this reason, we are deeply concerned about those that seek to portray these attacks in terms of a “war of religion” or a “clash of civilisations”. Terrorism has no religion.

Islam is a religion of peace, harmony, forgiveness and tolerance; and in Islam the sanctity of human life is paramount. These terrorist attacks are a fundamental contradiction to the principles of Islam. Suicide and the killing of innocent human beings are anathema to Islam.

We ask that our fellow Australians not judge Islam and Australian Muslims on stereotypes predicated on misconceptions, and the evil actions of a lunatic fringe who claim to act in the name of Islam. It must be stated that Islam deplores all acts of terrorism regardless of the perpetrator. Justice is a fundamental principle of Islam and hence we pray that the guilty are found and brought to justice, irrespective of who they are. We implore our political leaders to take a responsible stand with the international community against terrorism. We need to ensure that in taking this stand more innocent lives are not taken in the process. This requires wisdom and true justice be served maintaining that we cannot fight one crime with another crime.

We are committed to, and proud of, Australia, its democratic institutions, its religious, ethnic and cultural diversity, and its egalitarian philosophy. We extend a hand of friendship to our fellow Australians, and ask that they embrace the Australian Muslim community as compatriots and friends working towards making this great nation even greater.

I think that statement brings great credit on the leaders of the Islamic community in my area and great credit to those that participated in drafting this statement. I would like to brief acknowledge the organisations that were actually present at this event. They were the Australian Albanian Association, the Islamic Society of Noble Park, the Afghan Australian Welfare Association, Afghans Against War Criminals, the Fijian Indian Association, the Oromo Community, the Eastern Turkistan Association, the Keysborough Turkish Islamic and Cultural
Centre, the Muslim Women’s Association of Australia, Minaret College, the Pakistan Muslim Association, the Islamic Study Group, Isik College, the Islamic Society of Melbourne (Eastern Region), the Emir Sultan Mosque and the Afghan Mosque of Doveton.

As I said in my statements to the collective gathering, these people who were united in sharing our grief, our incomprehension about how such a barbaric evil was committed, should not as a consequence of misguided perceptions within the community be made to be the scapegoat. An evil has been committed upon the people of the United States. Let not those who are seeking to define and explain that action perpetrate an evil amongst those in the community who are blameless and innocent, in an act which I believe would be unAustralian.

**Herbert Electorate**

Mr **LINDSAY** (Herbert) (12.56 p.m.)—I often think about how privileged I am to represent the people of Townsville and Thuringowa in the parliament as their federal member for Herbert. I have worked very hard over the past three years and achieved a lot using the resources of my office and the resources of the government. From time to time others will say, ‘He has not done anything.’ Just for the purposes of the public record I thought I might put on the record the sorts of things that have been done over the last three years. It has been just truly amazing.

In defence, my electorate has had Australia’s first combat training centre at Lavarack Barracks, about $250 million worth; $37 million for defence housing; the Mount Stuart training area road; the Mount Stuart training area grenade range; $70 million in RAAF stage 1 development; $72 million in RAAF stage 2 development; $139 million in Lavarack Barracks stage 2 redevelopment and $170 million in stage 3; and a whole lot of support for the Defence Community Organisation—altogether significantly more than half a billion dollars in Defence in Herbert.

In education, Annandale State School, Annandale Christian School, Belgian Gardens State School, Holy Spirit School, Marian School, Currajong State School, Garbutt State School, Weir State School, Willows State School, Saint Joseph’s College, Southern Cross College, Saint Michael’s on Palm Island and Good Shepherd at Rasmussen have all received significant money from the Commonwealth. In higher education we have had the James Cook Medical School, a landmark in what it has done for JCU; JCU’s bandwidth problems fixed, at the same time as fixing every other regional university; 980 new Backing Australia’s Ability places at JCU; and the list goes on.

In employment we have had $600,000 for Gough Industries; the Yabulu Extension Project, protecting 600 jobs and more; 219 new jobs for Telstra; 110 new jobs for Centrelink in the city; and money for employment services Advance Employment, NQ Biotech Cluster, Endeavour, NQ Competitive Employment Service and Impact Employment.

In infrastructure we have had the Victoria Bridge redevelopment, CBD revitalisation, the Pandora Museum, the ATSI community cultural centre, the Saunders Creek flood bypass project, the Federation Bridge at Kirwan, the Mount View Park detention basin, fixing the TV black spots at the Upper Ross, the Louisa Creek hydraulic upgrade and the Strand redevelopment, and $1 million for the maritime museum—and so it goes on.

For families we have had a family assistance office for the first time at Aitkenvale; a youth and student centre for Centrelink for the first time at Aitkenvale; a new Centrelink office for the first time ever in the Willows; money for Lifeline and for many of the childcare centres; a federal magistrates service in Townsville, one of only three in regional Australia; money for Relationships Australia; and so on.
For youth we have had disability support projects; 906 Work for the Dole places; the many Green Corps programs on Magnetic Island, Louisa Creek, Ross River banks and so on; and those magic Work for the Dole programs right across the electorate.

In aged care we have had money for Good Shepherd and for the Blue Nurses, for the wonderful work that they do. For home and community care we have had a huge amount of money, for the Northern Carer Respite Centre, Villa Vincent Nursing Home, the Garden Settlement, the Masonic Home, Centacare and the St Vincent Community Centre in South Townsville.

On roads, I am particularly proud of the $20.35 million that I got for the Douglas arterial road, but it was a disappointment that the state government would not come to the party with their fair share of that road of national importance. There is the Roads to Recovery program money for Ann Street, Ross River Road, Elizabeth Street and the money for the Mount Low Parkway intersection—vitally important. There is $1.2 million for the AIMS turn-off, Denham Street, Hugh Street, Fulham Road, Charters Towers Road and Bayswater Road. It goes on and on. There is money for Palm Island, Kings Road lights and so on.

On the environment, there is $30,000 for the Billabong Sanctuary, money for the Ross River strategic rehabilitation, $17 million for AIMS refurbishment, $6 million for Reef HQ, half a million dollars for cleaner waterways in the city, money for the GBRMPA Moorings Program and a whole raft of NHT programs.

I have been working hard for the electorate, and I intend to continue to work hard for the electorate because there is a hell of a lot more to be done. I just hope that I will be privileged again to represent Herbert in the next parliament.

**Ryan Electorate: War Veterans**

Ms SHORT (Ryan) (1.01 p.m.)—I wish to draw your attention to the plight of war veterans in my electorate. I am sure all members would agree that our sick and frail veterans deserve the best of nursing care. Yet it appears to me that those who rely on community nursing are now at the sharp end of the government funding cuts. Not only are the veterans unhappy; so too are the nurses who care for them. Community nurses want to know why veterans who require what is considered high cost home nursing care are the targets of funding cuts, so much so that many have to consider leaving the comfort of their homes and the love of their families to go into residential care. These funding cuts attack both nurses and veterans. The nurses who take on these clients are required to complete application forms every three months, and each one takes five hours to complete. On top of this, many experienced nurses have had their pay reduced. Not surprisingly, they are leaving the system and our veterans are missing out on their expertise. Those who stay have less time to tend to their clients. They have a grand total of 26 minutes to shower, dress and feed a patient. How is it possible for a nurse to give someone the benefit of companionable small talk when she is so rushed?

The only winner here is the government, and it is only winning in a most insidious way. Let us take a look at the showering policy. High care veterans are now entitled to only two or three showers a week. My electorate of Ryan is a hot and humid place in summer, as are many other places across Australia. Just last week I received in my office a brochure from the Council on the Ageing, which advised the elderly to take extra baths and showers during the hot summer months because they are at greater risk of heat stroke than the rest of the population. But our high cost veterans—those in most need—can only have two or three showers a week. It is shameful that our veterans are treated in such a way. I am sure they do not understand why, in their later years, they are forced to suffer the indignity of being unwashed; why the nurse can only spend 26 minutes tending to their needs; why they must provide their own
bandages and get their own prescriptions filled. If these people need help showering, how can we expect them to get out to the chemist every time they need a medication?

Our veterans who fought for this country, and whose courage we honour on Anzac Day, are being reduced to a 26-minute block of time which is being funded as cheaply as possible. Where is the gratitude and where is the compassion? It is not the nurses who lack compassion. They certainly do not stay in community nursing for the money. It is our government that lacks the compassion. It is a government that has spent millions of dollars advertising its GST and millions of dollars more trying to fix the economic downturn this very GST caused. While this government is busy spending million of dollars advertising and atoning for its own bad policies, our veterans our being told they can only have two showers a week and their carers are being underpaid. I am not relaxed and comfortable about that.

**Regional Radio**

Mr NEVILLE (Hinkler) (1.05 p.m.)—I rise to speak about the report *Local Voices: inquiry into regional radio* of the committee which I chaired. I speak on behalf of Gary Hardgrave, David Jull, Kirsten Livermore, Stewart McArthur and Stuart St Clair—all of whom would have liked to speak about this report but who will now not have the opportunity in the term of this parliament. We nearly called this report *Where is Walpole*?—Walpole is a little town in Western Australia with only 300 or 400 people—because it was indicative of many places around Australia that we found had no radio service at all. Seventy years on since the introduction of radio, some people did not have that immediacy and intimacy that radio brings to every community.

The inquiry arose out of the concerns of Liberal, Labor, National and even Independent members on the perception that networking was depriving regional radio of its character and its localism. The minister gave us four terms of reference: firstly, the social benefits and influence of radio in regional areas; secondly, the future trends in broadcasting, including employment; thirdly and, in particular, the seminal reference of what effect networking was having on local news, sport, community announcements and the like; and, finally, what might happen as a result of the introduction of digital radio.

After addressing the matter of these places that did not receive any radio at all, we decided to make a recommendation that we have a radio black spots program that would parallel the television black spots program, where a community, through its local shire council or some other registered body, could apply for a transmitter so that they would at least have the local regional ABC service and one commercial service as an absolute minimum. I hoped it would be more than that if the minister agreed to the recommendation. We did find evidence that localism had faded, although there was not one particular model. Some networks provided generic programming but local news; others provided generic news and local programming. Some provided programming from 6 a.m. till midday; some provided generic programs only and no localism at all. And then there were the independents that worked largely as they had over the years.

We were sufficiently concerned and the alarm bells were ringing. We made two recommendations in respect of that. Firstly, we need to stop the sort of fudging that is going on under the pretence of providing local radio when it indeed is not local. We suggested that radio stations should be required to say from where the program was coming as part of their call signalling. That would put those networks under severe psychological pressure. Secondly, we have said that, after the Australian Broadcasting Authority has completed its LAP process—Licence Area Planning process—it should concentrate on having an audit of all regions to see what the diversity of radio programming is in those areas and to what extent they have been deprived of localism. If after that—and the minister accepts that recommendation—we find
that some networks are not complying, the ultimate sanction could be invoked, with the ABA awarding a licence to someone who would provide those services. So it was a very good report.

In other respects we also looked at emergency services. We put networks on notice that the fact they were networking or syndicating, or using pre-recorded programs, did not absolve them from the responsibility of broadcasting emergency service announcements. We found some classic problems in that area. That we are on the right track was indicated by the fact that even before we finished the inquiry the ABA, the ABC and FARH had worked on that matter.

I pay tribute to the secretariat who did a marvellous job on this inquiry: to Grant Harrison, to Jan Holmes and to their very dedicated staff, including Rachel Carew, our researcher, and Katie Hobson, our administrative officer. I think this will be one of the reports that will play an important part in the 40th Parliament, and I commend it to the Main Committee.

Mr DEPUTY SPEAKER (Mr Jenkins)—Before formally putting the adjournment motion to the Main Committee, I understand it is the wish of the member for Hinkler to seek my indulgence, and on this occasion I am quite willing to grant that indulgence.

Nehl, Mr Garry Barr

Mr NEVILLE (Hinkler) (1.10 p.m.)—It is well known that the member for Cowper and first Deputy Speaker will not contest the next election. It is unfortunately not possible to have him here to pay him a tribute, but in the normal course of events he would have been in the chair today. In his absence, on behalf of all members, opposition and government alike, and especially on behalf of the whips and the committee chairs who carry out duty in this chamber, I would like to thank him for his contribution to the Main Committee. I understand he was a member of the first Procedure Committee, which recommended in 1993 that this Main Committee be established. His commitment is well known, and from the first meeting of the Main Committee on 8 June 1994 he was an active participant. Since April 1996, when he became Deputy Speaker, he has been responsible for chairing the Main Committee. He, like you, Mr Deputy Speaker Jenkins, has presided over this chamber without fear or favour to government and opposition members and has dealt firmly with members whenever the occasion has warranted. We all know that every decision he has taken has been motivated by the desire to establish the Main Committee and to defend the role of the Main Committee and the dignity of the House itself. The Main Committee has become firmly established in our parliamentary system, and through you, Mr Deputy Speaker, we would like to convey to him in his absence our tribute to his significant contribution to its success.

Mr DEPUTY SPEAKER (Mr Jenkins)—I thank the honourable member for Hinkler and I will pass on his best wishes.

Question resolved in the affirmative.

Main Committee adjourned at 1.12 p.m.
QUESTIONS ON NOTICE

The following answers to questions were circulated:

Aviation: Air Charter Services
(Question No. 2582)

Mr Martin Ferguson asked the Minister for Transport and Regional Services, upon notice, on 23 May 2001:

(1) Is it a fact that the air charter company doing the Western Mail run to Kalumburu and stations from Kununurra and Wyndham under contract to Australia Post is a Class B chartered aircraft able to directly accept passenger bookings so long as they book seats but not issue tickets.

(2) Is this service the same service and operation which was operated by Ord Air when the Civil Aviation Safety Authority (CASA) issued a Show Cause notice and subsequently refused to issue Ord Air an Air Operators Certificate, on the grounds that it considered the operation an unauthorised Regular Public Transport flight, contrary to subsections 27(2) and 29(20) of the Civil Aviation Act and not a Class A aircraft.

(3) If so, on what grounds has CASA not taken the same action against the current operator; if not, what is the difference between the two services.

Mr Anderson—The answer to the honourable member’s question is as follows:

(1) The Civil Aviation Safety Authority (CASA) advises me that the services you referred to are conducted as charter operations in a Class B aircraft. The Civil Aviation Regulations permit the carriage of passengers on charter services under certain circumstances and CASA has confirmed that an appropriate arrangement, permitting the carriage of passengers, is in place between the charterer of the aircraft and the aircraft operator. The aircraft operator is not selling tickets direct to the public or entering into contractual arrangements with the passengers; the aircraft operator’s dealings are direct with the charterer of the aircraft.

(2) The ‘Western Mail run’ had previously been operated by Ord Air Charter. The circumstances leading to CASA’s regulatory action against Ord Air Charter included, but were not confined to, concerns that the airline had conducted unauthorised Regular Public Transport (RPT) flights. CASA’s ‘show cause’ letter to Ord Air Charter detailed a broad range of safety regulatory concerns.

(3) The present operator holds an Air Operator authorising, among other things, charter operations and the present service is being conducted in accordance with regulations applicable to charter operations.

Brisbane Airport: Aircraft Movements
(Question No. 2626)

Mr Rudd asked the Minister for Transport and Regional Services, upon notice, on 4 June 2001:

(1) How many flight movements have occurred into and out of Brisbane Airport between 11 p.m. and 6 a.m. each year since and including 1995.

(2) What proportion of flight movements into and out of Brisbane Airport have occurred over Brisbane suburbs compared to the proportion of flight movements which have occurred over Moreton Bay between 11 p.m. and 6 a.m. each year since and including 1995.

(3) When was the planned phase-out of Chapter 2 aircraft from service at Brisbane Airport lifted.

(4) How many flight movements involving Chapter 2 aircraft have occurred at Brisbane Airport each year since and including 1995 and what proportion of these flight movements have occurred between 11 p.m. and 6 a.m.

(5) Are there any discussions under way between Airservices Australia, his Department and the industry concerning a possible further reduction in the hours currently covered by Brisbane’s de facto 11 p.m. and 6 a.m. curfew.

Mr Anderson—The answer to the honourable member’s question is as follows:

(1) Airservices has advised that the following data is for total flights into and out of Brisbane Airport for each year since July 1995 up to the end of June 2001, for the hours from 11p.m. to 6a.m. Air-
services further advises that it is unable to supply the data for the first half of 1995 as that data cannot be extrapolated from its current Noise and Flight Path Monitoring System.

<table>
<thead>
<tr>
<th>Year</th>
<th>Total</th>
<th>Over Bay</th>
<th>Over Suburbs</th>
<th>Other*</th>
</tr>
</thead>
<tbody>
<tr>
<td>1995 (July-December)</td>
<td>5252</td>
<td>4344</td>
<td>449</td>
<td>459</td>
</tr>
<tr>
<td>1996</td>
<td>11339</td>
<td>8588</td>
<td>969</td>
<td>1782</td>
</tr>
<tr>
<td>1997</td>
<td>12692</td>
<td>10261</td>
<td>752</td>
<td>1679</td>
</tr>
<tr>
<td>1998</td>
<td>11258</td>
<td>9273</td>
<td>712</td>
<td>1273</td>
</tr>
<tr>
<td>1999</td>
<td>10253</td>
<td>8354</td>
<td>664</td>
<td>1235</td>
</tr>
<tr>
<td>2000</td>
<td>10820</td>
<td>8706</td>
<td>631</td>
<td>1483</td>
</tr>
<tr>
<td>2001 (January-June)</td>
<td>5302</td>
<td>4403</td>
<td>213</td>
<td>686</td>
</tr>
</tbody>
</table>

*Other movements from Brisbane Airport from the 14/32 runway where the track is not identified.

PROPORTION OF AIRCRAFT MOVEMENTS BETWEEN THE HOURS OF 11PM AND 6AM OVER BRISBANE SUBURBS COMPARED TO THE PROPORTION OF FLIGHT MOVEMENTS OVER MORETON BAY

<table>
<thead>
<tr>
<th>Year</th>
<th>Movements over Brisbane suburbs</th>
<th>Moreton Bay movements</th>
</tr>
</thead>
<tbody>
<tr>
<td>1995 (July-December)</td>
<td>1 out of 12 movements</td>
<td>8 out of 10 movements</td>
</tr>
<tr>
<td>1996</td>
<td>1 out of 12 movements</td>
<td>8 out of 10 movements</td>
</tr>
<tr>
<td>1997</td>
<td>1 out of 17 movements</td>
<td>8 out of 10 movements</td>
</tr>
<tr>
<td>1998</td>
<td>1 out of 16 movements</td>
<td>8 out of 10 movements</td>
</tr>
<tr>
<td>1999</td>
<td>1 out of 16 movements</td>
<td>8 out of 10 movements</td>
</tr>
<tr>
<td>2000</td>
<td>1 out of 17 movements</td>
<td>8 out of 10 movements</td>
</tr>
<tr>
<td>2001 (January-June)</td>
<td>1 out of 25 movements</td>
<td>8 out of 10 movements</td>
</tr>
</tbody>
</table>

(3) The planned phase-out of Chapter 2 aircraft at Brisbane Airport has not been lifted. The requirements of the Air Navigation (Aircraft Noise) Regulations, which specify the phase-out of Chapter 2 aircraft by 31 March 2002 at the latest, remain in place, Australia wide.

The Regulations permit low by-pass Chapter 2 jet aircraft, such as the F28 and the B727, to operate until either 31 March 2002 or until the 25th anniversary of the initial issue of an aircraft’s certificate of airworthiness, whichever occurs first. High by-pass Chapter 2 jet aircraft, such as the B747-100 series, are permitted to operate until 31 March 2002.

As the statistics in Question 4 demonstrate, Australian operators have phased out the great majority of their Chapter 2 aircraft well ahead of regulatory requirements.

(4) The following table demonstrates the reduction in Chapter 2 aircraft movements from 1995 to the present.

<table>
<thead>
<tr>
<th>Year</th>
<th>Total Chapter 2 movements</th>
<th>Chapter 2 movements 1 pm to 6 am</th>
<th>Proportion of movements</th>
</tr>
</thead>
<tbody>
<tr>
<td>1995</td>
<td>11,965</td>
<td>80</td>
<td>1 out of 150 movements</td>
</tr>
<tr>
<td>1996</td>
<td>7,168</td>
<td>139</td>
<td>1 out of 51 movements</td>
</tr>
<tr>
<td>1997</td>
<td>1,343</td>
<td>173</td>
<td>1 out of 8 movements</td>
</tr>
<tr>
<td>1998</td>
<td>2,146</td>
<td>134</td>
<td>1 out of 16 movements</td>
</tr>
<tr>
<td>1999</td>
<td>1,673</td>
<td>88</td>
<td>1 out of 19 movements</td>
</tr>
<tr>
<td>Year</td>
<td>Total Chapter 2 movements</td>
<td>Chapter 2 movements 11pm to 6am</td>
<td>Proportion of movements</td>
</tr>
<tr>
<td>--------------</td>
<td>---------------------------</td>
<td>---------------------------------</td>
<td>-------------------------</td>
</tr>
<tr>
<td>2000</td>
<td>792</td>
<td>1</td>
<td>1 out of 792 movements</td>
</tr>
<tr>
<td>2001 (end May)</td>
<td>83</td>
<td>5</td>
<td>1 out of 17 movements</td>
</tr>
</tbody>
</table>

(5) There is no curfew in place at Brisbane Airport. There are noise abatement procedures in place at Brisbane Airport, which are designed to minimise aircraft noise over residential areas.

**Family Court of Australia**

(Question No. 2681)

Mr Murphy asked the Attorney-General, upon notice, on 7 June 2001:

(1) What is the process by which Family Court matters are assessed for listing in the Family Court and local courts in (a) NSW and (b) Australia.

(2) How many applications to the Family Court and local courts in (a) NSW and (b) Australia were there for family law related matters for years 1998 to 2000, inclusive.

(3) How many of those applications are refused for want of being considered vexatious, oppressive, unjust or administratively incomplete such as including an insufficient filing fee, having a defective application form or having insufficient evidence or affidavit.

(4) What Court Rules, policies and guidelines is the Registrar of the Family Court and local courts bound by in respect of adjudicating what threshold must be reached in order to determine whether there exists a prima facie case that a matter ought to go to trial.

(5) What is the average cost of litigation for litigants commencing principal or ancillary relief orders in the Family Court.

(6) How many contraventions of child orders have occurred in (a) 1998, (b) 1999 and (c) 2000.

(7) Has the number of contraventions of child orders increased, decreased or remained the same over this period.

Mr Williams—The answer to the honourable member’s question is as follows:

The Family Court of Australia has been consulted and provided the information detailed at Attachment A.

State and Territory authorities have also been consulted in relation to the ‘local courts’ aspect of the question. The responses received are consolidated at Attachment B.

**Attachment A**

**Family Court of Australia Response**

(1) There is no assessment process in respect of the allocation of the first return date allocated on the filing of an application for orders. This process is regulated by the Family Law Act 1975 (the Act) and Rules. The Act prescribes the jurisdiction of the Family Court of Australia (FCoA) and hence the nature of the orders that can be sought from the Family Court, and the Family Law Rules provide for the allocation of court dates (listing). The allocation of the court date is dependent upon the nature of the orders sought in the application. The Rules do provide for an earlier listing in circumstances where urgency can be demonstrated.

The Family Court, through its Rules and Case Management Guidelines, provides parties with the opportunity to consider the resolution of their dispute through primary dispute resolution processes and without recourse to further litigation. Matters which do not resolve at a primary dispute resolution event are referred to a Pre-Hearing Conference conducted by a Deputy Registrar for the allocation of dates for final hearing.

(2) The following are the number of applications lodged with the Family Court of Australia (excluding the Family Court of Western Australia (FCWA)) in the calendar years 1998, 1999 and 2000.

<table>
<thead>
<tr>
<th>Application Type</th>
<th>1998 (FCoA total)</th>
<th>1998 (FCoA NSW)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Application for Divorce</td>
<td>48,155</td>
<td>15,854</td>
</tr>
<tr>
<td>Application for Final orders</td>
<td>21,271</td>
<td>6,469</td>
</tr>
<tr>
<td>Application Type</td>
<td>1998 FCoA (total)</td>
<td>1998 FCoA (NSW)</td>
</tr>
<tr>
<td>--------------------------------------</td>
<td>------------------</td>
<td>-----------------</td>
</tr>
<tr>
<td>Application for Interim orders</td>
<td>21,520</td>
<td>5,256</td>
</tr>
<tr>
<td>Application for Consent orders</td>
<td>13,903</td>
<td>3,826</td>
</tr>
<tr>
<td>Other application forms (ancillary)</td>
<td>6,208</td>
<td>1,625</td>
</tr>
<tr>
<td>Total</td>
<td>111,057</td>
<td>33,030</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Application Type</th>
<th>1999 FCoA (total)</th>
<th>1999 FCoA (NSW)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Application for Divorce</td>
<td>48,306</td>
<td>15,757</td>
</tr>
<tr>
<td>Application for Final orders</td>
<td>21,285</td>
<td>6,320</td>
</tr>
<tr>
<td>Application for Interim orders</td>
<td>22,638</td>
<td>5,302</td>
</tr>
<tr>
<td>Application for Consent orders</td>
<td>12,748</td>
<td>3,566</td>
</tr>
<tr>
<td>Other application forms (ancillary)</td>
<td>6,127</td>
<td>1,719</td>
</tr>
<tr>
<td>Total</td>
<td>111,104</td>
<td>32,664</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Application Type</th>
<th>2000 FCoA (total)</th>
<th>2000 FCoA (NSW)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Application for Divorce</td>
<td>35,852</td>
<td>11,015</td>
</tr>
<tr>
<td>Application for Final orders</td>
<td>20,432</td>
<td>6,155</td>
</tr>
<tr>
<td>Application for Interim orders</td>
<td>21,644</td>
<td>5,046</td>
</tr>
<tr>
<td>Application for Consent orders</td>
<td>12,268</td>
<td>3,257</td>
</tr>
<tr>
<td>Other application forms (ancillary)</td>
<td>5,642</td>
<td>1,602</td>
</tr>
<tr>
<td>Total</td>
<td>95,838</td>
<td>27,075</td>
</tr>
</tbody>
</table>

Note: NSW figures are a subset of the FCoA figures. NSW includes the applications filed at Sydney, Parramatta and Newcastle registries. These numbers may include applications of non-NSW residents as an applicant may file at any registry, not just the state in which they reside.

The Federal Magistrates Service commenced accepting applications for various family law matters on 1 July 2000, hence the number of applications for 2000 is marginally lower than for the previous two calendar years.

(3) The Family Court does not keep data about applications pertaining to these categories.

(4) The Act does not require parties to establish that a prima facie case exists (except in applications which are quasi-criminal in nature). Accordingly, there are no provisions in the Rules, policies or guidelines of the Court that require a Registrar to determine whether a prima facie case exists before a matter proceeds to trial. The Court has in place processes by which the parties are assisted by a Deputy Registrar in identifying the issues in dispute, and directions made for the trial management of that case, but there is no adjudication by the Court or Registrars prior to hearing as to the merits of the application. Registrars consider the ambit of the dispute and the nature of the relief sought by the parties when making directions for trial management. Such directions include consideration of the amount of hearing time to be allocated to each case. In cases when a party
considers that the other party’s application to the Court fails to meet any threshold test as to jurisdiction or merit, an application to the Court to dismiss the application can be made.

(5) The average cost of litigation for litigants commencing principal or ancillary relief orders in the Family Court is unknown. However, the current fee structure applied to applications lodged with the Family Court of Australia is as follows:
- Application for Final Orders—$158
- Application for Divorce/ Nullity/ Declaration of validity—$526
- Application for Notice of appeal to full court—$648
- Application of notice of appeal from court of summary jurisdiction—$648
- Final Hearing Fees (required if client has a final hearing before a judge)—$316

These fees are adjusted for CPI on 1 July each year. Many clients receive exemptions or waivers from paying the application fees. This can be as a result of, for example, holding a health care card, being a recipient of a social security payment, being under 18 years of age or being able to prove financial hardship.

(6) The number of contraventions of child orders is unknown as many would not come to the notice of the Court. However, applicants may lodge a Contravention of child order application (form 49) in the event of a contravention. The following data shows the number of applications lodged which sought a determination for the contravention of child orders.

<table>
<thead>
<tr>
<th>Calendar Year Lodgments</th>
<th>1998</th>
<th>1999</th>
<th>2000</th>
</tr>
</thead>
<tbody>
<tr>
<td>F49 Applications - Contravention of Child Order</td>
<td>1968</td>
<td>2087</td>
<td>2273</td>
</tr>
</tbody>
</table>

(7) There has been a marginal increase during this period in the number of applications for contravention of child orders.

Attachment B

State and Territory Responses

(1) New South Wales:

The Registrar of the Local Court is responsible for the listing of applications under the Family Law Act 1975 before the Local Court. The Registrar of the Local Court is required to comply with Family Law Rules. Order 7 rule 2(a) specifies a return date not earlier than 21 days. The time for listing takes account of the time for service of the application on the respondent. Applications requiring urgent ex parte orders are usually placed before the court as soon as possible.

Victoria

In Victoria, family law matters are filed in the Magistrates’ Court. At the time the application is filed a return date for the application is fixed. There is never any assessment made of whether a matter is ready to be heard before it proceeds to court. Most matters are resolved and orders made with the consent of parties to the matter. Contested matters are generally transferred to the Family Court of Australia.

Queensland

In Queensland, family law matters are filed in the Magistrates’ Court. Upon filing the matter is registered and set down for mention before a Magistrate. Urgent matters are brought before a Magistrate immediately. If a matter is not urgent, it comes before a Magistrate on the next available date, usually within 4 to 6 weeks.

Western Australia

In the Family Court of Western Australia (FCWA), registry staff (counter officers) assess matters for initial hearing. Matters of a similar type are usually listed for an initial hearing in multiple lists before Magistrates as prescribed by the Family Law Rules and the Court’s Case Management Guidelines and Directions (CMG&D). The Rules provide applications for principal relief (divorce) to be listed:
- in the case of a joint application, at least 21 days after the day on which the application is filed; and
- for all other applications – if the respondent is in Australia, at least 42 days, or – if the respondent is outside Australia, at least 56 days, after filing.
The Court’s CMG&D provide that joint applications be listed for hearing as close as practicable to four weeks from filing, and all other applications as close as practicable to ten weeks from filing. Applications other than for principal relief are to be listed as near as practicable to 42 days after filing unless interim orders are sought, in which case the application is listed not earlier than 28 days after filing.

The only matters listed for first hearing before Judges are those matters that are outside the jurisdiction of Magistrates and include appeals from courts of summary jurisdiction and applications for review of decisions of Registrars. If a litigant seeks a listing of an application earlier than the time prescribed by the Rules, the request is assessed by a Registrar of the Court, a Duty Registrar, or by a senior member of the Court staff.

In the Magistrates’ Courts outside the metropolitan area, members of the court staff list all matters for hearing as prescribed by the Family Law Rules. (The FCWA has exclusive jurisdiction in family law matters in the Perth metropolitan area.)

South Australia
- Port Augusta Magistrates Court
  - Matters are listed before a Magistrate on next allocated Family Court date, unless the lodging party indicates to the Court that the matter is urgent. Urgent matters are listed as soon as possible on the next available circuit date.
- Whyalla Magistrates Court
  - All matters are listed before a Magistrate on circuit, who determines the status of all applications.

Tasmania
No significant response received due to the accessibility of the Family Court of Australia’s registry and sub-registry in Hobart and Launceston, respectively.

Australian Capital Territory
Matters lodged with the ACT Magistrates Court must comply with the requirements as to form and substance as prescribed in the Family Law Act 1975 and related legislation. In certain circumstances, a filing fee is applicable. After lodgement, a first return date, where the matter is to be listed for mention only, is fixed with the documents being issued for service upon the respondent. Applications for child support are fixed for Order 24 (Conciliation) conferences in accordance with a practice direction issued by the Chief Magistrate. If no agreement is reached at the conference, the matter is listed for hearing before the Court.

Matters not listed for conference are set down for hearing if contested.

Northern Territory
Applications are filed in accordance with the Family Law Act 1975 and Rules. Urgent applications for “interim” custody or injunctive relief matters will be listed in consultation with the Listing Registrar for a time before the magistrate.

(2) Applications lodged, other than with the Family Court of Australia, in NSW and elsewhere in Australia were as follows:

<table>
<thead>
<tr>
<th>Year</th>
<th>NSW</th>
<th>VIC</th>
<th>QLD</th>
<th>WA FCWA</th>
<th>Local Courts</th>
<th>SA</th>
<th>TAS</th>
<th>ACT</th>
<th>NT</th>
</tr>
</thead>
<tbody>
<tr>
<td>1998</td>
<td>11,690</td>
<td>3247</td>
<td>2,942</td>
<td>14,972</td>
<td>1,029</td>
<td>21</td>
<td>Approx 115</td>
<td>62</td>
<td>106</td>
</tr>
<tr>
<td>1999</td>
<td>10,374</td>
<td>2966</td>
<td>2,843</td>
<td>14,996</td>
<td>857</td>
<td>8</td>
<td>Approx 115</td>
<td>31</td>
<td>36</td>
</tr>
<tr>
<td>2000</td>
<td>10,051</td>
<td>2731</td>
<td>2,791</td>
<td>15,685</td>
<td>981</td>
<td>10</td>
<td>Approx 115</td>
<td>14</td>
<td>16</td>
</tr>
</tbody>
</table>

(3) State and Territory local courts do not maintain statistics about applications pertaining to these categories.

(4) New South Wales
The Registrar of the Local Court does not exercise discretion as to whether an application will be listed before a Magistrate.
Victoria
Family law matters in the Magistrates’ Court of Victoria are generally resolved by the filing of consent orders. Therefore, there are no trials nor any necessity to determine whether matters should go to trial. Matters likely to involve dispute are transferred to the Family Court of Australia for resolution.

Queensland
In the Queensland Magistrates Court the Registrar has no judicial function. The matter is determined by a Magistrate.

Western Australia
The determination of whether or not there is sufficient evidence to proceed to trial is a matter of judicial discretion. Registrars of the Family Court of Western Australia and Clerks of Local Courts do not have authority to determine that issue. A party who considers that a matter should be dismissed summarily prior to trial is entitled to make a formal application to the Court and to seek a listing before a judicial officer.

South Australia
The same guidelines as for the civil jurisdiction apply ie if the parties are unable to reach a mutually acceptable outcome, the matter is listed for trial.

Tasmania
No information supplied.

Australian Capital Territory
Rules of the Family Court of Australia provide guidance to the Registrar of the ACT Magistrates Court.

(5) State and Territory courts do not have access to data relating to the cost of litigation to parties in family law matters.

(6) Western Australia
The Family Court of Western Australia does not record statistics of the number of findings of contravention of child orders. The Court does, however, maintain statistics of the number of applications filed for contravention of a child order which, for the relevant years, were as follows:
1998: 298
1999: 268
2000: 233

New South Wales, Victoria, Queensland, South Australia, Tasmania, Australian Capital Territory, Northern Territory
No information is maintained on contravention of child residence and contact orders in these States and Territories.

(7) State and Territory local courts do not maintain statistics on contraventions of child orders.

Rail: Alice Springs to Darwin Railway
(Question No. 2798)

Mr Martin Ferguson asked the Minister for Employment, Workplace Relations and Small Business, upon notice, on 6 August 2001:

(1) With respect to the Government’s employment and training programs for indigenous Australians, what sum has the Government committed to the Alice Springs to Darwin Railway project, and as part of that commitment, what guarantees did the Government receive on employment and training of indigenous Australians.

(2) Beyond the 13 July 2001 announcement to train indigenous people from Wyndham and Port Hedland in preparation for employment on the gas pipeline, as Darwin has become the central point for Australia’s engagement in the Timor Sea Gas Pipeline project, what agreement has the
Government put in place for the training and employment of indigenous Australians from the NT for employment in the project.

(3) What is the level of unemployment, including CDEP participants, of indigenous Australians, and the level of youth unemployment of indigenous Australians in the NT as against the level of unemployment and youth unemployment in the NT.

Mr Abbott—The answer to the honourable member’s question is as follows:

(1) ADrail, the project manager for the Alice Springs to Darwin Railway, has accepted, in principle, an offer made by my Department to assist in the employment of about 100 Indigenous Australians on the railway project, through the provision of flexible financial assistance under the Government’s Indigenous Employment Policy. Specific details are not available, as the contract is yet to be finalised and until this occurs, it is not possible for the Government to commit to a specific amount of funding.

The Commonwealth is also working in partnership with other government and private sector companies to maximise employment opportunities for indigenous people in work related to the railway project with assistance provided under the Indigenous Employment Policy.

(2) My Department has had discussions with the office of the former Chief Minister of the Northern Territory concerning the Timor Sea Gas Pipeline project. The Government is keen to work with the Northern Territory Government to ensure that there are job opportunities for indigenous people on the project. However, I understand that work on the pipeline has been deferred and, therefore, it is not possible for the Government to commit to a specific amount of funding at this stage.

(3) Information from the Census of Population and Housing for 1996 include estimates of unemployment, which are provided in the table below.

<table>
<thead>
<tr>
<th>Source</th>
<th>Unemployment Rate—NT—all unemployed</th>
<th>Unemployment Rate—NT—all under 25 years of age</th>
<th>Unemployment Rate—NT—indigenous unemployed</th>
<th>Unemployment Rate—NT—indigenous under 25 years of age</th>
</tr>
</thead>
<tbody>
<tr>
<td>Australian Bureau of Statistics (Census of Population and Housing—August, 1996)</td>
<td>7.4%</td>
<td>13.1%</td>
<td>17.6%</td>
<td>23.3%</td>
</tr>
</tbody>
</table>

The Australian Bureau of Statistics also undertakes a monthly labour force survey. However, given its relatively small sample size it is not possible to provide an accurate breakdown of data to identify indigenous and non-indigenous unemployment rates separately.

If participants in Community Development Employment Projects (CDEP) in the Northern Territory are included, the level of indigenous unemployment would be higher than in the above table.

Australian Customs Service: Service in East Timor
(Question No. 2835)

Mr Kerr asked the Minister representing the Minister for Justice and Customs, upon notice, on 7 August 2001:

(1) Is the Minister aware of the contribution made by personnel of the Australian Customs Service (ACS) who served in dangerous conditions in the UN peacekeeping contingent in East Timor.

(2) If so, (a) what are the details of the number of ACS personnel who provided this service, and the dates and duration of their East Timor service and (b) is the Minister also aware that these personnel have not been awarded the UN medal for East Timor.

(3) What steps, if any, has the Minister taken to ensure that ACS personnel receive appropriate recognition of their contribution to this important operation.

Mr Williams—The Minister for Justice and Customs has provided the following answer to the honourable member’s question:

(1) Yes, I am aware of the contribution made by Customs staff who served in East Timor as part of the United Nations Transitional Administration in East Timor (UNTAET).
Customs staff in East Timor were responsible for setting up customs and immigration controls along the Western land border at Batugarde, Maliana and Suai. Two additional Customs staff were posted to Dili to design training programs and to provide on-the-job training for East Timorese employees of the Border Control Service.

(2) (a) Customs sent two contingents of six staff to East Timor between March and August 2000. The first Customs contingent was in East Timor from 6 March 2000 - 14 June 2000. The second was in East Timor from 5 June 2000 – 7 September 2000. In addition, two staff remained in East Timor in a training role until January 2001.

(b) Yes. I am aware that Customs staff have not been awarded the United Nations medal for East Timor. Recipients of the UN Medal must meet the eligibility criteria set by the UN. Under these criteria, only those individuals attached to the United Nations Mission in East Timor (UNAMET) or the United Nations Transitional Administration in East Timor (UNTAET) as military personnel or civilian police would be eligible.

(3) The leader of the first Customs contingent was awarded the Australian Public Service Medal in the Australia Day 2001 Honours List. In June this year, the Australian Government honoured the efforts of Customs contingents through the Australian volunteers in East Timor ceremonies. These ceremonies, hosted by the Minister for Foreign Affairs, recognised all civilian volunteers in East Timor.

I also presented a medallion (struck by the Perth Mint) to both contingents of Customs staff. This acknowledged their contribution in East Timor providing policy development and administration support in difficult circumstances.

Australian Defence Force: Balkans Service
(Question No. 2836)

Mr Laurie Ferguson asked the Minister Assisting the Minister for Defence, upon notice, on 8 August 2001:

(1) Further to the answer to question No. 2356 (Hansard, 26 March 2001, page 25693), how many of the 259 Australian Defence Force personnel who served in the Balkans have now been contacted by Defence and have completed (a) blood and urine tests to check the functioning of their kidneys and blood forming systems and (b) the questionnaire to assess their exposure risk to depleted uranium.

(2) Has Defence conducted any preliminary analysis of the data that it has obtained to date; if so, what are the details of its analysis.

(3) Are Defence personnel who served in the Balkans eligible for any medal in respect of that service; if so, what are the details.

(4) Does service in the Balkans confer eligibility for any repatriation benefits; if so, what are the details.

Mr Bruce Scott—The answer to the honourable member’s question is as follows:

(1) Questionnaires were sent to all of the 259 personnel initially identified as having served in the Balkans. 21 individuals of the original 259 have since reported that they did not deploy to the Balkans due to mission cancellation or other events.

(a) Blood and urine tests have been completed on 59 personnel.

(b) 107 questionnaires have been received from the initial mailing. Additional attempts to contact Australian Defence Force (ADF) personnel who have not responded to the initial questionnaire are being implemented.

(2) The number of returns and subsequent blood and urine tests is too small to provide a statistically significant sample size of the total population which served in the Balkans.

(3) Yes. The Australian Active Service Medal is awarded for warlike operations in the Balkans from 12 January 1992 to 24 January 1997 for service of one day or more which members of the ADF were engaged with the United Nations and North Atlantic Treaty Organisation activities. The Australian Service Medal is awarded for non-warlike operations in the Balkans from 25 January 1997 to present for service of 30 days or more which members of the ADF were engaged with the United Nations and North Atlantic Treaty Organisation activities.
Yes. Four relevant Determinations of ‘non warlike service’ have been made to cover members of the ADF assigned for duty in the area of operations comprising the Federal Republic of Yugoslavia, Albania and the Former Yugoslav Republic of Macedonia, the Adriatic Sea and North Atlantic Treaty Organisation bases in Italy. A member of the ADF who rendered ‘non-warlike service’, who has an injury or disease that they believe may have arisen from their ‘non-warlike service’, may claim a disability compensation pension, treatment benefits and related allowances under the Veterans’ Entitlements Act 1986.

Member for Griffith: Administrative Appeals Tribunal Hearing Costs
(Question No. 2844)

Mr Rudd asked the Minister for Transport and Regional Services, upon notice, on 8 August 2001:

1. Further to the answer to question No.2257 (Hansard, 29 March 2001, page 26087), what additional costs have subsequently been incurred by the Commonwealth in its legal action before the Administrative Appeals Tribunal over the Brisbane Airport Corporation Master Plan.

2. What is the cumulative cost incurred by the Commonwealth in its legal action against myself before the Administrative Appeals Tribunal and the Federal Court over the Brisbane Airport Corporation Master Plan.

3. In respect of the legal action, what is the (a) cumulative cost incurred by the Commonwealth for the engagement of Queen’s Counsel, (b) cumulative cost incurred by the Commonwealth for the engagement of Senior Counsel and (c) costed-out value of solicitors used from the Australian Government Solicitor and elsewhere.

4. What other costs have been incurred in respect of the legal action.

Mr Anderson—The answer to the honourable member’s question is as follows:

1. The Commonwealth has not brought a legal action before the Administrative Appeals Tribunal (AAT) over the Brisbane Airport Corporation Master Plan. Further to the answer to question no.2257, the additional costs incurred by the Commonwealth as respondent to the action brought by Mr Rudd in the AAT are $24,313. This figure represents costs of Junior Counsel, AGS professional fees and disbursements, and includes GST.

2. The costs incurred by the Commonwealth in its legal action before the Federal Court is $37,441.22. There have been no additional costs in relation to the Federal Court action since the answer to question no.2257 was provided. The cost incurred by the Commonwealth as respondent to the action brought by Mr Rudd in the AAT is $24,313 as stated at point (1) above.

3. In respect of the legal action brought by Mr Rudd in the AAT, (a) the cost of Queen’s Counsel is $nil, (b) no senior counsel is engaged, and (c) the costed-out value of solicitors used from the Australian Government Solicitor is $21,054. This includes professional fees of $16,661; disbursements of $2,479 and GST of $1914. Departmental in-house running costs are not included in the above.

4. Other costs incurred by the Commonwealth in respect of the legal action brought by Mr Rudd in the AAT are $3,259 (includes GST) for a Junior Counsel.

Advertising: Standards
(Question No. 2866)

Mr Murphy asked the Minister representing the Minister for Industry, Science and Resources, upon notice, on 20 August 2001:

1. Is he aware of a letter dated 23 July 2001 from the Australian Standards Board Ltd addressed to Reverend John W Woo, Rector, St Andrew’s Anglican Church, Strathfield.

2. Is he aware of the Australian Association of National Advertisers (AANA) Advertiser Code of Ethics and clause 1.1 of those ethics which states that advertisements shall comply with Commonwealth law and the law of the relevant State or Territory.


4. Is he aware that a billboard poster at the corner of Great Western Highway (Parramatta Road) and Mosely Street, Strathfield, NSW was recently seen depicting an advertisement for Four Seasons® condoms.
(5) Is he able to say whether the trade mark “Four Seasons” in respect to its advertised relationship to the word “condom” is the registered trade mark of (a) Australian Therapeutic Supplies Pty Limited (A.C.N. 003 809 783 and ABN 36 003 809 783), (b) Mr Graham William Porter or (c) some other person; if so, who.

(6) Does the first paragraph of the Australian Standards Board letter hold out that the registered trade mark holder of Four Seasons® condoms is Australian Therapeutic Supplies Pty Limited; if so, is he able to say whether this is misleading.

(7) What relationship does the Australian Standards Board have in respect of his portfolio.

(8) How does he police and enforce the punitive provisions of the Trade Marks Act in respect to fraudulent, misleading or other advertisements implicitly or explicitly depicting trade mark symbols or otherwise hold out to be a product as a registered trade mark.

(9) Does the Advertising Standards Board Ltd have an administrative and moral obligation to ensure that advertisers’ advertisements comply with Commonwealth law and in particular, the spirit of that law.

(10) Is it possible for the registered trade mark owner and the advertiser to whom the AANA standards applies, to not be the same person.

(11) In respect of the advertisement described in part (5) of this question, was (a) the advertiser Australian Therapeutic Supplies Pty Limited and (b) the relevant registered trade mark holder of the intellectual property good called “Four Seasons” Mr Graham William Porter.

(12) Does the letter from the Australian Standards Board Ltd (a) explicitly state that the Advertising Standards Board considered the advertisement at its most recent meeting and determined that the complaint should be dismissed, (b) imply that the advertisement complies with the AANA Code and Commonwealth and State Law and (c) is silent on whether the advertiser and the trade mark holder is the same person; if so, is it misleading.

(13) Is the letter from the Australian Standards Board Ltd misleading in that it implies the advertisement that is depicted is the property of Australian Therapeutic Supplies Pty Ltd and that the product so advertised is the intellectual property of the advertiser.

(14) Does the Advertising Standards Board’s implied association between the advertiser and the registered trade-mark holder create a legitimate expectation that the advertisement complies with the AANA Code and Commonwealth law and therefore the letter to Reverend Woo is misleading.

(15) In light of these facts, will he empanel a meeting of Attorneys-General of the States, Territories and the Commonwealth to review the application of standards in advertising and in particular, the conduct of “self regulating” bodies, including the Australian Standards Board, who have demonstrated (a) a failure to consider the spirit of the AANA industry code, (b) misrepresentation of cases, including that of Reverend Woo and (c) a misunderstanding of their own administrative and legal responsibilities.

(16) Will he also empanel a meeting of Attorneys-General of the States, Territories and the Commonwealth to review the application of standards in ancillary self-regulating organisations, including the (a) Federation of Australian Commercial Television Stations in respect of television broadcasting, (b) Australian Record Industry Association in respect of the publication, sale and distribution of music and (c) Office of Film and Literature Classification in respect of videos, computer games and other materials.

Mr Reith—The Minister for Industry, Science and Resources has provided the following answer to the honourable member’s question:

In the preparation of this response, I have taken the honourable member’s reference to the Australian Standards Board as synonymous to the Advertising Standards Board.

(1) Yes, the honourable member’s office provided a copy of the letter from the Reverend John Woo and the Advertising Standards Board (ASB) reply to that letter.

(2) Yes.

(3) Yes.

(4) I have been informed that such a billboard poster was located at the site.

(5) (a) No.
The letter makes no direct reference to who is the registered trade mark holder of “Four Seasons”. The first paragraph states “Australian Therapeutic Supplies Pty Ltd’s Four Seasons condoms” which could be perceived as ownership. Under the Trade Marks Act 1995, a registered trade mark owner may authorise other persons to use their trade mark in relation to the goods and/or services for which the trade mark is registered.

None. The Advertising Standards Board is a self regulatory body established under the Australian Association of National Advertisers (AANA) Code of Ethics.

Parts 12 to 14 of the Trade Marks Act 1995 contain a number of provisions in relation to the protection of trade marks. In particular, sections 120 to 130 deal with the infringement of a registered trade mark. Section 146 deals with falsely applying a registered trade mark.

The owner of a registered trade mark may use these provisions to enforce their rights under the Trade Marks Act 1995. In the case of possible or alleged criminal conduct (section 146), the decision to initiate investigative procedures ordinarily rests with the department responsible for administering the relevant legislation (in this case, IP Australia as part of the Department of Industry, Science and Resources). Advice would be sought from the Director of Public Prosecutions on whether the matter should be referred to the Australian Federal Police for action.

No. Responsibility rests with the advertiser to ensure their advertisements comply with relevant Commonwealth laws.

Yes. Under the Trade Marks Act 1995, a registered trade mark owner may authorise other persons to used their trade mark in relation to the goods and/or services for which the trade mark is registered.

Yes.

Yes.

Yes. The letter from the Advertising Standards Board makes no reference to the AANA Code or to Commonwealth or State law.

Yes. In my view, it is not misleading as the letter makes no direct reference to who is the registered trade mark holder of “Four Seasons”.

See response to part 6.

The letter makes no direct reference to who is the registered trade mark holder of “Four Seasons”. See response to part 6 and 9.

No, I do not intend to empanel a meeting with the States on standards in advertising or on the conduct of self regulating bodies at this time but thank the honourable member for raising this matter on behalf of his constituent.

No, I do not intend to empanel a meeting with the States to review the application of standards in self regulating organisations. The honourable member may wish to raise the matter with the Minister for Financial Services and Regulation if he has any further concerns on policy issues relating to self regulation.

**Convention on the Settlement of International Disputes**  
*(Question No. 2869)*

Mr Melham asked the Attorney-General, upon notice, on 20 August 2001:

(1) Have there been communications between the Commonwealth and WA Governments concerning the 1975 Convention on the Settlement of Investment Disputes between States and Nationals of other States since his answer to question No. 898 *(Hansard, 22 November 1999, page 12352)*; if so, what were the dates, terms and results of this communication.

(2) Will he bring up-to-date the information on contracting states and other signatories provided in his answer to question No. 1349 *(Hansard, 14 May 1997, page 3667)*.

Mr Williams—The answer to the honourable member’s question is as follows:

(1) No.
The contracting States to the Convention are as follows:

<table>
<thead>
<tr>
<th>State</th>
<th>Signature</th>
<th>Deposit of Ratification</th>
<th>Entry into Force of Convention</th>
</tr>
</thead>
<tbody>
<tr>
<td>Australia</td>
<td>Mar. 24, 1975</td>
<td>May 2, 1991</td>
<td>June 1, 1991</td>
</tr>
<tr>
<td>Austria</td>
<td>May 17, 1966</td>
<td>May 25, 1971</td>
<td>June 24, 1971</td>
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<td>Belize</td>
<td>Dec. 19, 1986</td>
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<tr>
<td>Bosnia and Herzegovina</td>
<td>Apr. 25, 1997</td>
<td>May 14, 1997</td>
<td>June 13, 1997</td>
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<tr>
<td>Cambodia</td>
<td>Nov. 5, 1993</td>
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<td>Dominican Republic</td>
<td>Mar. 20, 2000</td>
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<td>Ethiopia</td>
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<td>Germany</td>
<td>Jan. 27, 1966</td>
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<td>Greece</td>
<td>Mar. 16, 1966</td>
<td>Apr. 21, 1969</td>
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<td>Guatemala</td>
<td>Nov. 9, 1995</td>
<td></td>
<td></td>
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<tr>
<td>State</td>
<td>Signature</td>
<td>Deposit of Ratification</td>
<td>Entry into Force of Convention</td>
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<tr>
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</tr>
<tr>
<td>Guinea Bissau</td>
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<td>Haiti</td>
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<td>Italy</td>
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</tr>
<tr>
<td>Sao Tome and Principe</td>
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<td>Yemen, Republic of</td>
<td>Oct. 28, 1997</td>
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Since January 1997, Bosnia and Herzegovina, Bulgaria, Colombia, Latvia, the former Yugoslav Republic of Macedonia, Ukraine and Uruguay, have become States parties to the Convention.

**Sydney (Kingsford Smith) Airport: Sale**

(QUESTION NO. 2881)

**Mr Murphy** asked the Minister for Transport and Regional Services, upon notice, on 22 August 2001:

1. Further to the answer to question No. 2621 *(Hansard, 20 August 2001, page 29765)*, is he the Minister responsible for the sale of Sydney Airport and other Sydney basin airports; if not, who is the Minister with this responsibility.

2. Is he responsible for the preparatory tender process for the sale of Sydney Airport and other Sydney basin airports; if not, who is the Minister with this responsibility.

3. In respect to his answers to parts (1), (2), (3), (5) and (6) of question No. 2621, is he able to say whether 15% constitutes, in public corporation terms, a controlling interest in a Board of Directors for publicly listed companies; if not, what percentage of a Board's voting interest constitutes a controlling interest in a publicly listed firm.
(4) Does a parent entity with a maximum 15% interest in either respective paired airports constitute a situation where a single parent company can have a controlling interest in more than one of the combination of respectively paired airports.

(5) If the situation were to arise where a parent company did acquire 15% interest in any combination of paired airports, is he able to say whether this would constitute a situation of monopolistic-like market control by a single parent company.

(6) If 15% means a controlling interest, has the Government legislated in monopolistic structural control by a prospective parent company in the administration of Australia's airports; if not, why not.

(7) Has he effectively eliminated the capacity of the public interest to have any statutory protection against the new regime as contained in the Airports Act that now statutorily protects the controlling interest of a prospective parent company that may have a controlling interest in one or more pairs of airports.

(8) Is the policy underpinning this provision of diversity of ownership fundamentally defective in that it ensures a maximum of 15%, thus effectively guaranteeing controlling interest at the shareholder meetings of the prospective parent companies and hence their subsidiaries.

(9) Does he limit strategic interest of Australia's airports to mean only aviation gateways to the world; if so, (a) are Australia's airports also (i) of strategic military importance and (ii) important to Australia's border protection obligations and (b) does his answer singularly focus on the gateway role of Australia's airports while ignoring the regulatory functions.

(10) Does the ownership of operating leases by private entities fundamentally compromise the strategic importance of Australia's assets such as airports into the hands of private persons who may include elements of foreign ownership.

(11) Does the controlling interest of private companies of strategic interests such as Sydney Airport and other Australian airports constitute a serious strategic exposure.

(12) Will the controlling interest of Sydney and other Australian airports fundamentally place their commercial interests of profit maximisation at odds with those Government agencies charged with border protection responsibilities, including the Australian Customs Service, Australian Quarantine and Inspection Service, Australian Taxation Office, Department of Immigration and Multicultural Affairs, Environment Australia and any other Government agency charged with border protection functions.

(13) How can he justify his comment that these provisions also ensure that commercially-driven decisions are made about maintaining existing infrastructure and building new infrastructure when border protection functions necessarily constitute a commercial hindrance to the free flow of people and goods between borders.

(14) Must the agencies listed in part (12) be free to perform their functions without interference by the airport lessee company through commercial constraints or other pressure that the airport lessee company may exert; if so, how does the existing legislation protect these agencies against the risk of commercial imperatives overriding the free administration of these Government agencies statutory responsibilities.

(15) What steps will he take to fortify those Government agencies in the performance of their statutory responsibilities.

Mr Anderson—The answer to the honourable member’s question is as follows:

(1) No. The Minister responsible for the sale of Sydney Airport and other Sydney basin airports is the Minister for Finance and Administration.

(2) No. The Minister responsible for the preparatory tender process for the sale of Sydney Airport and other Sydney basin airports is the Minister for Finance and Administration.

(3) No, 15% is not regarded, in public corporation terms, as a “controlling interest” on a company board. The board of a company consists of persons appointed according to the constitution or replaceable rules of the company.

What quorum is required for a valid meeting, and what the majority at a given board meeting consists of, will depend on the size of the board and the company’s constitution.
A controlling shareholding in a company, in broader corporate law terms, is usually regarded as being greater than 50%.

(4), (5), (6), (7) and (8) The Government’s intention is to ensure that a party with an interest of more than 15% in either Brisbane, Melbourne or Perth Airport is not in a position via a direct interest in Sydney Airport (ie equity or another form of stake) to dominate its operation or future direction.

Underpinning the Government’s approach to airport privatisation was a decision to move from a single centrally controlled network to a diverse ownership situation, particularly with the view to enabling the airports to be an integral part of the competitive promotion of local business infrastructure.

Consistent with the Government’s objectives, any potential arrangements under which the critical business development decisions at both Sydney and another “paired” airport could, in effect, be made by parties reporting back to the same parent entity will be examined closely in the tender process.

(9) No.
(10) No.
(11) No. Privately operated airports are subject to an extensive regulatory regime under the Airports Act 1996 including, for example, for defence-related purposes.
(12) No. The Government agencies responsible for border protection measures have their own legislative framework, enabling them to appropriately discharge their responsibilities at the leased Federal airports.
(13) and (14) I refer the Honourable Member to my answer to parts (11) and (12).
(15) These are matters for Ministers with the relevant portfolio responsibility to address. However, I would note that an example of the Government’s commitment to the important responsibilities these agencies shoulder in the public interest can be seen in the implementation of a new border intervention regime to prevent the introduction of Foot and Mouth Disease.

Employment: Funding for Visually Impaired People
(Question No. 2906)

Mr Bevis asked the Minister for Community Services, upon notice, on 29 August 2001:

(1) What level of funding is provided for the provision of employment services to legally blind individuals through specialised job placement organisations in each State and Territory.
(2) On what basis is the level of funding available to these organisations calculated.
(3) Is there a difference in funding provided between Vision Queensland and corresponding organisations in other States; if so, (a) what are the details and (b) what is the rationale behind the different levels of funding.
(4) What effect does the rating his Department provides on performance and cost effectiveness, have on the level of funding provided.

Mr Anthony—The answer to the honourable member’s question is as follows:

(1) In 2000-01, $231.9 million was expended for the purpose of providing specialist disability employment services. Most services do not restrict service provision to a particular disability group, though a small number of services do specialise in assisting people within a particular disability. Preliminary results from the 1999-2000 Commonwealth Disability Census show that of the 53 427 people assisted by specialist disability assistance services, 1 850 people were recorded as having ‘vision’ as their primary disability. A further 158 people recorded ‘deafblind’ as their primary disability.

(2) and (3) The current block grant funding to organisations providing disability employment assistance are historically based and are not directly linked to the support needs of job seekers being assisted. To address this situation, the Government is currently trialing a new funding model which seeks to link funding to job seeker needs and outcomes. The findings of the case based funding trial will be used to refine and implement a more equitable funding process for specialist disability employment assistance.

(4) Departmental funding agreements for employment assistance require service providers to report their performance against negotiated performance targets every six months. Targets such as the
estimated number of job seekers and the estimated number of workers to receive employment assistance in the year are negotiated annually. Performance information is used to inform the annual contract negotiation process and ensures the Commonwealth can help as many people with disabilities as possible to find and maintain employment. A service provider’s performance may lead to renegotiating more appropriate levels of funding.
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